

**Pembroke Planning Board  
Meeting Minutes  
July 25, 2023**

Approved August 8, 2023

**MEMBERS PRESENT:** Brian Seaworth, Chairman; Robert Bourque, Vice Chairman; Karen Yeaton, Selectmen's Rep; Kathy Cruson, Clint Hanson, Brent Edmonds

**ALTERNATES PRESENT:** Bryan Christiansen

**MEMBERS EXCUSED:** Kevin Foss, Rick Frederickson, Selectmen's Rep

**STAFF PRESENT:** Carolyn Cronin, Town Planner; Susan Gifford, Recording Secretary

Chairman Seaworth called the meeting to order at 6:30 pm. Six members and one alternate member were present. Karen Yeaton attended in place of Rick Frederickson, Selectmen's Rep. Alternate Member Bryan Christiansen recused himself for Item 1. New Business.

**New Business**

1. **Special Use Permit Applications SUP-WP #23-305, SUP-AC #23-306, and SUP-SP 23-307, David Eckman, Eckman Engineering, LLC acting as Applicant on behalf of Continental Paving, Inc. owner of Tax Map 559, Lot 6, located at 773-793 North Pembroke Rd. in the Commercial/Light Industrial (C1) Zone and the Wetlands Protection (WP), Aquifer Conservation (AC), Shoreland Protection (SP), and Floodplain Development (FD) Districts.**

- The Applicant requests a Special Use Permit in accordance with Article 143-68.E. for bridge construction in the Aquifer Conservation District.
- The Applicant requests a Special Use Permit in accordance with Article 143-72.D.(2) for bridge construction within wetland buffers.
- The Applicant requests a Special Use Permit in accordance with Article 143-71.E. for bridge construction within the Shoreland Protection District.

Present: David Eckman, Eckman Engineering, LLC; Rick Charbonneau, owner.

Planner Cronin reported that the applicant requests a set of Special Use Permits for work within the wetlands buffer and the aquifer and shoreland overlay districts. The work involves replacing an access bridge within the site from Pembroke to Concord over the Soucook River.

Planner Cronin reported that a TRC meeting was held on July 11, 2023. The Town Engineer had questions related to the floodplain and whether a guardrail was to be installed. The Health Officer has no concerns. Water Works recommended best management practices for refueling. The Conservation Commission expressed concerns about the potential of hazardous materials spilling into environmentally sensitive areas and the impact of the bridge on the river.

Planner Cronin noted that the Board should vote on whether to declare the project a Development of Regional Impact in accordance with RSA 36:54. The project area abuts Concord and there is a shared aquifer and shoreland between the two towns. However, the Board should consider that Concord is also reviewing the project as a Conditional Use Permit and the City of Concord has already been notified as a direct abutter. A declaration of DRI

from Pembroke may be redundant. Planner Cronin noted that City of Concord does not follow the same procedures as Pembroke for a DRI. Concord continues to work on the application while DRI comments are solicited.

Planner Cronin suggested that the Board discuss and vote on whether to declare the project a Development of Regional Impact (DRI). The project abuts Concord. Concord is also reviewing the project as a Conditional Use Permit and the City has already been notified by certified mail as a direct abutter. The Board received a DRI notice from Concord today.

Member Edmonds agreed that the City of Concord should take care of their Conditional Use Permit. Does the Town of Pembroke owe the Town of Chichester any notice of this project? Chairman Seaworth noted that Chichester is located upstream of the project and does not directly abut the river.

**MOTION:** Vice Chairman Bourque moved that the application is not a Development of Regional Impact pursuant to RSA 36:54. Seconded by Member Edmonds.

**VOTE:** B. Seaworth – Y K. Yeaton – Y K. Cruson – Y  
B. Edmonds – Y R. Bourque – Y C. Hanson – Y

**MOTION THAT APPLICATION IS NOT A DEVELOPMENT OF REGIONAL IMPACT PASSED ON A 6-0 VOTE.**

**MOTION:** Vice Chairman Bourque moved to approve the waiver request for SUP checklist item Part B, Item D for MSDS information. Seconded by Member Hanson.

Selectmen's Rep Yeaton asked when the town last received updated information on chemicals, fuels and oils at this site as required in the Aquifer Conservation area. Planner Cronin noted that the last submittal was in 2018. Planner Cronin stated that any proposed change or expansion of use would trigger a review. Annual inspections are conducted of uses in the aquifer. Chairman Seaworth noted that the Planning Board has asked applicants to notify Town Hall to update MSDS information, but it should not require an initiative of the Planning Board. Member Cruson asked if there was anything the board needs to consider regarding Conservation Commission input. Member Edmonds stated that will come up in future discussion. Chairman Seaworth noted that approving this waiver does not prevent the Planning Board from making more information a condition of approval.

**VOTE:** B. Seaworth – Y K. Yeaton – Y K. Cruson – Y  
B. Edmonds – Y R. Bourque – Y C. Hanson – Y

**MOTION TO APPROVE WAIVER REQUEST FOR SUP CHECKLIST ITEM PART B, ITEM D AS REQUESTED BY THE APPLICANT PASSED ON A 6-0 VOTE.**

Chairman Seaworth stated that because the application is not a site plan, the Planning Board does not consider completeness of the application.

At 6:49 p.m. Chairman Seaworth opened the public hearing on Special Use Permit Applications SUP-WP #23-305, SUP-AC #23-306, and SUP-SP #23-307. If this business item

is not resolved tonight, the application and the public hearing will be continued without being renoticed. Information will be on the town website for a future agenda item.

David Eckman, Eckman Engineering, LLC, on behalf of the applicant, provided a summary of the Special Use Permit applications. David Eckman provided aerial photos of the site of the bridge replacement. The project had a City of Concord TRC which was very rigorous. Additional drainage calculations were required. These calculations can also be provided to the Town of Pembroke if required. The existing bridge was built in 1965 and has undergone prior repairs. The intent is to locate the new bridge higher up and build two lanes. The bridge will be at 288 feet on the Concord side and 286 feet on the Pembroke side. The existing ground is at 282 feet. The access drive flows toward the river in Concord. NH DES has vetted the plans thoroughly. We plan to set footings below the water, drive spikes and cap them. Vermont and New Hampshire use this modern design bridge frequently. Construction stays behind the limits of the wetlands and has minimum impact on the 50 foot wetland buffer. The design tries to go to the low point on the floodplain of 281.2 feet. The area is a natural treatment swale and sediments will filter out.

The plan is to take the deck off and keep the existing bridge in service while the replacement bridge is built higher up. David Eckman stated that he likes the design of the bridge. Buffer plantings include maple, oak, and other NH DES designated species. It is a very small project on shallow bedrock. Chairman Seaworth asked if the 50 foot buffer line is delineated on the plan. David Eckman stated yes, it coincides with the water line. Member Cruson asked if the natural swale is on the Pembroke side. Yes, it contours the water off the bridge and could be dredged if needed. The bridge will have guard rails and is a big improvement over the existing bridge. The new bridge meets all applicable standards and is safer for the public. It is in a potentially future commercial area. The old bridge is one lane and slows down operations. The new bridge will have two lanes.

Member Edmonds asked if the applicant imports any materials. David Eckman replied that they only import sand mix. The aggregate is produced on site. Member Edmonds asked what happens if a hypothetical vehicle went over the speed limit on the two lane bridge and fell in the river with a load of materials? David Eckman stated that proper safeguards have been taken. There are 100 feet of rail, and the scenario is highly unlikely. Member Edmonds asked about dust control procedures on site. Rick Charbonneau replied that they regularly take measures for dust control.

Selectmen's Rep Yeaton asked for a couple clarifications. The height on the Concord side is 288 feet and height on Pembroke side is 286 feet. Would the Town Engineer receive a typical cross section description? David Eckman stated that 4" paving will be used over a 12" base, 1 ½" wearing and 2 ½" binding layers. This will be in the site plan for Concord and can be provided to Pembroke. Vice Chairman Bourque agreed that the Town of Pembroke would like a cross section because the project is moving the approach to the bridge and paving. David Eckman clarified that after fifty feet, the alignment is right back to existing alignment.

Planner Cronin stated that the area is a private driveway. The Town Engineer requested copies of the design of the bridge but did not request a cross section. Vice Chairman Bourque

asked how much difference center to center. That would be forty to forty-five feet. Chairman Seaworth referenced a graphic in the packet, Appendix F, that shows reduced impervious area on both sides. David Eckman stated that applicants are pleased to provide whatever information Pembroke wants. Member Edmonds stated that the Town of Pembroke has a 4" minimum paving requirement on public roads. He does realize that this is a private driveway. David Eckman stated that the paving will be four inches thick.

Chairman Seaworth noted that the Conservation Commission meeting minutes indicated concern of an additional bridge to the one being taken down. Member Edmonds stated that the Conservation Commission is clear that the old bridge will be removed based on the availability of the new bridge. Chairman Seaworth stated pending Town Engineer analysis, the Planning Board generally likes to make approval after a full report from town staff. He anticipates that the public hearing may be continued to August 22, 2023. For the record, the public hearing was opened for all three Special Use Permit applications at once. Vice Chairman Bourque stated that during construction and decommission of the old bridge, any wetland damage will have to be repaired to their prior condition. David Eckman stated that all State shoreland protection buffer requirements will be met. We are taking out impervious material and putting in specified buffer plantings. Could this be in the proposed conditions? David Eckman stated he would like to receive conditional approval here tonight.

Selectmen's Rep Yeaton asked what the Planning Board is waiting for at this point. Planner Cronin read the Town Engineer's comments in full. David Eckman confirmed that the bridge design is certified by a Professional Engineer, guard rails will be installed, and once it is built, I will certify that the bridge is built to standards. We are raising the bridge up to lessen impact and will provide a typical section of bridge that meets FEMA Cross Section 283. Selectmen's Rep Yeaton stated that she was sitting in for Rick Frederickson and was not familiar with the Planning Board protocol. Member Cruson stated that Mike Vignale, Town Engineer, took time to review the plan and come to the Technical Review Committee meeting. Planner Cronin stated that the Town Engineer reviewed the material that we have and made comments, but no other information was provided.

Vice Chairman Bourque stated that he is not comfortable giving approval until the Town Engineer verifies that all engineering comments are met to his satisfaction. Member Edmonds stated we do not know what public bridge standards will be in 25-50 years. My recommendation is to add a condition that at the time the bridge becomes public, it be retrofitted to meet all new standards in existence. David Eckman stated that the condition is more than fair. Shoulder width and guard rail requirements are likely to change. Member Hanson stated that a bridge only becomes public if a town accepts it. Standards will have to be discussed at the time a public bridge is considered. Chairman Seaworth noted this bridge would need to be jointly accepted by Town of Pembroke and City of Concord. We typically like to get our staff conditions including Town Engineer approval before acting. Either way, it is up to the majority of the Board.

Bryan Christiansen, 875 Wellington Way, stated that he liked Member Edmonds comment about the bridge being retrofitted to new standards should it become public in the future. Chairman Seaworth stated the bridge could remain private or open to some public use.

Member Hanson stated that a condition of approval should be that all the Town Engineer's final comments are met. Member Cruson stated that she trusts Member Edmonds experience as a professional engineer, and his suggestion makes sense. Selectmen's Rep Yeaton asked if a condition of approval would curtail Town Engineer comments? A condition of approval would provide the applicant the ability to not return to Planning Board in August. Chairman Seaworth suggested putting the same condition of approval on all three Special Use permits. Planner Cronin agreed that an appropriately worded condition of approval could be added to each permit. She suggested "All review comments from the Town Engineer shall be addressed to his satisfaction." This statement implies that the Town Engineer can request any additional information needed. Vice Chairman Bourque stated that whatever the Town Engineer needs or requests must be provided.

There being no further input Chairman Seaworth closed the public hearing at 7:32 p.m. for tonight. Chairman Seaworth noted that if this application is not completed tonight, the application and its public hearing will be continued to a future meeting and not renoticed. Chairman Seaworth noted that Findings of Fact for the Special Use Permit (SUP) process are different from the site plan review process. Planner Cronin stated that each special use permit has its own criteria. All criteria must be met. Planner Cronin can pull this information from the staff report.

#### Special Use Permit – Wetlands Protection:

**MOTION:** Vice Chairman Bourque moved to approve Special Use Permit SUP-WP #23-305 subject to the following conditions:

1. This Special Use Permit is in accordance with Article 143-72.D.(2), Wetlands Protection District, to perform bridge construction work within a wetland buffer.
2. The Special Use Permit shall be recorded at the Merrimack County Registry of Deeds.
3. All review comments from the Town Engineer shall be addressed to his satisfaction.

Seconded by Member Hanson.

|              |                 |                |               |
|--------------|-----------------|----------------|---------------|
| <b>VOTE:</b> | B. Seaworth – Y | K. Yeaton – Y  | K. Cruson – Y |
|              | B. Edmonds - Y  | R. Bourque – Y | C. Hanson - Y |

**MOTION TO APPROVE SUP-WP-#23-305 WITH CONDITIONS PASSED ON A 6-0 VOTE.**

#### Special Use Permit – Aquifer Conservation:

**MOTION:** Vice Chairman Bourque moved to approve Special Use Permit SUP-AC #23-306 subject to the following conditions:

1. This Special Use Permit is in accordance with Article 143-68.E., Aquifer Conservation District, to perform bridge construction work within the Aquifer Conservation District.
2. The Special Use Permit shall be recorded at the Merrimack County Registry of Deeds.
3. All review comments from the Town Engineer shall be addressed to his satisfaction.

Seconded by Member Hanson.

**VOTE:** B. Seaworth – Y K. Yeaton – Y K. Cruson – Y  
B. Edmonds – Y R. Bourque – Y C. Hanson – Y

**MOTION TO APPROVE SUP-AC #23-306 WITH CONDITIONS PASSED ON A 6-0 VOTE.**

Special Use Permit – Shoreland Protection:

**MOTION:** Vice Chairman Bourque moved to approve Special Use Permit SUP-SP #23-307 subject to the following conditions:

1. This Special Use Permit is in accordance with Article 143-71.E., Shoreland Protection District, to perform bridge construction work within the Shoreland Protection District.
2. The Special Use Permit shall be recorded at the Merrimack County Registry of Deeds.
3. All review comments from the Town Engineer shall be addressed to his satisfaction.

Seconded by Member Hanson.

**VOTE:** B. Seaworth – Y K. Yeaton – Y K. Cruson – Y  
B. Edmonds – Y R. Bourque – Y C. Hanson – Y

**MOTION TO APPROVE SUP-SP #23-307 WITH CONDITIONS PASSED ON A 6-0 VOTE**

Alternate Member Bryan Christiansen returned to the Planning Board. Chairman Seaworth designated Alternate Member Bryan Christiansen to vote for Kevin Foss for the remainder of the meeting.

Minutes

- June 27, 2023

**MOTION:** Member Edmonds moved to approve the June 27, 2023 minutes as presented. Member Hanson seconded.

**VOTE:** B. Seaworth – Y K. Yeaton – Y K. Cruson – Abstain  
B. Edmonds – Y R. Bourque – Y C. Hanson – Y  
B. Christiansen – Y

**MOTION TO APPROVE JUNE 27, 2023 MINUTES AS PRESENTED PASSED ON A 6-0-1 ABSTAIN VOTE.**

- July 11, 2023

**MOTION:** Member Edmonds moved to approve the July 11, 2023 joint Planning Board/Zoning Board of Adjustment minutes as amended (clarification of statement on page 3). Member Hanson seconded.

**DISCUSSION:** Planner Cronin noted that this was a joint meeting so a draft set of the minutes were also sent to Zoning Board of Adjustment members. All comments will be incorporated into the final version.

**VOTE:** B. Seaworth – Y K. Yeaton – Y K. Cruson – Y  
B. Edmonds – Y R. Bourque – Y C. Hanson – Y  
B. Christiansen – Y

## **MOTION TO APPROVE JULY 11, 2023 MINUTES AS AMENDED PASSED ON A 7-0 VOTE.**

### **Finding of Facts**

- June 27, 2023 – Findings of Facts were reviewed by the Planning Board.

### **Miscellaneous**

#### **1. Correspondence**

- A.** Letter to Concord re: Subaru DRI – Planner Cronin reported that at the June 27, 2023 Planning Board meeting the board asked her to request Pembroke Water Works' comments on this project. Matt Gagne's comments, including a recommendation for a testing well, were sent to the City of Concord Zoning Board of Adjustment.
- B.** Planner Cronin received two other DRIs and emailed full plans to Planning Board members. The first is the plan that was conditionally approved tonight. The second plan is on the August 16, 2023 City of Concord meeting agenda and regards solar array at existing building 264-268 Sheep Davis Road. This site abuts the Soucook River and is across from Triangle Park Dr. There will be 16 foot buffers and a six foot high security fence. The owner of the Pembroke lot is City of Concord. Chairman Seaworth stated that Pembroke Planning Board concerns are that during construction and long term maintenance, the owner is cognizant of impacts to the river. Vice Chairman Bourque stated control of runoff is also of concern. Planner Cronin will forward comments to the appropriate department in Concord.

- 2. Committee Reports – Board of Selectmen** – Selectmen's Rep Yeaton reported that at a recent meeting, the Board of Selectmen had a discussion with a 7<sup>th</sup> Range Road resident regarding upgrading the road 1,100 feet to the end of his property. There would be wetland impact. They advised the resident to meet with NH DES and work with Town Engineer on culverts. Community Power non-profit met with the Board and reported that the cost of electric supply would be down in the next cycle. There is a solid waste grant available to purchase an electronic trash truck. The purchase would replace another vehicle. CIP has begun meeting with departments. Public Works meets with CIP Thursday at 6:30 pm. Kudos to DPW staff who completed brush work and painting to improve intersections! **Technical Review Committee** – Vice Chairman Bourque reported that TRC met earlier this month, and the case was heard tonight. **Conservation Commission** – Member Edmonds reported that Conservation Commission met on July 10, 2023 and discussed the bridge replacement project, which was the subject of tonight's New Business. They also had a presentation from a State expert on PFAS regarding moving from Class B to Class A biosolids considered for Hillman Farm. PFAS are not much different in either class. There are currently no upper or lower limits. Phosphorus is reduced in Class A biosolids.

#### **3. Other Business**

##### **A. Bond Estimate – San Ken Homes Phase II**

Planner Cronin reported that the Town Engineer prepared a bond estimate for site restoration Phase II, San Ken Homes. The Planning Board approves the amount, and then the Board of Selectmen accept the bond.

**MOTION:** Vice Chairman Bourque moved to approve the Site Restoration bond estimate for Phase II of San Ken homes in the amount of \$66,413 as presented by the Town Engineer. Member Hanson seconded.

**VOTE:**           B. Seaworth – Y                   K. Yeaton     - Y                   K. Cruson -  
Abstain           B. Edmonds - Y                   R. Bourque – Y                   C. Hanson - Y  
                      B. Christiansen - Y

**MOTION TO APPROVE BOND ESTIMATE AS PRESENTED PASSED ON A 7-0 VOTE.**

4. Planner Items - none
5. Board Member Items – Member Cruson asked about the status of San Ken Homes sidewalks in the Phase I section which has been built. She has a November 2020 description. Planner Cronin will check the plan included in the road bond for Phase I to determine location and timeline for sidewalks and advise the board at a future meeting. Member Cruson asked about the one STOP sign at 4<sup>th</sup> Range Road/Pembroke Hill Road intersection. The Board of Selectmen has heard concerns from the Police and discussed signage ahead of signs. Member Cruson lives a half mile down the hill. Selectmen’s Rep Yeaton stated that the intersection is not a T intersection. The existing roadway is a curve, and the sign would be located before the curve. Chairman Seaworth noted that in the original submission, the road was to be reengineered. The approved plan removed engineering for the range roads. Member Edmonds noted that Mike Vignale, DPW and Police recently looked at the intersection and came up with practical applications. Chairman Seaworth stated it was a dangerous situation caused by people exceeding the speed limit. Member Cruson said the line of sight is poor. Selectmen’s Rep Yeaton noted it could potentially be more dangerous where a STOP sign would need to be. The Board of Selectmen is consulting with DPW, Police and the Town Engineer.
6. Audience Items - none

**MOTION:** Vice Chairman Bourque moved to adjourn the meeting. Seconded by Member Cruson. Without objection the meeting was adjourned at 8:07 p.m.

Respectfully submitted, Susan Gifford, Recording Secretary