

**Pembroke Planning Board
Minutes of Meeting
(ADOPTED)
January 23, 2018**

MEMBERS PRESENT: Brian Seaworth, Vice Chairman; Kathy Cruson; Richard Bean; Brent Edmonds, Larry Young, Sr.

ALTERNATES PRESENT: Robert Bourque

EXCUSED: Alan Topliff, Chairman; Selectman's Rep Sandy Goulet; Kellie Dyjak

STAFF PRESENT: Stephanie Verdile, Town Planner; Susan Gifford, Recording Secretary

Vice Chairman Seaworth called the meeting to order at 7:03 pm.

Alternate Member Bourque agreed to vote in place of Chairman Topliff.

Old Business—

Special Use Permit Application SUP-AC #17-304, Timothy Peloquin, Promised Land Survey, LLC, acting as the applicant on behalf of Keystone Pembroke, LLC, 17 Bridge Street, Unit 103 Billerica, MA, owner of Tax Map 634 Lot 1, located at 31-39 Whittemore Road in the Medium Density (R1) Residential Zone, the Aquifer Conservation (AC) District, the Wetlands Protection (WP) District. The applicant requests a Special Use Permit from Article 143-68.E, Aquifer Conservation District for construction roads, utilities, infrastructure, and building lots for a three (3) lot subdivision and an Open Space Development. A Special Use Permit is required for any activity taking place within the Aquifer Conservation (AC) District. This permit is associated with the Major Subdivision Plan Application #17-03.
Continued from December 12, 2017

Special Use Permit Application, SUP-WP #17-305, Timothy Peloquin, Promised Land Survey, LLC, acting as the applicant on behalf of Keystone Pembroke, LLC, 17 Bridge Street, Unit 103 Billerica, MA, owner of Tax Map 634 Lot 1, located at 31-39 Whittemore Road in the Medium Density (R1) Residential Zone, the Aquifer Conservation (AC) District, the Wetlands Protection (WP) District. The applicant requests a Special Use Permit from Article 143.72. D (2), Wetlands Protection District, which is required for the construction of streets, roads, and other access ways and utility rights-of-way, if essential to the productive use of adjoining land. This permit is associated with the Major Subdivision Plan Application #17-03.

Continued from December 12, 2017

Special Use Permit Application, SUP-OSD #17-306, Timothy Peloquin, Promised Land Survey, LLC, acting as the applicant on behalf of Keystone Pembroke, LLC, 17 Bridge Street, Unit 103 Billerica, MA, owner of Tax Map 634 Lot 1, located at 31-39 Whittemore Road in the Medium Density (R1) Residential Zone, the Aquifer Conservation (AC) District, the Wetlands Protection (WP) District. The applicant requests a Special Use Permit

per Article XVIII Special Use Permits and Article X Open Space Development for the design and construction of an Open Space Development (OSD) and for OSD Reduction in Specification Standards. This permit is associated with the Major Subdivision Plan Application #17-03.

Continued from December 12, 2017

Major Subdivision Plan #17-03, Timothy Peloquin, Promised Land Survey, LLC, acting as the applicant on behalf of Keystone Pembroke, LLC, 17 Bridge Street, Unit 103 Billerica, MA, owner of Tax Map 634 Lot 1, located at 31-39 Whittemore Road in the Medium Density (R1) Residential Zone, the Aquifer Conservation (AC) District, the Wetlands Protection (WP) District. The applicant proposes to subdivide Map 634 Lot 1 into three (3) single family lots and construct an Open Space Development consisting of eighteen (18) 4-plex two-bedroom units for a total of 75 residential dwelling units. The total area of the lot is approximately 88.8 acres with 23.54 acres developed for residential use, approximately 31.99 acres reserved for future activity for the Pembroke Pines Golf Course, and 33.3 acres to be dedicated/deeded to the Town of Pembroke/Conservation Commission. *Continued from December 12, 2017*

Present: Timothy Peloquin of Promised Land Survey, LLC; Robert MacCormack of Keystone Pembroke, LLC; Charles Cleary, Esquire

Ms. Verdile said the Planning Department received a letter from Attorney Manzelli today. She gave a copy to each Board member and the Applicant. Ms. Verdile explained it is the Board's policy not to accept documents the day of the meeting and/or at the meeting because they do not have time to properly review them. She also noted the letter will not be reviewed at the meeting but would be accepted as part of the record.

Ms. Verdile gave an overview of the project:

This is a proposal for 18 4-plex and three single-family homes totaling 75 units. Discussion on December 12, 2017 focused on open space requirements. The applicant redid the plan to make the open space area and the area being developed clearer to the Board. The applicant's task was to demonstrate the plan does meet the open space requirements.

Stephen Pernaw did the traffic study for the applicant and the town may consider a proposal from KV Partners to review the study. The court decision from the appeal to the ZBA decision remands Section 143-68 F back to the Zoning Board of Adjustment for lack of findings of fact. The director of Tri Town Ambulance was not aware of the gate that was proposed, and has determined it would be a safety issue. This is a large packet with a lot of material and legal matter for Planning Board members to review. The applicant is ready to present a revised plan addressing the open space issue. The department heads are on call to attend the February 2018 Planning Board meeting to discuss the gate.

Vice Chairman Seaworth opened the continued public hearing on Agenda items 1, 2, 3, and 4 at 7:11p.m.

He asked that anyone wishing to speak to rise, and state their name and address clearly for the record because it is an important part of the minutes. He also asked that all comments be addressed to the Chairman and that everyone be respectful.

Timothy Peloquin, LLS, Promised Land Survey, first explained that the project has a name change – from “The Village” to “The Lodges” at Pembroke Pines. The town has asked for this name change because there is already a project name that is similar in town, and it may confuse 911 responders. Then, Mr. Peloquin said there are no parcels A, B or C on this revised plan. Rather, we are proposing:

1. A parallel application for a lot line adjustment to move 15 acres that abuts a gravel pit and golf holes to the lot above. Any golf associated items will be developed on those 15 acres.
2. 33 acres is pledged to the Conservation Commission or appropriate entity as a “conservation easement”. Note # 1 on Sheet 1
 - a. Develop 3 road frontage lots
 - b. Develop 72 units – 18 individual 4-plexes
 - c. Lot Line Adjustment between Lot 634-1 and 634-2
3. Development area is confined to 11 acres (10.91 acres) including drainage and roads. Of 71, almost 72 acres, only 15% of the land is proposed to be developed.

Mr. Peloquin said this revised plan set has been sent to KV Partners. Mike Vignale has replied and we addressed his comments. Sheet 2 is yield plan. Plan is revised taking out a 15 acre parcel. The regulations call for a sketch of full buildout for the yield plan. The road network and duplex lots are shown on the total 71 acres. Forty-seven duplexes or 94 units could be built. This takes steep slopes off the table. The original plan showed 112 units could be built (before 15 acres is removed with a lot line adjustment).

Mr. Peloquin said Sheet 1 and Sheet 10 state the intent to develop 75 units. Just 15% of the land will be developed and the rest is in protection. We secured our NH DES Wetlands permit and resubmitted NH Alteration of Terrain permit. The applicant understands we need to go back to the ZBA. We hope to begin to button down our Planning Board approvals with hopefully, a vote in March 2018. Another professional will work with Stephen Pernaw on the traffic study.

Alternate Member Bourque asked for total of buildable area. Mr. Peloquin said it is 11 acres. The remaining area (53 acres open space) will be owned by the condominium association, will not be used for further residential development and can be used for walking trails. Of the 53 acres, 33 acres is pledged to the Conservation Commission.

Vice Chairman Seaworth summarized that from where development ends back to the river is open space/protected. Mr. Peloquin said that 33 acres is pledged to turn over to Conservation Commission to use and maintain, the open space as part of the condominium development will be used in its natural state, and the railroad bed is in the easement.

Mr. Peloquin said that a 25 foot strip is provided to connect to public right of way access. The open space area cannot be developed.

Ms. Verdile said this development meets the open space percentage requirements.

Mr. Peloquin said this development exceeds the open space percentage requirements, without maximizing number of lots. There is a note showing how the open space and percent of total remaining land is calculated.

Member Bean asked for clarification that the development roads are engineered to meet town standards. Mr. Peloquin said the roads are designed to town specifications and are intended to be public roads.

Ms. Verdile said the conditions of the Zoning Board of Adjustment Special Exception included a requirement that a gate be installed at Nadine Drive.

Vice Chairman Seaworth stated this is an issue that needs to be resolved. The traffic study looks at the development both ways – gate / no gate, public road/private road.

Attorney Cleary provided an update on the ZBA decision. It is unclear which board deals with aquifer impacts. The ZBA is adamant that the Planning Board deals with Special Use Aquifer permits. The ZBA should have made 4 findings of fact. The proposed development will have public water and public sewer and is entirely residential. Regulations exempt one and two-family homes from needing a permit in the aquifer.

Attorney Cleary said the applicant is looking to return to the Zoning Board of Adjustment in February 2018. Requiring the gate was an accommodation to the neighborhood concerns. The ZBA did not have town department heads involved when it made its decision. Most, if not all, department heads feel the gate is an issue of safety. Roads are for the public and for vehicular use. It would be helpful to have a forum to explain to residents that this is an important decision.

Ms. Verdile stated that a similar situation arose with the Clean Energy case. The ZBA put a condition in the approval to appease the neighborhood. Technical Review Committee met within 30 days of that decision. Department heads wrote letters of concern and attended both meetings to change the original recommendation. The gate resolution needs to come from the Planning Board. The applicant may need to go to the ZBA to modify or vacate the condition for a gate to be installed. Planning Board approval could include a contingency on the gate being removed.

Vice Chairman Seaworth said the Planning Board either approves a plan or not. Member Edmonds asked what mechanism would be best to invite discussion with the local residents.

Ms. Verdile suggested notice to abutters that the gate issue will be discussed at a future meeting. Abutters need to hear from Department heads about safety concerns. It is a difficult issue for the Planning Board.

Member Cruson said the gate is a condition of a ZBA decision and the Town needs to work it out.

Vice Chairman Seaworth inquired if the Planning Board takes the gate out of the proposed plan; could everyone involved be at the next meeting to explain the safety concerns?

Member Cruson said she is looking at the procedural process. Does RSA allow the Planning Board to approve a plan with a condition contingent on obtaining ZBA relief? How can we make the process go more smoothly.

Ms. Verdile said joint training of Planning Board and ZBA members in the future will be helpful.

Mr. Peloquin stated that some other towns have a Planning Board member on the Zoning Board of Adjustment. It was discussed that this leads to other problems, such as that person needs to sit out one case or the other as a conflict of interest.

Alternate Member Bourque noted that the applicant has to go to Technical Review Committee first. Should the same rule apply to ZBA applications?

Is Nadine Drive going to be a town accepted road where it joins Par Road?

Ms. Verdile said the roads in the development are proposed to be town roads built to town specifications. If the town accepts the road, it would provide plowing. If the roads are private roads, the condominium arranges for plowing. If a 911 response is needed and they run into a gate, they lose time going back around to respond. Ms. Verdile said if it is a public road, Par Road would be renamed to Nadine Drive so there are not two names for the same road.

Alternate Member Bourque asked if it is lawful to put a gate on a public road. If not, the Zoning Board of Adjustment condition was not appropriate.

Vice Chairman Seaworth summarized that the sense of the Planning Board is to listen to the concerns of the department heads and support their decision.

Attorney Cleary asked if the applicant should go to the ZBA and request that they modify their condition about the gate to defer to the Planning Board in consultation with department heads that a gate would be unsafe.

Vice Chairman Seaworth said that stipulations in the Zoning Board of Adjustment ordinance require that the board make findings of fact. Two family units and single family homes are exempt from aquifer conservation special permit, so if 4-unit residential buildings are approved, are they exempt as well? If the Zoning Board of Adjustment is going to make a ruling, they have to consider the criteria first so the ZBA decision does not tie the PB hands in considering the application.

Member Cruson said that findings of fact are that the Special Use Permit is addressed by the Planning Board. Thirty three units have sewer hookup approval and if there were no sewer available, applicant would need to show a community septic on the plan.

Mr. MacCormack asked if the 33 units that have sewer hookup approval could be considered Phase I. A condition of approval could be “subject to receiving a sewer permit after the Supreme Court hearing in February 2018.”

Ms. Verdile stated that the applicant has sewer capacity confirmed for 33 units which could be Phase I.

Vice Chairman Seaworth stated that the number of 4-plex buildings went down from 19 to 18 buildings. Does that affect the ZBA application?

Ms. Verdile stated that legal counsel has advised that an applicant can always build less than requested.

Vice Chairman Seaworth noted that a summary of data from the traffic studies the applicant’s engineer performed are provided. The information provided should be sufficient to use for our purposes of determining safety impact, versus engaging another study to count cars.

Member Cruson stated my understanding is that the Pernaw traffic report did not manually count cars, and also used a source for projected trip estimation based on houses not built yet.

Vice Chairman Seaworth read the Scope of Services from the KV Partners LLC proposal for Village of Pembroke Pines – Traffic Impact Assessment Review dated December 13, 2017:

We will complete a full technical review of the traffic study prepared by Stephen G. Pernaw & Company, Inc. (dated August 2017 and supplemented in October 2017) including:

- Field checking site conditions at the roadways and intersections included in the study.
- Checking peak hour turning movement counts by counting peak hour turning movements in the AM and PM peak hours (counts will be done in January 2018)
- Checking trip generation estimates based on the Trip Generation Manual and proposed land use.
- Reviewing traffic distribution assumptions, background growth assumptions, intersection capacity analysis, and auxiliary turning lane analysis.
- Review findings and recommendations.
- Document the review in a letter report.

Vice Chairman Seaworth said that KV Partners will review the source material and determine if the findings are reasonable. If the Planning Board votes to proceed with a review, when would the work and report be done?

Ms. Verdile said if she calls KV Partners tomorrow, work should begin in the next week. The review can be completed relatively quickly and the report should be available for the next Planning Board meeting.

Member Bean asked for and received clarification on the garages located between the buildings.

Amy Manzelli (and husband Chad Turnell), 418 Ross Road, spoke in opposition to all of the applications on this matter.

Ms. Manzelli stated I have submitted three letters so far:

October 24, 2017

December 12, 2017

January 23, 2018.

My comments tonight are for your further consideration.

1. While the use has lessened from Zoning Board of Adjustment meeting to Planning Board, the number of single-family homes has increased.
2. Regarding my December 12, 2017 letter, per the ongoing legal action *Pembroke v. Allenstown*, the Town of Pembroke does not have capacity for any new sewer hookups until that case is resolved. Was the order stayed?
3. The existing traffic studies are insufficient. The outlets of Bow Lane and Donna Drive are important to consider. Traffic counts need to be taken when golf and school in session overlap. Patterns must accurately reflect what might happen.
4. I would like clarification of the 15 acres said to be a potential gravel pit in the future.
5. How would open space restrictions be enforced on non-conservation area? What lot is that open space on? Finally, to elaborate on the Supreme Court decision, the court found that the application the Zoning Board of Adjustment considered was not an open space development.

Mr. MacCormack stated that the reason for 3 single-family lots, rather than a 4-plex, on Whittemore Road is by the request of neighbors on Whittemore Road. As a result of meeting with neighbors, a compromise of 3 single-family lots designed with water and sewer were put on Whittemore.

Public sewer connections are expected to be available for the remaining units, which will be Phase II.

Our instructions to Stephen Pernaw were to do his best to capture data when school was in session and when golf was being played.

Mr. Peloquin responded that the land was described as a reclaimed gravel pit that has been loamed and seeded. The type of soil is sandy and well-draining.

Mr. Peloquin stated that we have a condominium site plan ready to submit as a parallel plan, with floor plans and unit areas shown. Condominium documents have been submitted to the town.

Ms. Manzelli said she respected and appreciated all the time the Planning Board members have put into this application.

Juan Puchalski, 424 Terrie Drive, stated that his biggest concern, and that of his neighbors, is the speed of traffic from the new top of Nadine Drive to Bow Lane. It makes sense to access the proposed development from both ends. I would like the board to consider a speed reducing device in this area.

Ms. Verdile said that is a good point and a topic for further discussion with the Police Chief. This idea is called traffic calming in some communities.

Mr. Peloquin said the idea brought up tonight to install a speed bump had not been considered. We are amicable to doing this if requested.

Juan Puchalski, 424 Terrie Drive, said he expected to see a section on the plan between the open space development line and the building line marked as “dedicated undisturbed open space” and confirmation of the calculation of at least 50 percent of the buildable area. He is not seeing that on these plans.

Vice Chairman Seaworth stated that the applicant and the Planning Department are continuing to work on that concern. The plans will show refinement as we go forward. Walking trails and sheds echo what is allowed on dedicated open space per our regulations. Discussions are still underway as to what needs planner approval to implement, and what use requires additional Planning Board approval

Mr. Peloquin stated that it is his opinion that the calculations and location of open space can be handled best by clear notations, which are filed with the plans at Registry of Deeds and reflect the condominium documents. Currently, Note #5 provides a text description.

Vice Chairman Seaworth summarized that the allowed uses and the details of the calculation that the designated open space is greater than 50% of the buildable area can be demonstrated through notes on the plans. Member Cruson reaffirmed no sheds or garages can be located on designated open space.

Mr. Peloquin asked when the appropriate time would be for the Planning Board to vote on the Special Use Permit applications. Vice Chairman Seaworth said the permits are usually voted on at the same time as the Major Subdivision Plan, because they are associated with the plan and would be affected if the plan changes.

Mr. Peloquin asked if the applicant had addressed all of the December 12, 2017 concerns this evening to the satisfaction of the Planning Board members.

Vice Chairman Seaworth asked if Board members had any unanswered concerns. There were none at this time.

Mr. Peloquin outlined his future actions:

- Apply for a Lot Line Adjustment.
- Apply to the Zoning Board of Adjustment.

- Take under advisement renotification of abutters as a vehicle to discuss that the proposed gate is not going to be installed based on safety comments from department heads.

Vice Chairman Seaworth confirmed that the Planning Board intent is to have department heads from police, fire, ambulance, water, sewer, DPW be present at the February 27, 2018 meeting to discuss their concerns about the proposed gate.

Alternate Member Bourque suggested that department heads also provide their comments in writing, in case they are unable to attend the next meeting for any reason.

Ms. Verdile stated that the posted deadline for a new Planning Board application for the February 27, 2018 meeting passed on January 18. Technical Review Committee is scheduled to meet on February 7, 2018 to discuss new applications. If the applicant wants to submit a parallel condominium plan and Lot Line Adjustment application, complete information **MUST** be in her office first thing Friday morning, **January 26, 2018**, so it can be sent out to the Technical Review Committee.

Mr. Peloquin stated that these plans are ready, and he feels comfortable that submittal by January 26 is possible.

As recommended by Alternate Member Bourque, Ms. Verdile will request that department heads provide written letters regarding the proposed gate and plan to be in attendance at the February 27 Planning Board meeting.

Attorney Cleary stated that he understands the Planning Board may want Stephen Pernaw's traffic studies reviewed in an abundance of caution. If the board votes to have the study, how quickly would the study be completed? Ms. Verdile stated if the board votes to have the study done, it would begin in the next week and be completed quickly.

Member Young asked if we ask Mike Vignale to do a new traffic count in February, will it change anything Stephen Pernaw has already done. To me, another study seems to be a waste of time and money and does not make sense.

Mr. MacCormack stated that the January 2017 count includes school in session and the August 2017 count includes golf traffic. Donna Drive is already included in those counts. Should we add counts at Bow Lane? Stephen Pernaw has indicated that there is a way that he can merge the January and August figures.

Member Bourque asked what there is to gain by having Mike Vignale do another traffic study.

Ms. Verdile said that regulations allow the Planning Board to reserve the right to have a third part review a study to verify that recommendations are accurate and true on a case by case basis. Although the process may be redundant, there may be another perspective to consider by having a second look.

Vice Chairman Seaworth agreed that numbers alone are not the whole story.

Member Edmonds stated that having a peer review by another professional may offer another opinion not yet considered. Mr. Pernaw is considered the expert on traffic studies in New Hampshire, but a peer review is a wise thing to do.

Member Cruson stated that Pembroke Street is very complex. We want to be very careful to look at many factors.

Mr. MacCormack stated that he does not have an issue with the fee for another review of the traffic studies. Another opinion is well worth the money.

There being no further questions from the Board or the audience, Vice Chairman Seaworth said that he would entertain a motion to continue the public hearing. There will not be additional notices provided to abutters of the continued public hearing so anyone interested in continuing to participate with the applications will need to monitor the Town's website and public notices. There may be notification to abutters if a new condominium plan and application for boundary line change is submitted for the next regular meeting.

Vice Chairman Seaworth closed the public hearing at 9:02 p.m. on Agenda Items 1, 2, 3 and 4.

MOTION: ALTERNATE MEMBER BOURQUE MOVED TO ACCEPT THE PROPOSAL FOR A VILLAGE AT PEMBROKE PINES-TRAFFIC IMPACT ASSESSMENT REVIEW BY KV PARTNERS LLC AS PRESENTED IN THE TASK ORDER DATED DECEMBER 13, 2017. SECONDED BY MEMBER CRUSON.

B. Edmonds- YES	L. Young – YES	B. Bourque – YES
R. Bean - YES	K. Cruson – YES	B. Seaworth – YES
MOTION PASSED ON A 6-0 VOTE.		

MOTION: ALTERNATE MEMBER BOURQUE MOVED TO CONTINUE CONSIDERATION OF PEMBROKE PINES APPLICATIONS TO THE FEBRUARY 27, 2018 MEETING. SECONDED BY MEMBER CRUSON. UNANIMOUSLY APPROVED.

The meeting recessed at 9:15 p.m.

Vice Chairman Seaworth continued the meeting at 9:20 p.m.

New Business –

Minutes – December 12, 2017 Meeting

MOTION: ALTERNATE MEMBER BOURQUE MOVED TO ACCEPT THE MEETING MINUTES OF DECEMBER 12, 2017 AS AMENDED. SECONDED BY MEMBER EDMONDS. UNANIMOUSLY APPROVED.

Miscellaneous

Committee Reports-

NH DOT: Member Cruson stated that she learned that Governor's Council Commissioners decide on proposals to raise the toll rate, and they are not in agreement with raising tolls at this time. The 10 year NH DOT Highway and Bridges plan hoped for is not going to happen. Adjustments will be made and the Concord/Manchester/Route 93 project will be impacted. The "Capital Corridor" from Manchester to Concord is still envisioned. There are no Pembroke projects on the NH DOT 10 year plan. Member Cruson noted that when the highway is widened, it only pushes the congestion and highway problems further north.

Master Plan: Ms. Verdile said that Mike from CNHRPC will be reaching out to her to discuss subcommittees. A February meeting is planned.

Roads Committee: Vice Chairman Seaworth said that a special Roads Committee meeting was held in conjunction with the Board of Selectmen.

1. Public Works has a list of seven roads that they proposed for paving in 2018.
2. Roads Committee also discussed doing East View and upper Beacon Hill Road in 2018 which will be between \$1 and \$2 million dollars because there will be a lot of underground construction, drainage, culverts, etc.
3. The State redid a portion of Main Street but there remains a portion that the Town must redo.

The Board of Selectmen voted to award the low bidder these three projects as a \$1.2 million bond in 2018. Multi-year projects are less expensive overall. The Budget Committee will make their recommendation for Town Meeting

Tri-Town Ambulance: Alternate Member Bourque reported that Tri Town has new officers. Pembroke Fire Chief Paulsen is now Chair. Sean Mullholland has gone to Lebanon, NH as Town Manager. Alternate Member Bourque noted that there are two ambulances. Each one is used a month at a time to spread out the mileage. The second ambulance is garaged unless a crew is available to man it as a backup in high need situations. A new ambulance is proposed for mid-2017, and a second new ambulance will be purchased in 2019. Each ambulance is kept 6-10 years. The ambulance crew is on duty 24/7, headed by a paramedic and supported by an EMT. Alternate Member Bourque noted that Tri-Town staff offers FREE CPR Training to any residents of Allentown and Pembroke upon request.

CIP: Member Young said that CIP has not started yet.

Conservation Commission: Member Edmonds said that Conservation Commission met on January 15, 2018. The big news is that the Commission voted to offer \$150,000 to acquire the old conference center property. Lots are being split out of the 93-acre property. Asking price is \$200,000 but the seller is motivated.

Other Business– none

Alternate Member Bourque moved and Member Cruson seconded to adjourn the meeting at 9:37 p.m.

Respectfully submitted,
Susan Gifford, Recording Secretary