

**Pembroke Planning Board**  
**Meeting Minutes**  
**January 24, 2023**  
(Approved February 14, 2023)

**MEMBERS PRESENT:** Brian Seaworth, Chairman; Robert Bourque, Vice Chairman; Rick Frederickson, Selectmen's Rep; Kathy Cruson, Brent Edmonds, Kevin Foss

**ALTERNATES EXCUSED:** Bryan Christiansen

**MEMBERS EXCUSED:** Clint Hanson

**STAFF PRESENT:** David Jodoin, Town Administrator; Susan Gifford Recording Secretary

**STAFF EXCUSED:** Carolyn Cronin, Town Planner

Chairman Seaworth called the meeting to order at 6:30 pm. Six members and no alternate member were present.

**New Business**

**1. Minor Subdivision Application #23-01, Alden Beauchemin, Keyland Enterprises, LLC acting as Applicant on behalf of Robert & Cindylou Gelinas, owners of Tax Map 262, Lot 36 located at 485 Fourth Range Road in the Rural Agricultural Residential (R3) Zone and the Wetlands Protection (WP) District.**

The Applicant proposes to subdivide the lot into two residential lots to be served by onsite well and septic. This application is a re-subdivision of the merged Lots 35 and 36.

Chairman Seaworth stated that Planner Cronin prepared excellent written information on the application. Plan meets all dimensional requirements for the R3 zone. Chairman Seaworth stated that in her notes, Planner Cronin reported that the existing lot is the result of a lot merger of Lots 35 and 36 that was approved and recorded last year. The owner has decided to re-subdivide the parcel back into two buildable lots. The Applicant proposes to subdivide the parcel into 2 lots to be served by onsite well and septic. The parcel is 30 acres and has an existing single-family home, which will remain. Applicant is requesting seven waivers, three of which are partial waivers, which relate to the larger remainder lot.

Vice Chairman Bourque asked what exactly is a partial waiver? If you waive a checklist item, is it waived for the whole parcel? Chairman Seaworth stated that a partial waiver means based on Planner Cronin's review, the plan contains the necessary information for Planning Board review. Even if item is waived, Planning Board can bring up any information that is needed for application review. Member Cruson stated that she understands partial waiver to mean that full information is provided on the proposed subdivision lot, but not for the remainder of the thirty acre lot. Member Cruson would like concerns recorded in the minutes. Vice Chairman Bourque suggested that a clarifying note be required on the plan.

The Applicant has submitted the following waiver requests. Part A – General Information: C. Proposed streets, G. All dimensions, I. All topography, J. All wetlands, M. Surface water collection, R. Open space, and U. Open space development.

A TRC meeting was held on January 10<sup>th</sup>. Driveway sight distance and right-of-way width were discussed. The Town Engineer has no concerns. The Conservation Commission has no concerns.

Planner Cronin's report indicated that the waiver requests for C. (proposed streets), M. (surface water collection), R. (open space), and U. (open space development) are appropriate as they do not apply to the application. Items G. (all dimensions), I. (all topography), and J. (all wetlands) are partial waiver requests. The parent lot is thirty acres. The Applicant has performed a field survey of these items in the subject area of the plan where the new lot would be subdivided. They are requesting to waive a full survey and wetland delineation on the rear of the thirty acre parcel. Given the size and shape of the parcel, this is a reasonable request. Chairman Seaworth noted that by waiving a checklist item, the board is not waiving the requirement for the whole lot. If there is further development, a new checklist must be met.

Chairman Seaworth noted that Planner Cronin noted that the Applicant asked about a previous subdivision plan in 2012, which had a note dedicating five feet of the property to the right-of-way. Apparently, at that time, the Planning Board used subdivision plan applications as opportunities to obtain widening the right-of-way of existing roads, if needed. This is not a current practice of the Board nor a requirement of the Subdivision Regulations. The Applicant raised the issue at TRC, and we agreed it would be best to discuss with the Board during public hearing. Aside from this issue, there is only one minor typographical correction required on Note 2, which lists the required lot depth as 180 ft. rather than 200 ft. This item is minor and is appropriate as a condition of approval.

**MOTION:** Member Foss moved to grant the waiver requests for checklist items: Part A. Items C, D, I, J, M, R and U as requested by the applicant. Seconded by Member Cruson.

**VOTE:** B. Seaworth – Y R. Frederickson- Y K. Foss - Y  
B. Edmonds - Y B. Bourque - N K. Cruson - Y

**MOTION TO GRANT THE WAIVER REQUESTS AS LISTED ABOVE PASSED ON A 5-1 VOTE.**

**MOTION:** Member Foss moved to accept the application as complete. Seconded by Member Cruson.

**VOTE:** B. Seaworth – Y R. Frederickson- Y K. Foss - Y  
B. Edmonds - Y B. Bourque - Y K. Cruson - Y

**MOTION TO ACCEPT THE APPLICATION AS COMPLETE PASSED ON A 6-0 VOTE.**

At 6:43 p.m. Chairman Seaworth opened the public hearing on Minor Subdivision Application #23-01. Members of the public who wish to speak please state your name and address for the record. If this business item is not resolved tonight, the application and the public hearing will be continued without being renoticed. Information will be found on the town website for a future agenda item.

Joe Wichert, who performed the survey on behalf of Alden Beauchemin, Keyland Enterprises, LLC, stated that in the summer of 2022 a lot merger was requested,

approved, and filed at the registry of deeds. The proposed subdivision is an 81,224 square foot lot with 200 feet of frontage on the northerly frontage of 4<sup>th</sup> Range Road. The remainder lot will be 28.75 acres with 375 feet of frontage on 4<sup>th</sup> Range Road. Joe Wichert stated that Lot 36 was surveyed in 2012 by Jeff Belanger's office. The proposed subdivision is creating a less than 2 acre lot. A physical boundary survey and field topographic work was done on the proposed new lot and 100 feet beyond the new lot. Joe Wichert stated that Alden Beauchemin's office delineated wetland in the same area. Fifty foot wetland buffers have been maintained. A test pit and perc tests were performed to delineate suitable leaching area. A proposed driveway is shown off 4<sup>th</sup> Range Road. Soils are shown on the land. Prime agricultural land is taken from the reference plan of 2012. Joe Wichert stated that the rationale for the waiver requests is the significant cost to survey the thirty acre lot when the intent is to keep it undeveloped at this time.

With regard to the road widening right-of-way, Joe Wichert stated that the stone wall is close to the middle of the property. The south end of the road right-of-way is behind the stone wall. The boundary would be the face of the stone wall. Joe Wichert stated that the applicant could dedicate a five foot road widening right-of-way if requested. Minor changes would be made to the plan discussed at Technical Review Committee.

Chairman Seaworth reviewed the proposed draft conditions of approval. A large tree will be removed for driveway line of sight. Chairman Seaworth would like a note added to the conditions to clarify that the area in the back lot has not been surveyed for wetlands, and further development would require a Special Use Permit. Vice Chairman Bourque agreed that a note should be added to the plan that the smaller subdivided lot has wetland delineation within 100 feet of the new lot. The remainder lot has not had wetland delineation. Member Foss clarified that the waiver granted applies only to this minor subdivision plan. Chairman Seaworth stated that we will rely on Planner Cronin to review the wording of the additional condition of approval.

Town Administrator Jodoin noted that in the TRC minutes it was discussed that because the lots were combined, then subdivided, there is a penalty assessed for taking the land out of current use. Applicant stated he is aware of current use penalty. Member Cruson stated she would like to see adequate right-of-way width dedicated for future road widening. Third or Fourth Range Road is likely to become a major road in the future. Chairman Seaworth stated he did not know how the stone wall impacts the dedicated right-of-way. He sent a note to Paulette and Roads Commission response was to be consistent. Town Administrator Jodoin stated that range road use as an arterial road has been under discussion for a long time. Future planning requires that right-of-way for road widening be dedicated while plans are submitted for subdivision.

Member Cruson noted that dedicating a right-of-way does not mean all of it would be paved if it were used. Selectmen's Rep Frederickson asked if right-of-way dedication is a requirement of subdivision? Chairman Seaworth stated it is usual procedure to ask for dedicated right-of-way with every revised plan. Not every property will have its right-of-way adjusted if a road is widened in the future. Vice Chairman Bourque noted that building placement is affected and knowing where the right-of-way is can prevent placement of the house next to the road. Chairman Seaworth stated that the

consensus of the board is to ask for road widening right-of-way if the applicant is willing. A dedication of five feet is requested for future road widening. Joe Wichert stated the house will be located in the rear of the lot, sixty feet off the future right-of-way.

Town Administrator Jodoin agreed that would be duly noted on the plan. Chairman Seaworth proposed a new condition #9 and renumbered #10. Applicant to dedicate a five feet wide future road widening right-of-way to match the dedication already there on the northerly 50 feet of the new lot. Planner Cronin will ensure that the final plan has the correct language. Chairman Seaworth read the ten proposed conditions of approval.

At 7:14 p.m. Chairman Seaworth closed the public hearing on Minor Subdivision Application #23-01. If this business item is not resolved tonight, the application and the public hearing will be continued without being renoticed. Information will be found on the town website for a future agenda item.

**MOTION:** Vice Chairman Bourque moved to approve Minor Subdivision Plan Application #23-01 with the following conditions:

1. Prior to signature, all waivers and the date granted shall be listed on the plan.
2. Prior to signature, all conditions of approval shall be listed on the plan.
3. Prior to signature, Note 2 shall be revised to correct the required lot depth to 200 feet.
4. The original signatures of all property owners shall be provided on the final plan.
5. The final plan shall be recorded at the Merrimack County Registry of Deeds. LCHIP check to accompany the final plan.
6. Town Driveway Permit is required for Lot 36-2.
7. NHDES Subdivision approval is required for Lot 36-2.
8. Prior to construction, the tree obscuring sight distance, which was identified by the DPW Director, shall be removed.
9. Applicant to provide a 5 foot wide road widening dedication for future road expansion.
10. The plan will not be considered as receiving final approval until all conditions of approval are met.

Selectmen's Rep Frederickson seconded.

**VOTE:** B. Seaworth – Y R. Frederickson- Y K. Foss - Y  
B. Edmonds - Y B. Bourque - Y K. Cruson - Y

**MINOR SUBDIVISION PLAN #23-01 APPROVED WITH CONDITIONS ON A 6-0 VOTE.**

### **Minutes**

January 10, 2023

**MOTION:** Member Foss moved to approve the January 10, 2023 minutes as presented. Vice Chairman Bourque seconded.

**VOTE:** B. Seaworth – Y R. Frederickson- Y K. Foss - Y  
B. Edmonds - Y B. Bourque - Y K. Cruson - Y

**MOTION TO APPROVE JANUARY 10, 2023 MINUTES AS AMENDED PASSED ON A 6-0 VOTE.**

## **Miscellaneous**

1. Correspondence - none
2. Committee Reports – Conservation Commission – Member Foss stated that Conservation Commission discussed the application on this agenda at their last meeting. Board of Selectmen – Selectmen's Rep Frederickson reported that the Board of Selectmen suggested that the proposed Hill subdivision petition Town Meeting for the road improvements, rather than use the layout provision. Chairman Seaworth noted that if town meeting does not approve the road opening request, the applicant can still use the layout provision and prove benefit to community. Town Administrator Jodoin stated that when proposing a subdivision for a single family lot for a relative, the applicant may choose to pick up the cost of the road extension. However, the impact to land in current use (defined as over ten acres of contiguous land owned by same property owner) is subject to penalty of 10% times (area of land taken out of current use). An SB2 public hearing is scheduled for March 1, 2023. A crushed water drain is causing backup at 30 High Street. TRC – Vice Chairman Bourque stated that TRC discussed the application on tonight's agenda at their last meeting.
3. Other Business
4. Planner Items
5. Board Member Items – Chairman Seaworth noted that Alternate Member Christiansen had asked if proposed casino development on Break O Day Road/Route 106 by current owners of Draft on Main Street, Concord NH would be determined a development of regional interest.

Vice Chairman Bourque would like the Planning Board to schedule a discussion of bringing in gravel roads as a Class VI Road upgrade. Roads Committee and Department of Public Works had made a decision years ago strongly opposing town maintenance of gravel roads. Vice Chairman Bourque stated the situation has changed. Applicants are proposing to develop range roads/private roads that the town would be asked to accept. The applicant would upgrade and ask the town to take over maintenance. Each road accepted adds to DPW work load. Member Edmonds noted that the surface of gravel degrades to silt over time, and it does not drain properly. DBST material will also crack and degrade over time. If gravel roads do not get a lot of (truck) traffic, they could be a feasible option. Chairman Seaworth noted that property owners are asking if we build a private road, can we make it a gravel road? Member Cruson stated that certain sections of Third Range Road are not paved, not plowed, have no trash or school bus pickup. Member Foss stated that future growth of range roads should consider what is easier for the landowners. Chairman Seaworth clarified that a Class VI road designates it is not maintained by the town, not that it is not paved. Town Administrator Jodoin stated that a concern is that applicants could propose subdivisions on dirt roads, versus one single family home. Member Cruson asked how do surrounding towns like Chichester and Loudon have gravel roads? Town Administrator Jodoin stated that Conservation Commission needs to weigh in on this topic. Vice Chairman Bourque stated that property owners are allowed to build on a lot of record. Town Administrator Jodoin stated the topic needs discussion as part of long range planning. Chairman Seaworth noted that State law requires a Class V road to build. Property owner can waive liability if the town accepts a gravel road as a town road with maintenance. Nothing in state law would stop that from happening. Discuss further at a future Planning Board meeting.

## 6. Audience Items

**MOTION:** Vice Chairman Bourque moved to adjourn the meeting. Seconded by Selectmen's Rep Frederickson.

Without objection the meeting was adjourned at 7:45 p.m.

Respectfully submitted, Susan Gifford, Recording Secretary