

**Pembroke Planning Board
Meeting Minutes
(ADOPTED)
September 25, 2018**

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

ALTERNATES PRESENT: Robert Bourque

EXCUSED: Alan Topliff, Chairman; Timothy Goldthwaite; Kellie Dyjak

STAFF PRESENT: Carolyn Cronin, Town Planner; David Jodoin, Town Administrator; Jocelyn Carlucci, Recording Secretary

In the absence of Chairman Alan Topliff, Vice Chairman Seaworth called the meeting to order at 7:00 pm. He asked Alternate Member Bourque to vote in place of Chairman Topliff.

Request to Continue

- 1. Major Subdivision Application #16-06, Pembroke Meadows, LLC and DHB Homes, LLC. (c/o Bob Meissner), on Tax Maps 264, 266, and 567, Lots 4 and 7, 25-4 and 26, and 1 respectively located at 282 Pembroke Street, in the Medium Density-Residential (R1) Zone, Architectural Design (AD) District, the Wetlands Protection (WP) District, and the Aquifer Conservation (AC) District, and.** The applicant Patrick R. Colburn, P.E. of Keach-Nordstrom Associates, Inc., on behalf of the property owner Pembroke Meadows, LLC and DHB Homes, LLC (Bob Meissner) is proposing a major subdivision that includes: the consolidation/merger of five existing lots of record, totaling approximately 125 acres of land, and re-subdivide the consolidated lots in order to create 110 new residential building lots, connection to municipal water and sewer systems, and the construction of approximately 10,800 linear feet of new roadway.
- 2. Special Use Permit Application SUP-WP #16-308, Pembroke Meadows, LLC and DHB Homes, LLC. (c/o Bob Meissner), on Tax Maps 264, 266, and 567, Lots 4 and 7, 25-4 and 26, and 1 respectively located at 282 Pembroke Street, in the Medium Density-Residential (R1) Zone, Architectural Design (AD) District, the Wetlands Protection (WP) District, and the Aquifer Conservation (AC) District.** The applicant Patrick R. Colburn, P.E. of Keach-Nordstrom Associates, Inc., on behalf of the property owner Pembroke Meadows, LLC and DHB Homes, LLC (Bob Meissner), 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 Major Subdivision Plan application #16-06.
- 3. Special Use Permit Application SUP-AC #16-309, Pembroke Meadows, LLC and DHB Homes, LLC. (c/o Bob Meissner), on Tax Maps 264, 266, and 567, Lots 4 and 7, 25-4 and 26, and 1 respectively located at 282 Pembroke Street,**

in the Medium Density-Residential (R1) Zone, Architectural Design (AD) District, the Wetlands Protection (WP) District, and the Aquifer Conservation (AC) District. The applicant Patrick R. Colburn, P.E. of Keach-Nordstrom Associates, Inc., on behalf of the property owner Pembroke Meadows, LLC and DHB Homes, LLC (Bob Meissner), requests a Special Use Permit from Article 143-68.E, Aquifer Conservation District for construction roads, utilities, infrastructure, and building lots for a 110-lot subdivision. A Special Use Permit is required for any activity taking place within the Aquifer Conservation (AC) District. This permit is associated with Major Subdivision Plan application #16-06.

Acting Chairman Seaworth said that the first three items on the agenda were continued from the Planning Board's previous business meeting. The Board was prepared to entertain a request to continue the Pembroke Meadows application but the Planner received an e-mail from the Applicant today.

Ms. Cronin read aloud the e-mail that she received from Bob Meissner.

Received on 9/25/18

Carolyn,

At this point we are withdrawing our application from consideration, and will not appear before the board to request a continuance. We will review our plans and options with this property. Perhaps we can arrange a non-formal meeting with yourself and interested planning board members to discuss what might potentially work for this 125 acre parcel of land.

Bob Meissner

Acting Chairman Seaworth said that the application's time limit expired a few days ago so no action by the Board is necessary.

He then said that the following applications under "Old Business" would be discussed simultaneously.

Old Business

- 1. Major Subdivision Plan Application #18-06, Eric Pearson, Equivise, LLC, acting as Applicant on behalf of Cole Family Trust, owner of Tax Map 565, Lot 55 located at 354-356 Pembroke Street in the Medium Density (R1) Residential Zone, the Aquifer Conservation (AC) District, the Wetlands Protection (WP) District, and the Architectural Design (AD) District.**

The Applicant proposes to subdivide Map 565, Lot 55 into sixteen (16) single-family residential lots on a proposed roadway. The proposed development will be serviced by municipal water and sewer, and includes a closed drainage system and associated drainage easement area. This permit is associated with Special Use Permits for the AC and WP Districts (SUP-AC #18-307 and SUP-WP #18-308).

2. Special Use Permit Application SUP-AC #18-307, Eric Pearson, Equivise, LLC, acting as Applicant on behalf of Cole Family Trust, owner of Tax Map 565, Lot 55 located at 354-356 Pembroke Street in the Medium Density (R1) Residential Zone, the Aquifer Conservation (AC) District, the Wetlands Protection (WP) District, and the Architectural Design (AD) District.

The Applicant requests a Special Use Permit from Article 143-68.E., Aquifer Conservation District, for single-family residential use over the aquifer. This permit is associated with Major Subdivision Plan Application #18-06.

3. Special Use Permit Application SUP-WP #18-308, Eric Pearson, Equivise, LLC, acting as Applicant on behalf of Cole Family Trust, owner of Tax Map 565, Lot 55 located at 354-356 Pembroke Street in the Medium Density (R1) Residential Zone, the Aquifer Conservation (AC) District, the Wetlands Protection (WP) District, and the Architectural Design (AD) District.

The Applicant requests a Special Use Permit from Article 143-72.D., Wetlands Protection District, for single-family residential use on a parcel containing wetlands. This permit is associated with Major Subdivision Plan Application #18-06.

Present: Brenton Cole, P. E. Project Manager, Keach-Nordstrom representing the project.

Acting Chairman Seaworth said that the application was already accepted. He asked if there were any updates.

Ms. Cronin said that it had been two months since the Board saw the applicant and there had been many changes since then. They are requesting an additional subdivision regulation waiver for granite curbing which was the result of a conversation between the Roads Committee and the Board concerning building a sidewalk on only one side of the road. They are proposing an asphalt berm on the side of the road that has no sidewalk. She said that the Roads Committee was in agreement with that.

In response to a question by Selectmen's Rep. Bond, Ms. Cronin said that the subdivision regulations require sidewalks on both sides of the road. She said that, typically, waivers are given because one sidewalk is normally adequate to serve the neighborhood.

Selectmen's Rep. Bond said that the Board of Selectmen feel that additional sidewalks in all the new developments will add a lot of work for the Department of Public Works (DPW).

Ms. Cronin agreed that it is more maintenance having two sidewalks. She said that the Board should explore updating the subdivision regulations in the future.

Ms. Cronin said that there are presently three waiver requests – sidewalks on one side of the road, granite curbing only on the sidewalk-side of the road, and the superelevation of the roadway.

She also said that the applicant received its AOT permit. The applicant is planning to update the Board on their State permits.

Ms. Cronin said that the applicant has conditional approval from Pembroke Water Works pending Planning Board approval. With regard to sewer, no agreement is in place with Allenstown yet. Sewer approval from the Sewer Commission would be a condition of approval.

DPW commented on the street lights. The applicant has proposed an ornate street light. DPW would prefer standard street lights due to the cost of maintenance.

She said that the Town Engineer commended the applicant on the plan revisions. The only outstanding comment has to do with the stormwater basin. He would like it redesigned because of potential erosion in the area of the stormwater basin.

Member Cruson asked what would happen if the applicant did not receive sewer approval.

Ms. Cronin said that if sewer approval is a condition of approval, and the applicant does not receive sewer capacity from the Town, they could not build the development. They would have to redesign the plan. The risk is more on the applicant than on the Town. To her knowledge, there is no new conversation happening between Allenstown and Pembroke Sewer Commissions.

Alternate Member Bourque said that, when they are in public session, he would like to hear from the applicant about the Town sewer availability and how many lots would have to be eliminated in order to create the subdivision with septic systems.

He also asked how long the approval would be good for.

Ms. Cronin said that she believed that the conditional approval is for one year. The applicant could return to the Board and ask for an extension if they so desired.

Acting Chairman Seaworth reopened the public hearing at 7:12 pm. He asked that members of the audience who wish to speak, state their name and address for the record. He also asked that they address their questions to the Chair rather than having discussions among members of audience. If the application is not completed tonight, the public hearing would be continued to a future meeting.

Mr. Cole said that, at the previous meeting, the Board gave them a few tasks. The first one was to look at a potential right-of-way to connect Bow Lane with Long Meadow

Estates. They were able to accommodate that request. The plans show a 50 ft. right-of-way between Lots 8 and 9. He said that if the neighbors to the North ever develop their property, they will be able to provide some type of connection and help alleviate Pembroke Street traffic.

Another task was to put the land into a conservation easement or deed restriction. Mr. Cole said that everything west of the Town Sewer Easement will be conserved in perpetuity to never be developed. He said that the request was made multiple times by the Conservation Commission, the Planning Board, and NH Fish and Game. The applicant agreed that it made a lot of sense.

The applicant checked with the postmaster and was told that it was acceptable to have the mailboxes opposite the sidewalk.

Mr. Cole said that they also looked at construction costs for a roadway from Long Meadow to Bow Lane. The cost will be approximately \$500,000. The road would be approximately 1,100 linear feet. He said that if required, the cost would render the project infeasible.

He said that they have been working through the Town comments. They have one outstanding issue which is the discharge of stormwater. The Town Engineer came up with a solution which they agreed with and will provide that on the final revision.

Mr. Cole said that they have worked through the State comments. They received the state AOT permit. The NHDOT comments were benign but tend to take a little longer, therefore, Mr. Cole expects to receive their permit in a few weeks.

The sewer design is under review with Underwood Engineers. He spoke with Paulette of the Pembroke Sewer Commission last Monday and she expects it to go to the State for State permitting as soon as the review is completed.

Mr. Cole said that he spoke to Paulette about the Allenstown situation. She deferred him to the minutes of the last meeting. There was discussion about the possibility of allowing Pembroke 150,000 gallons per day which would easily accommodate all the projects presently in Pembroke's queue. He said that the only thing holding it up is Pembroke signing the letter of intent. Once that is signed, and before Pembroke officially has the 150,000 gallons per day, the Sewer Commission thought that it would be appropriate to let the projects come through on the basis that Pembroke would not be seeing that flow for a few years until full buildout. Mr. Cole said that there is an unofficial agreement in place with Allenstown.

Alternate Member Bourque asked how the conservation area would be accessed.

Mr. Cole said that there would be a deed restriction on Lot 7 and, therefore, there would be no public access to the conservation land. Also, the owner of Lot 7 would never be able to develop that portion of the property.

Alternate Member Bourque asked if the deed restriction included the lower part of the property down to the river.

Mr. Cole said yes.

Member Cruson asked how it would work, if it is a conservation easement and the public is never allowed to access the property.

Mr. Cole said that a conservation easement and a deed restriction are basically the same. The deed would include a restriction to never develop the portion of the land that is designated by metes and bounds on their plan.

Because the conservation land is part of Lot 7, which would be privately owned, he said that there would be no public access to it.

Acting Chairman Seaworth clarified that the deed restriction would not explicitly say "no public access". It would be treated like any other privately-owned property. It would be up to the owner to post it or make it open to public access.

Mr. Cole said that they left out the potential for the rail trail so that the public will be able to access that if the rail trail system ever comes to fruition.

Selectmen's Rep. Bond questioned Mr. Cole's statement that the Sewer Commission was waiting for Pembroke to sign a letter of intent.

Mr. Cole said yes, that that was what Paulette alluded to.

She asked for the date of the minutes. Mr. Cole said that he did not have the most recent minutes but had the August 14, 2018 minutes.

Selectmen's Rep. Bond said that she would look it up.

Member Bean asked how many gallons a day would be needed in Long Meadow Estates. Mr. Cole said that they applied for 3,000 gallons per day.

Member Bean said that he felt that the back land of Lot 7 should be open to the public.

Acting Chairman Seaworth said that it would be private property and the Town does not generally force homeowners to open their land to public access.

Ms. Cronin said that she thought the Conservation Commission requested having it open to the public because people presently walk the trails by the river even though there is no formal rail trail.

Mr. Cole said that the public could access Lot 7 conservation property through the Town Sewer Easement if the rail trail was created. He said that whenever the public is introduced to a property there are liability concerns and the homeowner is obligated to maintain the property so that the public does not get hurt. He also said that the public will be able to access through the rail trail.

Alternate Member Bourque asked Mr. Cole how many lots with septic systems could be created on the parcel if the applicant was not able to secure Town sewer.

Mr. Cole said that, although he did not design it that way, he thought that the lots would have to be combined by twos (two lots would become one lot) which would bring the project to a halt because it would be infeasible to build 1800 ft. of road for only 8 house lots.

Member Edmonds said that, with regard to the conservation easement, what Mr. Cole described is not unique. He said that there are other properties in Town that have conservation easements on private property. He said that it may not be an ideal situation for the general public but it is done and seems to be workable.

With regard to the street lights, Selectmen's Rep. Bond said that the Board of Selectmen are converting current street lights to LED and are only accepting street lights located at intersections. If ornamental street lights are used, it would not be placed on the Town's electric bill.

Mr. Cole said that the street lights are presently located at the intersection of Long Meadow Circle and Pembroke Street (Sheet 19), and where Long Meadow loops back onto itself. He said that they are willing to work with DPW to provide whatever they want. The ornamental lighting was based on a project that they worked on for Pembroke Meadows.

Acting Chairman Seaworth said that it could be added as a condition of approval. He agreed that the lighting should be consistent with what the Town is trying to do now and not be based on the past.

Acting Chairman Seaworth asked how significant a change is required to satisfy the comment from the Town Engineer regarding the redesign the stormwater basin.

Mr. Cole said that it would be minor. He said that the Town Engineer gave a great recommendation and they agreed with it. They will be doing what was explained with regard to the outlet.

He referred to Sheet 16 and said that, because the outlet on the back is so steep, the applicant proposed that the discharge of water enter a level spreader (20' long small potential pond area) and allow it to sheet flow over the berm to prevent erosion. He said that the Town Engineer felt that the proposed solution was not enough. Even though the

flow was coming out of the detention pond, the Town Engineer wanted additional measures taken to prevent any erosion leading down to the river. It was proposed that the applicant discharge to the South toward the ravine and connect into the existing pipe that is already there with a drain manhole so that it will discharge at an existing discharge point. Since erosion has already occurred in the area over the course of the last 100 years, they will not be introducing additional discharge to an area that has not already seen erosion. Mr. Cole said that it was a good solution and will be shown on the final plans.

Member Cruson asked who would be responsible for monitoring that area to determine if there are problems.

Mr. Cole said that it would be the Town's responsibility to maintain the detention pond.

Member Bean asked if there had been a site walk.

Acting Chairman Seaworth said that a site walk had not been requested.

Member Bean said that he would like to request one. He would like to see the site and would be willing to do it himself if need be.

Acting Chairman Seaworth said that Alternate Member Bourque had asked questions about contiguous buildable area and the Board wanted the Town Engineer to review that.

Ms. Cronin said that she scaled off the lot and it met the regulations. The Town Engineer's only outstanding comment on the project was the one potential erosion area in the stormwater basin. He thought that Mr. Cole did a great job at designing the engineering in the plan revisions.

Acting Chairman Seaworth said that he looked at some of the lots where there were wetlands and noted that the lots were big relative to the Town's requirements for Town water and sewer. He said that even though a number of lots have non-buildable area, there is plenty of excess space for contiguous buildable area. There is enough lot area to meet the Town's requirements.

Selectmen's Rep. Bond asked where the crosswalks were located.

Mr. Cole said that crosswalks are at each intersection. Sheet 15 shows the crosswalk at the intersection where Long Meadow comes back on itself.

With regard to curbing, there will be granite curb on the side of the road with the sidewalk and asphalt curb on the side without a sidewalk.

Alternate Member Bourque asked who would be responsible for repairing the asphalt curb when it is damaged by the plows.

Acting Chairman Seaworth said the DPW. He then asked Ms. Cronin why the Town wanted asphalt curbing.

She said that it was a compromise to not installing granite.

Mr. Cole said that they spoke with the Board about the potential of reducing the width of Long Meadow because 28 ft. is extremely wide for such a small subdivision. At the same time, there was discussion about off-setting the cost with bituminous curb on at least one side of the road. The Roads Committee seemed to be okay with bituminous curb. He thought that the Planning Board was also in agreement with it.

When asked if asphalt curbing could be eliminated, Member Edmonds said that asphalt curbing is necessary to support the drainage structures on that side of the road.

Acting Chairman Seaworth said that the purpose of the asphalt curb is to direct the water along the roadway until it is picked up by the drainage system.

Mr. Edmonds said that there are different types of asphalt curbing. The present plan proposes tall 8" asphalt. In the past a shallower "cape cod" style curb has been used. It is more resilient to the plows.

Acting Chairman Seaworth said that the "cape cod" style is more typical. Member Edmonds said that the "cape cod" style curbing is the type that the Fish and Game and the environmentalists required on Kline Way. It has since been used in other places.

Member Edmonds said that the 8 in. curb has been around for years and is very effective, but it presents a little higher cross-section that may be impacted with maintenance vehicles. Member Edmonds said that the plows can ride over the "cape code" curb easier because it is shallower. In general, asphalt curb is not extremely durable but both styles do the job.

Selectmen's Rep. Bond was concerned that the curbing would direct the water flow into the driveways.

Mr. Cole said that the driveway regulations are such that the driveways slope up away from the road so that stormwater stays in the road.

The Board reviewed the proposed Conditions of Approval. The following changes were made:

8. Prior to recording, Town Counsel shall review the draft deed restriction language for Lot 7 and such language shall include provisions for continued agricultural use, ~~public access and use~~, and future construction and public use of a rail trail.

13. The Applicant is responsible for acquiring all State permits relative to the project, including DOT Driveway Permit, DES Sewer Connection Permit, AOT, and Notice of Intent.
21. Prior to occupancy of Lots 2, 4, 5, 6, and 8 7, conservation medallions shall be installed to designate wetland areas. (Only wetland areas located outside of the deed restricted portion of Lot 8 7 shall require medallions).
22. The Applicant is responsible for all street maintenance, snow plowing, street lights, drainage infrastructure, and trash removal until the Board of Selectmen accept the road as a public way.

The applicant said that he agreed with the changes to date.

With regard to a site walk, Mr. Cole said that they tried very hard to get plans in on time and, typically a site walk is requested at the beginning so that the applicant is able to accommodate all the Board's questions and concerns. He said that they put a great deal of time and money into the revisions and, as the engineer said, they were very thorough. He said that they were hoping for an approval tonight because they have deadlines, and state permits in place. Mr. Cole said that the Conservation Commission and State agencies have not requested a site walk.

Acting Chairman Seaworth asked for the Board's consensus of conducting a site walk.

Member Bean and Selectmen's Rep. Bond said that they would like a site walk. Selectmen's Rep. Bond said that it is important for the Town to see the conditions if the Town is considering taking over the road.

Member Young said that if there are problems with the road or the engineering, the Town would not accept the project. By not doing a site walk does not commit the Town to anything. He agreed that it was late in the process to do a site walk. He said if something is not acceptable to the Town, the Town will not accept the road whether a site walk is done or not. He did not see the value in doing a walk.

Alternate Member Bourque agreed with Member Young. He said that a site walk now would only show the raw land, not the end result of the project. Accepting the final result will be up to the engineer and the Town. Any changes that will need to be made for acceptance will be required to be done before the Town accepts the road.

Acting Chairman Seaworth said that when the Board receives an application, each Board Member should consider taking an opportunity to look at the land themselves. Normally the applicant gives the Board blanket permission to do so.

There being no further comments or questions from the audience or the Board, Acting Chairman Seaworth closed the public hearing at 7:59 pm. He said that if the application is

not completed this evening and is continued to another meeting, the public hearing will also be continued to that meeting and will not be re-noticed. He advised all interested parties to look to the Board's agendas to find out when the next meeting will be.

MOTION: Member Bean moved that the Planning Board schedule a site walk before voting on the application. Seconded by Selectmen's Rep. Bond.

Selectmen's Rep. Bond said that when the Board of Selectmen receive a request to put in a roadway or an extension on a roadway, they do a site walk.

Member Bean said that the maximum amount of time that will be lost by having a site walk will be one month. He said that one month vs. 15 years is a big difference.

Member Cruson said that if the Board feels that they need to routinely do a site walk, it should be done early in the process with each application. She pointed out that it is one month for the Board but for the applicant, with winter coming, one month could be significant.

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

THE MOTION THAT THE PLANNING BOARD SCHEDULE A SITE WALK BEFORE VOTING ON THE APPLICATION WAS DEFEATED ON A 5-2 VOTE.

MOTION: Member Edmonds moved to find the proposed Major Subdivision Plan #18-06 in harmony with the Architectural Design District. Seconded by Alternate Member Bourque.

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

MOTION TO FIND THE PROPOSED MAJOR SUBDIVISION PLAN #18-06 IN HARMONY WITH THE ARCHITECTURAL DESIGN DISTRICT PASSED ON A 7-0 VOTE.

MOTION: Alternate Member Bourque moved to grant the following waiver requests from the Subdivision Regulations: §205-41, Section E.(3). to waive the requirement of superelevation of the roadway; §205-41, Section E.(19).(a). to waive the requirement of sidewalks on both sides of the roadway; and §205-41, Section E.(20). To waive the requirement of granite curbing on both sides of the roadway. Seconded by Member Young.

Selectmen's Rep. Bond asked if the widening of the entrance to Long Meadow Estates was discussed.

Acting Chairman Seaworth said that there was no further discussion about widening the entrance and the applicant did not change that portion of the plan.

Member Edmonds said that that would be under NHDOT's permit consideration.

Selectmen's Rep. Bond said that the Roads Committee is not approving one way in and one way out on basic cul-de-sacs. She also said that a resident was asking if they would be widening the area of the road.

Acting Chairman Seaworth said that the initial discussion spoke of three possibilities: (1) Making the entrance extra wide; (2) Since there is not a good place to make a second egress on the property, could they leave a right-of-way in case a second way out of the development was possible in the future. The applicant did so. (3) The applicant asked if having a 24 ft. wide entrance would be adequate given that it is a smaller subdivision. The Board did not agree to that. The Board felt that it was appropriate to stick to the requirement of a 28 ft. wide roadway.

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

MOTION TO GRANT THE FOLLOWING WAIVER REQUESTS FROM THE SUBDIVISION REGULATIONS: §205-41, SECTION E.(3). TO WAIVE THE REQUIREMENT OF SUPERELEVATION OF THE ROADWAY; §205-41, SECTION E.(19).(A). TO WAIVE THE REQUIREMENT OF SIDEWALKS ON BOTH SIDES OF THE ROADWAY; AND §205-41, SECTION E.(20). TO WAIVE THE REQUIREMENT OF GRANITE CURBING ON BOTH SIDES OF THE ROADWAY PASSED ON A 7-0 VOTE.

MOTION: Alternate Member Bourque moved to approve Special Use Permit case SUP-AC #18-307 conditionally until Major Subdivision Plan #18-06 has received final approval, at which time the Special Use Permit becomes final for as long as the plan is approved. If at any time the plan is revoked or final approval is not received, the Special Use Permit becomes invalid. Seconded by Member Young.

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

MOTION TO APPROVE SPECIAL USE PERMIT CASE SUP-AC #18-307 CONDITIONALLY UNTIL MAJOR SUBDIVISION PLAN #18-06 HAS RECEIVED FINAL APPROVAL, AT WHICH TIME THE SPECIAL USE PERMIT BECOMES FINAL FOR AS LONG AS THE PLAN IS APPROVED. IF AT ANY TIME THE PLAN IS REVOKED OR

FINAL APPROVAL IS NOT RECEIVED, THE SPECIAL USE PERMIT BECOMES INVALID PASSED ON A 7-0 VOTE.

MOTION: Alternate Member Bourque moved to approve Special Use Permit case SUP-WP #18-308 conditionally until Major Subdivision Plan #18-06 has received final approval, at which time the Special Use Permit becomes final for as long as the plan is approved. If at any time the plan is revoked or final approval is not received, the Special Use Permit becomes invalid. Seconded by Member Young.

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

MOTION TO APPROVE SPECIAL USE PERMIT CASE SUP-WP #18-308 CONDITIONALLY UNTIL MAJOR SUBDIVISION PLAN #18-06 HAS RECEIVED FINAL APPROVAL, AT WHICH TIME THE SPECIAL USE PERMIT BECOMES FINAL FOR AS LONG AS THE PLAN IS APPROVED. IF AT ANY TIME THE PLAN IS REVOKED OR FINAL APPROVAL IS NOT RECEIVED, THE SPECIAL USE PERMIT BECOMES INVALID PASSED ON A 7-0 VOTE.

MOTION: Alternate Member Bourque moved to approve Major Subdivision Plan Application #18-06 with the following conditions as discussed and amended:

1. Prior to signature, the plan shall be revised to include all waivers and the date granted.
2. Prior to signature, the plan shall be revised to include all conditions of approval.
3. Prior to signature, the plans shall be revised to include NHDES AOT and Sewer Connection Permits and NHDOT Driveway Permit Approval numbers.
4. Prior to signature, the plans shall be revised to address all review comments from the Town Engineer and any applicable concerns and issues discussed in KV Partners' review letter(s).
5. Prior to signature, the plans shall be revised to replace the ornamental street lighting with standard street lighting approved by DPW.
6. Prior to signature, the plans shall be revised to redesign the stormwater basin outlet to the Town Engineer's satisfaction.
7. Prior to recording, the original signatures of all property owners shall be provided on the final plat.
8. Prior to recording, Town Counsel shall review the draft deed restriction language for Lot 7 and such language shall include provisions for continued agricultural use and future construction and public use of a rail trail.
9. Prior to recording, Town Counsel shall review the draft Utility and Access Easement Deed language for Lot 7.
10. Prior to recording, Town Counsel shall review the draft Drainage Easement language for Lots 5, 11, 12, and 15. Per DES letter dated July 27, 2018, the

deed shall include language prohibiting the homeowner from altering the land within the easement and shall include a map of the location of the easement with metes and bounds.

11. Prior to recording, all engineering review fees and all recording fees to be paid in full to the Town of Pembroke.
12. The Special Use Permit Notice of Decisions for SUP-AC #18-307 and SUP-WP #18-308 are both to be recorded at the Merrimack County Registry of Deeds.
13. The Applicant is responsible for acquiring all State permits relative to the project, including DOT Driveway Permit, DES Sewer Connection Permit, and Notice of Intent.
14. The Applicant is responsible for acquiring a letter of approval from Tenneco Gas Company for access over their easement for the access roadway, drainage, and any driveways.
15. The Applicant is responsible for acquiring a letter of approval from the Pembroke Sewer Commission.
16. The plan will not be considered as receiving final approval until all applicable conditions of approval are met.
17. The Applicant is notified through this notice that no site work shall begin and building permits will not be issued until the final plan is signed and recorded, the Notice of Decisions are recorded, and a pre-construction meeting is held with the Town.
18. Pre-construction and construction requirements and procedures, including provisions for surety, shall comply with the Town of Pembroke Subdivision Regulations.
19. Prior to construction, the Applicant shall provide escrow for site monitoring and inspections by the Town Engineer in an amount to be determined by the Town Engineer.
20. Prior to the issuance of a building permit, Driveway Permits for the proposed lots are required.
21. Prior to occupancy of Lots 2, 4, 5, 6, and 7, conservation medallions shall be installed to designate wetland areas. (Only wetland areas located outside of the deed restricted portion of Lot 7 shall require medallions).
22. The Applicant is responsible for all street maintenance, snow plowing, street lights, drainage infrastructure, and trash removal until the Board of Selectmen accept the road as a public way.

Seconded by Member Edmonds.

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

MOTION TO APPROVE MAJOR SUBDIVISION PLAN APPLICATION #18-06 WITH THE FOLLOWING CONDITIONS AS DISCUSSED AND AMENDED:

1. PRIOR TO SIGNATURE, THE PLAN SHALL BE REVISED TO INCLUDE ALL WAIVERS AND THE DATE GRANTED.
2. PRIOR TO SIGNATURE, THE PLAN SHALL BE REVISED TO INCLUDE ALL CONDITIONS OF APPROVAL.
3. PRIOR TO SIGNATURE, THE PLANS SHALL BE REVISED TO INCLUDE NHDES AOT AND SEWER CONNECTION PERMITS AND NHDOT DRIVEWAY PERMIT APPROVAL NUMBERS.
4. PRIOR TO SIGNATURE, THE PLANS SHALL BE REVISED TO ADDRESS ALL REVIEW COMMENTS FROM THE TOWN ENGINEER AND ANY APPLICABLE CONCERNS AND ISSUES DISCUSSED IN KV PARTNERS' REVIEW LETTER(S).
5. PRIOR TO SIGNATURE, THE PLANS SHALL BE REVISED TO REPLACE THE ORNAMENTAL STREET LIGHTING WITH STANDARD STREET LIGHTING APPROVED BY DPW.
6. PRIOR TO SIGNATURE, THE PLANS SHALL BE REVISED TO REDESIGN THE STORMWATER BASIN OUTLET TO THE TOWN ENGINEER'S SATISFACTION.
7. PRIOR TO RECORDING, THE ORIGINAL SIGNATURES OF ALL PROPERTY OWNERS SHALL BE PROVIDED ON THE FINAL PLAT.
8. PRIOR TO RECORDING, TOWN COUNSEL SHALL REVIEW THE DRAFT DEED RESTRICTION LANGUAGE FOR LOT 7 AND SUCH LANGUAGE SHALL INCLUDE PROVISIONS FOR CONTINUED AGRICULTURAL USE AND FUTURE CONSTRUCTION AND PUBLIC USE OF A RAIL TRAIL.
9. PRIOR TO RECORDING, TOWN COUNSEL SHALL REVIEW THE DRAFT UTILITY AND ACCESS EASEMENT DEED LANGUAGE FOR LOT 7.
10. PRIOR TO RECORDING, TOWN COUNSEL SHALL REVIEW THE DRAFT DRAINAGE EASEMENT LANGUAGE FOR LOTS 5, 11, 12, AND 15. PER DES LETTER DATED JULY 27, 2018, THE DEED SHALL INCLUDE LANGUAGE PROHIBITING THE HOMEOWNER FROM ALTERING THE LAND WITHIN THE EASEMENT AND SHALL INCLUDE A MAP OF THE LOCATION OF THE EASEMENT WITH METES AND BOUNDS.
11. PRIOR TO RECORDING, ALL ENGINEERING REVIEW FEES AND ALL RECORDING FEES TO BE PAID IN FULL TO THE TOWN OF PEMBROKE.
12. THE SPECIAL USE PERMIT NOTICE OF DECISIONS FOR SUP-AC #18-307 AND SUP-WP #18-308 ARE BOTH TO BE RECORDED AT THE MERRIMACK COUNTY REGISTRY OF DEEDS.
13. THE APPLICANT IS RESPONSIBLE FOR ACQUIRING ALL STATE PERMITS RELATIVE TO THE PROJECT, INCLUDING DOT DRIVEWAY PERMIT, DES SEWER CONNECTION PERMIT, AND NOTICE OF INTENT.
14. THE APPLICANT IS RESPONSIBLE FOR ACQUIRING A LETTER OF APPROVAL FROM TENNECO GAS COMPANY FOR ACCESS OVER THEIR EASEMENT FOR THE ACCESS ROADWAY, DRAINAGE, AND ANY DRIVEWAYS.

15. THE APPLICANT IS RESPONSIBLE FOR ACQUIRING A LETTER OF APPROVAL FROM THE PEMBROKE SEWER COMMISSION.
16. THE PLAN WILL NOT BE CONSIDERED AS RECEIVING FINAL APPROVAL UNTIL ALL APPLICABLE CONDITIONS OF APPROVAL ARE MET.
17. THE APPLICANT IS NOTIFIED THROUGH THIS NOTICE THAT NO SITE WORK SHALL BEGIN AND BUILDING PERMITS WILL NOT BE ISSUED UNTIL THE FINAL PLAN IS SIGNED AND RECORDED, THE NOTICE OF DECISIONS ARE RECORDED, AND A PRE-CONSTRUCTION MEETING IS HELD WITH THE TOWN.
18. PRE-CONSTRUCTION AND CONSTRUCTION REQUIREMENTS AND PROCEDURES, INCLUDING PROVISIONS FOR SURETY, SHALL COMPLY WITH THE TOWN OF PEMBROKE SUBDIVISION REGULATIONS.
19. PRIOR TO CONSTRUCTION, THE APPLICANT SHALL PROVIDE ESCROW FOR SITE MONITORING AND INSPECTIONS BY THE TOWN ENGINEER IN AN AMOUNT TO BE DETERMINED BY THE TOWN ENGINEER.
20. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, DRIVEWAY PERMITS FOR THE PROPOSED LOTS ARE REQUIRED.
21. PRIOR TO OCCUPANCY OF LOTS 2, 4, 5, 6, AND 7, CONSERVATION MEDALLIONS SHALL BE INSTALLED TO DESIGNATE WETLAND AREAS. (ONLY WETLAND AREAS LOCATED OUTSIDE OF THE DEED RESTRICTED PORTION OF LOT 7 SHALL REQUIRE MEDALLIONS).
22. THE APPLICANT IS RESPONSIBLE FOR ALL STREET MAINTENANCE, SNOW PLOWING, STREET LIGHTS, DRAINAGE INFRASTRUCTURE, AND TRASH REMOVAL UNTIL THE BOARD OF SELECTMEN ACCEPT THE ROAD AS A PUBLIC WAY.

PASSED ON A 6-1 VOTE.

Minutes July 24, 2018 & August 28, 2018

MOTION: Alternate Member Bourque moved to approve the July 24, 2018 Meeting Minutes as amended. Seconded by Member Edmonds. Unanimously approved.

MOTION: Alternate Member Bourque moved to approve the August 28, 2018 Meeting Minutes as amended. Seconded by Member Edmonds. Approved with two abstentions – Member Young and Member Bean.

Miscellaneous

1. Correspondence

Ms. Cronin said that two NHDOT driveway permits came through. One for 329 Academy Road and one for 305 Academy Road. Both are paved driveways to single family residences.

2. Committee Reports

A. Village School Property Committee

Acting Chairman Seaworth said that the school district is forming a committee to talk about the disposition of the Village School property.

Alternate Member Bourque volunteered to join the committee as the designated Planning Board representative.

Acting Chairman Seaworth asked Ms. Cronin to inform the School Board that Alternate Member Bourque will represent the Planning Board on the Village School Property Committee.

Board of Selectmen: Selectmen's Rep. Bond said that the Board of Selectmen is working with a new stormwater management plan which must be accomplished by June 30, 2019. There is a lot of information on what needs to be done regarding catch basins, stormwater, and street sweeps, etc.

She reported that the Selectmen began CIP discussions and are working on the Town budgets.

At the September 17th meeting the Selectmen discussed the discretionary easement for the golf course tax relief. She said that the golf course would like to renew the discretionary easement. In the past, it ran for 20 years, but the present one is only a 10-year agreement which is up.

Mr. Jodoin said that the golf course is assessed at approximately \$69,000 with the discretionary easement. The current assessed value, without discretionary easement, would be approximately \$800,000. They made a presentation to the Selectmen about what they have done for the community over the years such as allowing the Pembroke Academy golf team to play for free. They discussed building a new club house and pool and talked about offering it to the Recreation Program. The Selectmen are waiting for the draft agreement prepared by the Golf Course's attorney.

Selectmen's Rep. Bond said that a resident came in concerned about the size of the catch basins on Upper Beacon Street.

Tri-Town Ambulance: Alternate Member Bourque said, at the last EMS meeting, they discussed collection issues.

Member Cruson applauded Tri-Town Ambulance for its excellent service.

Acting Chairman Seaworth said that he attended the Tri-Town open house. He said that the new ambulance has a lift that is rated for 700 lbs. They used the lift 5 times in the first month. He said that the lift is cheaper than a back injury.

Zoning Board of Adjustment: Alternate Member Bourque said there were several ADUs that came through. He said that the ZBA had some difficulty with one ADU that exceeded the 750 sf. requirement. It had been in service for over 10 years and the property was sold to new owners who wanted to use it as an ADU and then discovered that it was in violation. After working through that case, the ZBA issued a variance.

3. Planner Items

Ms. Cronin reviewed the Planning Board budget and pointed out that the training budget was changed to \$350. The remainder of the budget will remain the same.

She also said that the Southern NH Planning Commission and Central NH Planning Commission are working together on a CEDS plan. Once the CEDS plan is adopted, federal funding will be open projects that are on the plan. Pembroke had nothing on the plan this year but there is a draft plan online now. She said that she would send the link to the Board members so they can see what type of projects other towns are asking for. It focuses on Town municipal projects that could encourage economic development. They will also pay for infrastructure projects.

Member Cruson said that the rail trail will need two bridges.

Ms. Cronin asked about the December meeting schedule. Acting Chairman Seaworth said that the December workshop meeting is used as the business meeting. There is only one meeting during the month of December.

She will have a draft 2019 meeting schedule at the next meeting and will give the Board the proposed zoning amendments at the October 9, 2018 meeting.

4. Board Member Items

Alternate Member Bourque asked if there were any updates on the North Pembroke bridge project.

Mr. Jodoin said that the State reviewed the project. The engineers are drafting their comments. It will go out to bid in November. It is scheduled for a winter construction project (2018-2019).

Ms. Cruson said that she was concerned about the closing of the Village School and the possible development within Pembroke. She pointed out that if Pembroke has many

housing developments proposed, there could potentially be a large number of students entering the schools.

She asked if there were any other subdivisions being proposed.

Alternate Member Bourque said that the Robinson subdivision has proposed 32 units.

Acting Chairman Seaworth said that the Board could discuss impact fees. If new developments require a new school to be built because the Village School is no longer in use, it could mean that a school impact fee will need to be considered. The justification for the impact fees must be completed prior to new developments coming forth.

Ms. Cruson said that if 100 or 200 children moved into Town, the schools would probably be hard-pressed. The Hill School is already talking about adding modulares. We should be looking at ways to create more funds through either impact fees or other options because it could happen that within two years the Town would have a large surplus of kids. She also pointed out that two years is not much time when building construction is being discussed.

Mr. Jodoin said that the plan is to put modulares at the Hill School. The plan for 2023-2024 is to get a \$10 million bond for an addition to the Hill School.

Mr. Jodoin said that a lot of work is involved in establishing impact fees. The study is costly.

Acting Chairman Seaworth suggested that someone speak to someone from the School Board to see how close they are to capacity.

Ms. Cruson said that the square footage required per pupil continues to change.

Acting Chairman Seaworth said that the Board should get in front of this issue because once the Board realizes that impact fees are necessary, there will still be a lot of work required to be done.

Member Cruson suggested that the Board send a letter to the School Board asking to be kept apprised of their expectations so that the Town can adequately plan to bring in additional revenue.

Ms. Cronin said that she will be going to a meeting at the Hill School to discuss the merger and she will ask the question at that time.

Member Young said that it would be difficult to get an accurate count of students because Pembroke is a receiving district. He also said that the public schools never know how many students will go to charter schools.

Acting Chairman Seaworth said that once the Board decides whether or not there is a problem, the Town will have to pay a consultant to come up with a number so the Board can make a decision. The numbers required to justify the impact fee may or may not be related to the actual student situation that the Town may face.

He also said that impact fees must be spent within 6 years from the time that they are collected otherwise the funds must be returned to the developer.

Ms. Cruson said that the consultants can help design the impact fees and their structure but the Board may have a better understanding of what is needed. The charter school issue also makes it very difficult.

Ms. Cruson said that it is a good idea to discuss it just in case Pembroke Meadows or the quadplexes on Whittemore Road go through. The Board may be able to get things in order in time to benefit from the impact fees.

Member Bean asked if someone could check the surrounding towns to see if they charge exaction fees vs. impact fees and what they charge for building permits.

Ms. Cronin said that Hooksett has impact fees of approximately \$8,000 per new house.

Member Cruson said that a baseline study for the present facilities would have to be created first.

Selectmen's Rep. Bond said that the School Board is only looking at the Hill School and not considering an addition to Three Rivers School.

Member Cruson pointed out the traffic issue, poor drainage, and poor planning associated with the original construction of the original Hill School.

MOTION: Alternate Member Bourque moved to adjourn the meeting. Seconded by Member Cruson. Unanimously approved.

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,
Jocelyn Carlucci, Recording Secretary