

**Pembroke Planning Board
Meeting Minutes
(ADOPTED)
March 27, 2018**

MEMBERS PRESENT: Alan Topliff, Chairman; Brian Seaworth, Vice Chairman; Kathy Cruson; Richard Bean; Brent Edmonds; Larry Young, Sr.; Selectman's Rep. Ann Bond

ALTERNATES PRESENT: Robert Bourque

EXCUSED: Kellie Dyjak

STAFF PRESENT: David Jodoin, Town Administrator; Katie Nelson and Stephen Henninger of Central NH Regional Planning Commission; Jocelyn Carlucci, Recording Secretary

Guests: Michael Vignale, Town Engineer and James Boisvert, Director of Public Works, Fire Chief Harold Paulsen.

Chairman Topliff called the meeting to order at 7:03 pm. He welcomed Ann Bond as the new Selectmen's Rep. for the Board.

Old Business-

1. **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 February 27, 2018.*
2. **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 February 27, 2018.*
3. **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 February 27, 2018.

- 4. 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 February 27, 2018.**

Present: Timothy Peloquin of Promised Land Survey, LLC, Robert MacCormack, and Charles Cleary, Esquire.

Chairman Topliff said that this was the original agenda item/application. The applicant has worked with the Planning Board and the numbers and division of land have changed. There is also a new agenda item that will be discussed – a minor subdivision.

He instructed the Board to restrict the discussion to the old business items during the public hearing. There are waivers to be considered for the minor subdivision before opening the public hearing on that agenda item. Such waivers will be taken separately after concluding old business discussions.

Mr. Henninger said that the Zoning Board of Adjustment (ZBA) addressed the gate issue at their meeting on March 26, 2018. There has not been any written confirmation but it is his understanding that they removed the requirement for the gate at the intersection of Par Drive and Nadine Road. He said that Mike Vignale met with the NH DOT and will advise the Board on the meeting.

Chairman Topliff reopened the public hearing at 7:09 pm on Old Business Agenda Items 1 through 4.

Mr. Peloquin said that the new business item is on how the applicant is separating the land. The middle part which was intended to be part of the open space of the golf course will be going away with the lot line adjustment (called a minor subdivision).

He said that since the last Planning Board meeting they met with the ZBA to get their feedback on the gate. His understanding was that the restriction of the gate went away.

Mr. Peloquin explained that the ZBA was not sure when they made the gate restriction whether the road was a private or public way and assumed that it was private. He said that the applicant never acknowledged either way – public or private – because, at that time, they had not prepared the plans yet. Later they understood it to be a public way.

He continued to say that, since the last meeting, they also met with the Conservation Commission to let them know that the hatched area was revised but the exact acreage remained. The future railtrail was placed within the hatched area making sure that access to the railroad bed was protected by the Town. He said that they are willing to deed the land to the Town and make a conservation easement, but at the present time it is part of the open space of the whole.

Chairman Topliff said that although the Board does not have the written minutes from the ZBA meeting, a number of people have confirmed that the locked gate is no longer required. He said that he appreciated the applicant returning to the ZBA to discuss the gate. He also said that at the last meeting there was great input from members of the public with options of what they would be comfortable with. Although Mr. Vignale was not asked to look into the suggested options (speed bumps, “Emergency Vehicles Only” sign) Chairman Topliff asked for his thoughts.

Mr. Vignale said that if the gate was not there, a “No Thru Traffic” sign on both sides would make sense. Although it would require enforcement, in his opinion, most people would not use that road. He had not checked out the traffic calming in the Donna Drive neighborhood.

Mr. Peloquin said that the “No Thru Traffic” sign idea is a very good one and should be done because of the golf course. He said it would be a deterrent for 80-90% of the people. They are also willing to have a restricted access of this connection road during construction. They do not want any construction traffic going through the Donna Drive neighborhood. All construction should take place off of Whittemore Road until the project is done and then the gated road could be opened up.

Member Edmonds said that the Conservation Commission reviewed the new conservation lot at its last meeting and gave very favorable comments. They liked the arrangement better than the previous one. They were happy with the railtrail configuration.

Mr. Peloquin said that Par Drive will probably be renamed Nadine Road. It would be “No Thru Traffic” at the junction of Whittemore Road and Par Drive.

Mr. Vignale said that he would suggest placing the sign at the next intersection (Nadine and Micol Road) so that people will have a chance to turn around before going half-way down the road and then needing to turn around in someone’s driveway.

Selectmen’s Rep. Bond said that residents in that area are going to come out of the development and use Bow Lane. Bow Lane is very narrow.

Chairman Topliff suggested that Mr. Vignale and Mr. Peloquin the use of speed bumps and other traffic calming techniques.

Mr. Peloquin said that they have done a traffic study with and without the gate. If there is no gate, it was found that a very minimal amount of traffic will come from their development. More traffic will come from Nadine neighborhood to Whittemore. He also pointed out that when Nadine Road was built, it dead-ended onto the 100-acre parcel but was intended to extend to Whittemore Road for another development.

Selectmen's Rep. Bond said that people wishing to go North will opt to travel to the light at Bow Lane.

Chairman Topliff said that the last discussions found that people going to Concord, will take chances on Whittemore Road rather than going the extra distance to Bow Lane.

Rick Mulcahy, 17 Melissa Drive, said that the ZBA restricted all construction vehicles to the Whittemore Road area. He also said that he did not think that a "No Thru Way" sign would be strong enough language. He asked that an "Emergency/Authorized Vehicles Only" sign be placed at the junction to provide a clearer and stronger message.

Mark Cioffi, 453 Micol Road, said that he has lived on the dead-end road for 25 years. His opinion is that people will find it faster to travel from the golf course onto Nadine Drive, and to the Bow Lane light. His concern is that there are no sidewalks and very few street lights along Nadine Road. He also asked what entity would decide whether the road becomes public or private.

Chairman Topliff explained that as long as the developer builds the road to town standards, he can approach the Board of Selectmen to accept the road as a Town road. This is usually done early in the process in order to make it clear of the developer's intent. The Town Engineer along with the Director of Public Works would work with the applicant to make sure that everything is done in accordance with Town standards.

Member Bean asked if a right lane and a left lane would be proposed at the top of Whittemore Road onto Route 3.

Mr. Vignale said that in his opinion, the visibility would be better if a single lane approach remained at the top of Whittemore Road even though, in the winter, it may be more difficult for a vehicle to proceed from the middle of the hill. He met with the NH DOT District Engineer and Assistant District Engineer who preferred a two-lane approach.

Mr. Henninger said that getting out of Whittemore Road onto Route 3 northbound is extremely difficult during peak hours. A left and right turn lane would make it visually difficult. The Road is presently wide enough and looks as though people have made it two-lanes.

Mr. Mulcahy, 17 Melissa Drive, said that Donna Drive has unofficial two-lanes. When a larger vehicle pulls up on the right of a car wishing to go north, it blocks vision for an eighth of a mile.

Eugene Gause, 201 Fourth Range Road, asked if a third traffic study was done.

Chairman Topliff said that Mr. Vignale performed a traffic study and found that he agreed with the findings of the two previous studies.

Mr. Gause said that turning left out of Church Road onto Route 3 takes up to 4 minutes at peak hours. He thought it would be worse going North from Whittemore Road.

Jennifer Plourde, 430 Nadine Drive, said that she is concerned about the safety of her granddaughter and handicapped daughter who live with her. She also said that in the 8-house stretch near her house, there are 20+ children. She said that there "must be something strong posted" for the safety of the neighborhood.

Member Bean asked why they do not create a cul-de-sac at Par Drive.

Mr. Boisvert said that a cul-de-sac at Par Drive has never been suggested.

Chief Paulsen said that he would be opposed to a cul-de-sac for life safety reasons. Even though the buildings on Par Drive are going to be sprinklered which will take care of fire, the ambulance services and EMS would have only a single way of getting in which would restrict them greatly. If Par Drive at Whittemore was blocked, they would not be able to get an ambulance there and it would also delay the Fire Department from getting in.

Chairman Topliff said that when there is only one access, particularly when there are 80 units, and a tree comes down or there is an automobile accident, there would be no other way in or out of the area. He said that the Planning Board tries very hard to avoid those issues.

Chairman Topliff said that he would like to discuss Mr. Vignale's recommendation that from Route 3 to the Intersection of Whittemore Road (Northbound toward Concord) there be a bypass lane to help when traffic is making a left hand turn down Whittemore Road so that traffic can continue safely northbound on Route 3.

Mr. Vignale said that he and Mr. Peloquin met with NH DOT last week. The primary topic was the left turn treatment. They explained the project and the increase in traffic. NH DOT was most concerned about the left turn coming into Whittemore Road and felt that a left turn treatment was appropriate. They talked about having a wider shoulder or a left turn lane. NH DOT did not see a need for a left turn lane but felt that a wider shoulder would be appropriate. They suggested a 10-ft. wide shoulder with a 2-ft. offset which would be 22-23 ft. from the center line of the road to the edge. To accomplish this wider lane, someone would have to apply to make the change, NH DOT would have to review the change, and they would require approximately 3-ft. widening on one side to make a wider shoulder. NH DOT was very clear that that was an appropriate treatment for that location.

Rick Mulcahy, 17 Melissa Drive, said that NH DOT is concerned with the Route 3 traffic smoothly continuing on but the abutters are concerned about getting out of their neighborhoods.

Mr. Peloquin said that from the applicant's standpoint, they need direction from the Board as to what is appropriate at the top of Whittemore Road. He pointed out that there is a long tangent of a sidewalk on Route 3 and a fire hydrant at the location that the NH DOT is talking about. He said that there is quite a bit of work involved and the sidewalk would have "a yank in it to go around". The shoulder is presently used as a bike lane and would now also be used for vehicles.

Mark Cioffi, 453 Micol Road, asked what standards would be reduced on Agenda Item 3.

Chairman Topliff said that the open space ordinance was intended to provide an opportunity for a developer to put in housing units on smaller lots than would otherwise be required in that zone with the idea that there would be fewer streets and less disturbance to the land. The offset to that is that the developer has to set aside permanent open space which, in a typical subdivision, would not be the case.

Mr. Peloquin said that that was correct. He said that the applicant had to provide a yield plan which showed that in a typical subdivision it would have yielded a higher density than what the applicant is proposing. The other thing that is addressed in the regulation is that the Town regulations require sidewalks on both sides of the road and the applicant has asked that sidewalks only be required on one side of the road. A waiver request has been submitted.

Chairman Topliff asked for input from the Board about treatment of Route 3 northbound to allow traffic to continue when someone is stopped to turn down Whittemore Road.

Member Cruson said that she sees the advantages and disadvantages to both. She said that she preferred to not put the road through. She understands that a cul-de-sac would present problems and the Board does not like cul-de-sacs but when she thought of the things that have come up in the last three months, not putting the road through would solve most of them. As one resident pointed out, there has not been a through road in that location for more than 25 years and it has worked.

Member Bean said that the subdivision of Nadine/Donna Drive is flawed. There is not enough ingress or egress for the number of houses in the development. He is in favor of a cul-de-sac. He thinks that there should be a left-hand turn on Route 3 to Whittemore Road.

Mr. Henninger said that, given the speed and traffic on Route 3, a left-hand turn lane would be safer and would allow less conflict between bicycles and it would clearly allow traffic to get off the main thoroughfare and others to continue. It will make Whittemore Road more difficult to exit. He also said that the neighborhood will tend to use Whittemore Road to enter but most people going North will go to the signal at Bow Lane.

Ms. Nelson agreed with Mr. Henninger.

Vice Chairman Seaworth said that the dedicated left-hand turn lane concerns him the most. He is concerned about the reduction of the shoulder which accommodates bicycles and traffic. A left-hand turn lane would narrow the shoulder. He said that he does not imagine it being a left-hand turn lane in addition to a much wider street in order to accommodate what the Town presently has on Route 3. A trade-off of a dedicated left-hand turn lane did not make sense to him. He did not have a favorite position.

Selectmen's Rep. Bond said that she was for the left-hand turn. She said that she feels safer getting into the left-lane in order to allow cars to pass her on the right.

Alternate Member Bourque agreed.

Member Young said that also agreed with the left-hand turn lane.

Member Edmonds said that he liked the suggestion of a left-hand turn lane but since there it could not be done properly, he thought that it was a moot point.

Chairman Topliff suggested to Mr. Pelloquin that he put some time into the engineering work to study the options and work with Mr. Vignale then present them to the Board. As Member Edmonds pointed out, if there is not enough right-of-way space to do it effectively, then perhaps there is another design.

Mr. Pelloquin said that a left-hand turn lane into Whittemore Road is not what NH DOT proposed or wanted.

Mr. Vignale said that NH DOT did not say that they would not allow it, they said that their preferred treatment was a wider shoulder to get around a car that is taking a left. They did not suggest creating a center lane for left-hand turns. He said that NH DOT recommended a wider shoulder of 10-12 ft. as opposed to the present 8-ft. shoulder.

Mr. Pelloquin said that the bypass shoulder would affect the tangent of a long, straight sidewalk and will affect the fire hydrant which would have to be pushed back and relocated.

Mr. Pelloquin said that the Town of Pembroke needs to be the applicant for the permit to NH DOT. The applicant would provide the supplemental information and whatever Mr. MacCormack is willing to contribute. They will discuss it and make a presentation at the next meeting.

Chairman Topliff said that typically this would be considered an off-site improvement associated with the development which the Town would expect the applicant to pay the full cost of the treatment chosen.

Mr. Pelloquin asked, in terms of the approval process, how it would stall the project.

Chairman Topliff said that the issue needs to be settled before the Board could take formal action on the application. It would be a condition of the approval contingent on the State's approval. If the State denied the permit, then it would not be required. The Planning Board will need to decide whether they will require some type of treatment of Route 3.

Mr. Pelloquin said that they do not know if the NH DOT will take four months deciding this issue. He asked if a condition could be made that would tie the issue to occupancy permits so that the applicant is not continually waiting.

Chairman Topliff said that the Board uses conditions precedent and conditions subsequent. If this was a condition of approval, it would be contingent upon the NH DOT permit and it would be specified as a condition subsequent and would likely be tied to the Certificate of Occupancies and not be tied to the signing of the plans which would hold up construction.

There being no further questions or comments from the Board or the public, Chairman Topliff closed the public hearing at 7:58 p.m. on Agenda Items 1 through 4.

New Business-

- 1. Minor Subdivision Application #18-01, Timothy Pelloquin, Promised Land Survey, LLC, acting as the applicant and agent on behalf of Robert MacCormack and Keystone Pembroke, LLC, of 17 Bridge Street, Unit 103 Billerica, MA, owner of Tax Map 634 Lot 1 and Map 634 Lot 2, located at 31-49 Whittemore Road in the Medium Density (R1) Residential Zone and the Aquifer Conservation (AC) District. The applicant and owner Robert MacCormack for Keystone Pembroke, LLC, proposes a Lot Line Adjustment to transfer approximately 15.12 acres from Map 634 Lot 1 to Map 364 Lot 2.**

Present: Timothy Pelloquin of Promised Land Survey, LLC, Robert MacCormack, and Charles Cleary, Esquire.

Mr. Henninger said that the biggest issue is that the Board has seen a lot of the information that is in a waiver request as part of the application precedent to this, however, it would be desirable to address that by adding the existing conditions on the plan from the major subdivision and simply retitling it, adding a legend, and showing the new lot lines because over time no one will look up the application for the condominium subdivision when researching the properties. He said that it is good practice to incorporate that information into this application.

He continued to say that if the Board is comfortable with what the applicant has provided, he suggested that rather than a waiver, incorporate the information from Waivers Request Nos. 1, 2, and 3 that are related to topography, slopes, easements, etc. into the packet for the Board's approval. It does not need to be on the recorded plan.

Mr. Henninger went on to say that he recommends favorably for waivers that are related to the development, such as water, sewer, erosion and sediment control, soil data, test pits.

(Waiver Requests No. 4, 5, 6, 7).

He also asked for more information regarding the old Public Service of New Hampshire (PSNH) right-of-way. If there is no description, he asked that it be mentioned on the plan along with the recorded reference to that easement. He said that many of the old PSNH right-of-way easements are not well documented with bounds and dimensions. He asked that, in either case, to mention where the recorded document is on the plan.

Mr. Henninger said that Waiver Request No. 9 - Part A, Item S and W: for open space is not relevant.

With regard to Waiver Request No. 10, Part A, Item U: for Natural Heritage Inventory, Mr. Henninger said that a waiver would be appropriate.

He also said that the Waiver Request pertaining to Section 4.061 for the scale of the final plat no smaller than 50 feet to 1 inch, was not necessarily appropriate.

Mr. Henninger said that the few minor items that the Board asks the applicant to add to the plan and correct can be conditions of approval.

He said that the question of whether the subdivision adversely affected the amount of open space required for the major subdivision, the applicant indicated that they revised that on the recent lot and it is not an issue on the application.

Mr. Henninger said that he recommends accepting the waivers. He suggested that Waiver Request Nos. 1, 2, 3 be address by providing the existing conditions plan in the packet of the minor subdivision and to grant favorable on Waiver Request Nos. 4, 5, 6, 7, 8, 9, and 10 as well as the Waiver for scale (Section 4.06.1).

MOTION: Member Edmonds moved to accept the following waiver requests:

1. Part A, Item I: for topography.
2. Part A, Item J: for streets, easements, rights-of-way, bridges, paved area, water courses, bodies of water, wetlands, drainage ditches, 100 year floodplain, parks, playgrounds or other recreational areas, cemeteries, monuments, buildings, building set-back lines, ledges, boulders, wooded areas, proposed landscaping, areas with slopes greater than 15%, and environmentally significant areas.
3. Part A, Item K: for the location, size, elevation and slope of existing sewer and water lines, culverts, catch basins, utility lines, or other underground structures beneath the property of the larger remaining lot only.
4. Part A, Item L: for sewer and water connections.
5. Part A, Item M: for erosion and sediment control.
6. Part A, Item N: for soil data.
7. Part A, Item O: for test pits.
8. Part A, Item R: for easements and legal descriptions.
9. Part A, Item S: for open space.
10. Part A, Item U: for Natural Heritage Inventory and environmentally sensitive area depiction.
11. Part A, Item W: Article IX Section 4.06.1 for the scale of the final plat no smaller

than 50 ft. to 1 inch.
Seconded by Vice Chairman Seaworth.

VOTE: K. Cruson – Y R. Bean – Y B. Seaworth – Y
 A. Topliff – Y A. Bond – Y L. Young – Y
 B. Edmonds - Y

MOTION TO ACCEPT THE FOLLOWING WAIVER REQUESTS:

1. **PART A, ITEM I: FOR TOPOGRAPHY.**
2. **PART A, ITEM J: FOR STREETS, EASEMENTS, RIGHTS-OF-WAY, BRIDGES, PAVED AREA, WATER COURSES, BODIES OF WATER, WETLANDS, DRAINAGE DITCHES, 100 YEAR FLOODPLAIN, PARKS, PLAYGROUNDS OR OTHER RECREATIONAL AREAS, CEMETERIES, MONUMENTS, BUILDINGS, BUILDING SET-BACK LINES, LEDGES, BOULDERS, WOODED AREAS, PROPOSED LANDSCAPING, AREAS WITH SLOPES GREATER THAN 15%, AND ENVIRONMENTALLY SIGNIFICANT AREAS.**
3. **PART A, ITEM K: FOR THE LOCATION, SIZE, ELEVATION AND SLOPE OF EXISTING SEWER AND WATER LINES, CULVERTS, CATCH BASINS, UTILITY LINES, OR OTHER UNDERGROUND STRUCTURES BENEATH THE PROPERTY OF THE LARGER REMAINING LOT ONLY.**
4. **PART A, ITEM L: FOR SEWER AND WATER CONNECTIONS.**
5. **PART A, ITEM M: FOR EROSION AND SEDIMENT CONTROL.**
6. **PART A, ITEM N: FOR SOIL DATA.**
7. **PART A, ITEM O: FOR TEST PITS.**
8. **PART A, ITEM R: FOR EASEMENTS AND LEGAL DESCRIPTIONS.**
9. **PART A, ITEM S: FOR OPEN SPACE.**
10. **PART A, ITEM U: FOR NATURAL HERITAGE INVENTORY AND ENVIRONMENTALLY SENSITIVE AREA DEPICTION.**
11. **PART A, ITEM W: ARTICLE IX SECTION 4.06.1 FOR THE SCALE OF THE FINAL PLAT NO SMALLER THAN 50 FT. TO 1 INCH.**

PASSED ON A 7-0 VOTE.

Mr. Henninger and Ms. Nelson agreed that there was nothing that impacts completeness of the application.

MOTION: Vice Chairman Seaworth moved to accept the application as complete.
Seconded by Member Cruson.

VOTE: K. Cruson – Y R. Bean – Y B. Seaworth – Y
 A. Topliff – Y A. Bond – Y L. Young – Y
 B. Edmonds - Y

MOTION TO ACCEPT THE APPLICATION AS COMPLETE PASSED ON A 7-0 VOTE.

Chairman Topliff opened the public hearing at 8:19 pm on New Business Agenda No. 1. He asked that anyone wishing to speak give their name, and address, for the record.

Mr. Pelloquin said that this is 15 acres that will be merged with Pembroke Pines Country Club because it has no frontage. It will be used for any future golf course expansion. The piece abuts the gravel pit and some of the golf holes that exist where improvements were made. It is suitable land for the golf course expansion or other but no residential use at this time. The proposal is to take that piece and merge it with the golf course.

Chairman Topliff asked if they reran the open space calculation based on the removed acreage.

Mr. Pelloquin said that the new calculation is on the open space plans (Sheet 1 of 23, 10 of 23, and 11 of 23 and a note) and on the major application before the Board.

He said that Note 5 says open space area and development sections: 7.60 acres that is being developed as part of the four-plexes and single family homes. The conservation easement is 33.3 acres. The remaining open space is 19.83 acres.

Chairman Topliff said that he would like to see the calculations that show that the 50% open space has been satisfied.

Mr. Pelloquin said that on January 8, 2018 he resubmitted plans that considered the lot line adjustment. When the plans became confusing because of the 32 acres in the middle, he came back in January and had that in place and the appropriate open space notation on the plan dated January 8, 2018.

Vice Chairman Seaworth asked if the proposed lot line adjustment is the same as when they brought this project forward as a conceptual.

Mr. Pelloquin said yes and now it is an official plan. He pointed out that Note No. 5 on Sheet 1 and on Sheet 10 and 11 show the calculations. He said that by taking out the 15 acres, they far exceed the density and meet all the open space requirements.

Mr. Henninger suggested the following language: That a condition of approval would be to provide the additional plan sheets showing existing conditions and deal with any minor comments that are related to corrections or addition that need to be done such as signatures that were noted in the staff report.

The following conditions were also discussed.

- 1. Add a legend on the plan.**
- 2. Correct the typographical error on Page Two, Note Three: “. . . an actual boundary survey performed by Promised Land Survey . . .” rather than “my”.**
- 3. Provide the additional plan sheets showing existing conditions and deal with any minor comments that are related to corrections or addition that need to be done such as signatures that were noted in the staff report.**
- 4. Set granite bounds or appropriate required monumentation prior to recording of the plan.**

There being no further questions or comments from the Board or the public, Chairman

Topliff closed the public hearing at 8:39 pm.

MOTION: Vice Chairman Seaworth moved to approve the Minor Subdivision Application #18-01 with the following conditions:

1. Add a legend on the plan.
2. Correct the typographical error on Page Two, Note Three: “. . . an actual boundary survey performed by Promised Land Survey . . .” rather than “my”.
3. Provide the additional plan sheets showing existing conditions and deal with any minor comments that are related to corrections or addition that need to be done such as signatures that were noted in the staff report.
4. Set granite bounds or appropriate required monumentation prior to recording of the plan.

Seconded by Member Young.

VOTE:	K. Cruson – Y	R. Bean – Y	B. Seaworth – Y
	A. Topliff – Y	A. Bond – Y	L. Young – Y
	B. Edmonds - Y		

MOTION TO APPROVE THE MINOR SUBDIVISION APPLICATION #18-01 WITH THE FOLLOWING CONDITIONS:

- 1. ADD A LEGEND ON THE PLAN.**
- 2. CORRECT THE TYPOGRAPHICAL ERROR ON PAGE TWO, NOTE THREE: “. . . AN ACTUAL BOUNDARY SURVEY PERFORMED BY PROMISED LAND SURVEY . . .” RATHER THAN “MY”.**
- 3. PROVIDE THE ADDITIONAL PLAN SHEETS SHOWING EXISTING CONDITIONS AND DEAL WITH ANY MINOR COMMENTS THAT ARE RELATED TO CORRECTIONS OR ADDITION THAT NEED TO BE DONE SUCH AS SIGNATURES THAT WERE NOTED IN THE STAFF REPORT.**
- 4. SET GRANITE BOUNDS OR APPROPRIATE REQUIRED MONUMENTATION PRIOR TO RECORDING OF THE PLAN.**

PASSED ON A 7-0 VOTE.

The meeting recessed at 8:42 p.m.

Chairman Topliff reconvened the meeting at 8:49 pm

- 2. Minor Subdivision Application #18-02, LDW Enterprises Development Inc., acting as agent and owner of 210 5th Range Rd. on Tax Map 939, Lot 63 located in the Rural Residential (R3) Zone. The applicant and owner proposes to subdivide Tax Map 939, Lot 63 into two lots with one lot having approximately 1.9 acres and the other lot having approximately 8.8 acres.**

Present: Mr. Henninger

Mr. Henninger said that this is a minor subdivision to create a new building lot at the end of Fifth Range Road on the section that is a Class V road. The 1.89 acre lot will contain an existing house and the 8.8 acre lot will be subject to a building permit to construct another home. There is a small triangular area shown for a proposed driveway and drainage easement to benefit the 1.89 lot and there is a rough road leading to the walkout basement on the North side of the existing house.

He said that under NH law, you cannot convey the easement at the time that the plat is recorded unless the property is in separate ownership. As soon as the easement is conveyed and both lots are in the same ownership, ownership is then extended. The Board will need to make a Condition of Approval that this be recorded and it is very difficult to enforce. He said that what happens is if they transfer the lot without the easement document, you would have an encumbrance but not a true easement.

Mr. Henninger pointed out that there is no good turnaround at the end of the pavement on Fifth Range Road. There is a driveway with two No-Trespassing signs.

He said that all the waiver requests are reasonable.

Drainage along this portion of Fifth Range Road is not the best but can be addressed with the driveway permit associated with construction of the house.

Member Cruson asked why there is a waiver for surface water.

Mr. Henninger said that there is no surface water per se in or adjacent to the property.

MOTION: Vice Chairman Seaworth moved to grant the following waiver requests:

1. Part A, Item C: for name of proposed street.
2. Part A, Items K & L: for the location, size, elevation and slope of existing sewer and water lines.
3. Part A, Item M: for surface water.
4. Part A, Item R: for legal descriptions of proposed easements.
5. Part A, Items S & W: for open space.

Seconded by Selectmen's Rep. Bond.

VOTE:	K. Cruson – Abstained	R. Bean – Y	B. Seaworth – Y
	A. Topliff – Y	A. Bond – Y	L. Young – Y
	B. Edmonds - Y		

MOTION TO GRANT THE FOLLOWING WAIVER REQUESTS:

1. **PART A, ITEM C: FOR NAME OF PROPOSED STREET.**
2. **PART A, ITEMS K & L: FOR THE LOCATION, SIZE, ELEVATION AND SLOPE OF EXISTING SEWER AND WATER LINES.**
3. **PART A, ITEM M: FOR SURFACE WATER.**
4. **PART A, ITEM R: FOR LEGAL DESCRIPTIONS OF PROPOSED EASEMENTS.**
5. **PART A, ITEMS S & W: FOR OPEN SPACE.**

PASSED ON A 7-0 VOTE.

Vice Chairman asked for clarification of the minor subdivision checklist items missing.

Mr. Henninger said that Item 1 (Part A, Item A: the applicant phone numbers are needed on the final plan set.), Item 2 (Part A, Item I: the high and low spot elevations are not shown on the plan, and Item 3 (Part A, Item J: the width of Fifth Range Road not on the plan.) are very minor and can be added as conditions of approval.

Item 4 (Part A, Item U: New Hampshire Natural Heritage Inventory assessment), and Item 5 (Part A, Item V: the status of prime agricultural land) have not been provided by the applicant.

Chairman Topliff said that the Board would ask the Planner to send a letter to the applicant that the application is incomplete. The Board could take a vote to continue this consideration until the April 24, 2018 business meeting in hopes that they would provide the additional information at that time.

Mr. Henninger said that the Board may want the applicant to address the requirement in the subdivision regulations (§305) for granite bounds.

MOTION: VICE CHAIRMAN SEAWORTH MOVED TO CONTINUE CONSIDERATION OF MINOR SUBDIVISION APPLICATION #18-02 UNTIL APRIL 24, 2018. SECONDED BY SELECTMEN'S REP. BOND. UNANIMOUSLY APPROVED.

Chairman Topliff asked the applicant to please work with the planning staff to make sure that the application is complete at the next meeting.

- 3. Minor Subdivision Application #18-03, Joseph Wichert, LLS, acting as agent on behalf of the property owner John T. French, owner of Tax Map 258, Lot 13 located at 703 North Pembroke Rd. in the Rural Residential (R3) Zone. This applicant proposes to subdivide Tax Map 258, Lot 13 into two lots with one lot having approximately 4.0 acres and the other lot having approximately 33.7 acres.**

Present: Joseph Wichert, LLS, John French and Steve Abbott

Mr. Henninger said that this application is to subdivide off a lot in the middle of a large parcel. The parcel is 37.8 acres. They are proposing to subdivide 4 acres out of the middle of the parcel. There is one existing single family resident at the corner of Borough Road and there is always a possibility of an additional subdivision along the frontage. The applicant is asking for a single lot.

Mr. Henninger said that all the waiver requests are appropriate.

MOTION: Vice Chairman Seaworth moved to grant the following waiver requests:

1. Part A, Item C: for proposed streets.
2. Part A, Item G: for a survey of the larger remaining lot only.
3. Part A, Item H: for the calculation buildable area of the larger remaining lot only.

4. Part A, Item J: for streets, easements, rights-of-way, bridges, paved areas, water courses, bodies of water, wetlands, draining ditches, 100 year floodplain, parks, playgrounds or other recreational areas, cemeteries, monuments, buildings, building set-back lines, ledges, boulders, wooded areas, proposed landscaping, areas with slopes greater than 15%, and environmentally significant areas.
5. Part A, Item K: for the location, size, elevation and slope of existing sewer and water lines, culverts, catch basins, utility lines, or other underground structures beneath the property of the larger remaining lot only.
6. Part A, Item M: for erosion and sediment control.
7. Part A, Item R: for legal descriptions.
8. Part A, Item S and W: for open space.

Seconded by Member Bean.

VOTE: K. Cruson – Y R. Bean – Y B. Seaworth – Y
 A. Topliff – Y A. Bond – Y L. Young – Y
 B. Edmonds - Y

MOTION TO GRANT THE FOLLOWING WAIVER REQUESTS:

1. **PART A, ITEM C: FOR PROPOSED STREETS.**
2. **PART A, ITEM G: FOR A SURVEY OF THE LARGER REMAINING LOT ONLY.**
3. **PART A, ITEM H: FOR THE CALCULATION BUILDABLE AREA OF THE LARGER REMAINING LOT ONLY.**
4. **PART A, ITEM J: FOR STREETS, EASEMENTS, RIGHTS-OF-WAY, BRIDGES, PAVED AREAS, WATER COURSES, BODIES OF WATER, WETLANDS, DRAINING DITCHES, 100 YEAR FLOODPLAIN, PARKS, PLAYGROUNDS OR OTHER RECREATIONAL AREAS, CEMETERIES, MONUMENTS, BUILDINGS, BUILDING SET-BACK LINES, LEDGES, BOULDERS, WOODED AREAS, PROPOSED LANDSCAPING, AREAS WITH SLOPES GREATER THAN 15%, AND ENVIRONMENTALLY SIGNIFICANT AREAS.**
5. **PART A, ITEM K: FOR THE LOCATION, SIZE, ELEVATION AND SLOPE OF EXISTING SEWER AND WATER LINES, CULVERTS, CATCH BASINS, UTILITY LINES, OR OTHER UNDERGROUND STRUCTURES BENEATH THE PROPERTY OF THE LARGER REMAINING LOT ONLY.**
6. **PART A, ITEM M: FOR EROSION AND SEDIMENT CONTROL.**
7. **PART A, ITEM R: FOR LEGAL DESCRIPTIONS.**
8. **PART A, ITEM S AND W: FOR OPEN SPACE.**

PASSED ON A 7-0 VOTE.

Mr. Henninger said that it is reasonable to consider the application complete.

MOTION: Vice Chairman Seaworth moved to accept the application as complete.
 Seconded by Selectmen's Rep. Bond.

VOTE: K. Cruson – Y R. Bean – Y B. Seaworth – Y
 A. Topliff – Y A. Bond – Y L. Young – Y

MOTION TO ACCEPT THE APPLICATION AS COMPLETE PASSED ON A 7-0 VOTE.

Chairman Topliff opened the public hearing at 9:14 p.m. He asked that anyone wishing to speak address their comments to the Chairman and state their name for the record.

Mr. Wichert said that he is presenting for John French, property owner and Steve Abbot, the purchaser of the new lot.

Mr. Wichert said that the parcel is 37.8 acres. The frontage along North Pembroke Road is 1450 ft. and the frontage on Borough Road is approximately 750 ft.

He said that they have asked for a number of waivers, the majority of which were related to the perimeter. He has done a full boundary topography, wetland delineation, test pits, the buildable area calculations, and detail on the four-acre lot but did not do a full boundary topography and full detail on the full parcel.

Mr. Wichert said that the new lot is 4.09 acres with 427.56 ft. of frontage along North Pembroke Road. Out of the 178,267 sq. ft., there is 2,400 sq. ft that is not buildable. There is wetlands on the northeast corner and steep slopes on the southwest corner. This will be a single family building lot.

They went to the Technical Review Committee (TRC), and met with VJ from the Public Works Department at the lot to look at the driveway. There are two spots for a driveway – one on the low area and one on the high area. They are presently looking at the lower spot for the driveway. Some of the small trees in the Town's right-of-way will be trimmed. They have received state subdivision approval.

Mr. Henninger said that there is an existing break in the stone wall where someone could drive into the site. He said that it is a very steep location and would require a great deal of movement of earth to get to the building area. He asked Mr. Wichert if he considered another driveway location since that seems to be the only steep slope on the whole site.

Mr. Wichert said that they will be grading it so it will work. They are willing to meet with the Public Works Department again at the property to further discuss the driveway location.

Mr. Boisvert said that he is comfortable with the location and that Mr. Wichert has agreed to do any tree cutting that has to be done along that road for better sight distance.

Chairman Topliff said that the exact driveway location can be moved around on the plan.

Mr. Jodoin said that since this is at the end of the year for tax purposes (tax year starts April 1st), this will not be a legal recorded subdivision until 2019. Mr. French will get the bill for everything on the site. The house will be built and the owner will not get a tax bill until next year.

Mr. French said that that was okay because they planned it that way.

Mr. Jodoin also said that there will be current use penalties. It is 10% of the value (or sale price) of the land.

There being no further questions from the Board or the public, Chairman Topliff closed the public hearing at 9:28 pm. If consideration is not completed, the public hearing and consideration will be made to the next business meeting and will not be renoticed. He advised that anyone interested in this case should monitor the Town's website and Planning Board agenda.

With regard to the conditions of approval outlined in the staff report, Mr. Henninger said that numbers 2, 6, and 8 are not necessary.

MOTION: Vice Chairman Seaworth moved to approve the Site Plan Application, Case #15-108 with the following conditions.

1. Monument along the stone wall shown as a drill hole. Monument in the vicinity of the wetland to be shown as an off-set granite bound.
2. Lot 13-1 in the data table is to be changed to Lot 13-4.
3. The State subdivision permit number is to be shown on the plan.
4. All stamps and signatures of professionals are to be on the final plans.
5. Provide high and low-point spot elevations on the plan.

Seconded by Selectmen's Rep. Bond.

VOTE:	K. Cruson – Y	R. Bean – Y	B. Seaworth – Y
	A. Topliff – Y	A. Bond – Y	L. Young – Y
	B. Edmonds - Y		

THE MOTION TO APPROVE THE SITE PLAN APPLICATION, CASE #15-108 WITH THE FOLLOWING CONDITIONS.

1. **MONUMENT ALONG THE STONE WALL SHOWN AS A DRILL HOLE. MONUMENT IN THE VICINITY OF THE WETLAND TO BE SHOWN AS AN OFF-SET GRANITE BOUND.**
2. **LOT 13-1 IN THE DATA TABLE IS TO BE CHANGED TO LOT 13-4.**
3. **THE STATE SUBDIVISION PERMIT NUMBER IS TO BE SHOWN ON THE PLAN.**
4. **ALL STAMPS AND SIGNATURES OF PROFESSIONALS ARE TO BE ON THE FINAL PLANS.**
5. **PROVIDE HIGH AND LOW-POINT SPOT ELEVATIONS ON THE PLAN.**

PASSED ON A 7-0 VOTE.

Chairman Topliff said that he forgot to ask for a vote to continue the public hearing for Pembroke Pines.

MOTION: MEMBER CRUSON MOVED TO CONTINUE THE PUBLIC HEARING ON OLD BUSINESS AGENDA ITEMS 1, 2, 3, AND 4 TO THE APRIL 24, 2018 PLANNING

BOARD BUSINESS MEETING. SECONDED BY MEMBER BEAN. UNANIMOUSLY APPROVED.

Chairman Topliff asked Mr. Jodoin to let the Department Heads know that a hammerhead might be part of the April 24, 2018 discussion for Par Drive.

Minutes- February 27, 2018

MOTION: MEMBER EDMONDS MOVED TO ACCEPT THE MEETING MINUTES OF FEBRUARY 27, 2018 AS AMENDED. SECONDED BY MEMBER YOUNG. APPROVED WITH 2 ABSTENTIONS – SELECTMEN’S REP. BOND AND VICE CHAIRMAN SEAWORTH.

Miscellaneous

1. Committee Reports-

TRC: Member Young said that they met with the applicants that were before the Board tonight.

2. Other Business-

Mr. Jodoin said that he and the Board of Selectmen have participated in Planner interviews. Background checks are now being done. They could have a new Planner by the end of the month.

Member Young asked if the Planner would also take care of Economic Development.

Mr. Jodoin said that they are hoping that the Planner will eventually advise Economic Development and the Conservation Commisison.

Chairman Topliff said that Pembroke Meadows has requested a 120-day extension for their major subdivision application. Ms. Nelson read aloud the email dated March 8, 2018 from Patrick Colburn, P. E. to David Jodoin.

MOTION: VICE CHAIRMAN SEAWORTH MOVED TO GRANT THE PEMBOKE MEADOWS EXTENSION TO 120- DAYS FROM MARCH 27, 2018. SECONDED BY SELECTMEN’S REP. BOND. UNANIMOUSLY APPROVED.

It was suggested that a maximum of three extensions be placed in the regulations.

Mr. Jodoin said that, with regard to the sewer capacity lawsuit with Allentown, the question is “who owns the capacity”. If there is no sewer in Pembroke, Allentown could sell their capacity to a Pembroke developer for any price that Allentown wanted.

Mr. Jodoin said that Richard Berube built Seventh Range Road to build a single family residence. He paid for the total amount of the road cost. He went to the ZBA to try to subdivide a lot which needed frontage. ZBA told him that he would have a better chance

of a variance if he requested 100 ft. rather than 200 ft. of frontage. He then withdrew his application.

Mr. Berube's present plan is to not have a shared driveway but to extend the road the additional hundred feet in order to give his daughter the required frontage, then come to the Planning Board for a subdivision, and place the lot in the front of the property. Mr. Jodoin said that when he reviewed the regulations, it was unclear if Mr. Berube would have to go through the entire process again. Mr. Jodoin said that most of the process was done when he initially built his home and the road. The regulations say that the applicant must go to the Planning Board with a site plan. Mr. Jodoin said that Mr. Berube has already built the road and he will be coming to the Planning Board anyway to do a full blown subdivision. He asked if the Planning Board would require Mr. Berube to come before them for a design review for the proposed site plan subdivision.

Chairman Topliff said that usually the design review is an option. The Board does not exercise that option very often.

Mr. Jodoin said that after Mr. Berube goes through the Board of Selectmen process with the public hearing, he should come to the Planning Board for the subdivision.

The consensus of the Board was that it would be a wasted step for Mr. Berube to come for a design review.

Mr. Jodoin said that he will let Webb Stout know that he can begin the process with the Board of Selectmen.

The consensus of the Board was that there be no meeting on April 10, 2018.

3. Board Items-

Chairman Topliff asked if the Board had any objection with Alternate Member Bourque holding a seat on the ZBA. State law allows one member of the Planning Board to sit on the ZBA. There was no objection.

Chairman Topliff read an email from Amy Manzelli aloud asking the Planning Board to review her prior correspondences and to discuss the topics that she raised. Chairman Topliff said that he felt that if Ms. Manzelli wished the Board to discuss various points in her letters, she would need to be present to answer any questions that the Board may have.

MOTION: Member Young moved to adjourn the meeting. Seconded by Vice Chairman Seaworth. Unanimously approved.

The meeting was adjourned at 10:10 p.m.

Respectfully submitted,
Jocelyn Carlucci, Recording Secretary