

**Pembroke Planning Board
Meeting Minutes
(Approved August 11, 2020)
July 28, 2020**

MEMBERS PRESENT: Brian Seaworth, Chairman; Robert Bourque, Vice Chairman; Richard Bean, Selectman's Rep.; Clint Hanson; Dan Crean

MEMBERS EXCUSED: Kathy Cruson, Holli Germain, Selectmen's Rep. Bond

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

STAFF EXCUSED: Carolyn Cronin, Town Planner

Chairman Seaworth explained that this meeting is held in person at the Pembroke Academy Cafeteria, 209 Academy Road, Pembroke NH with masks and sanitizer available and social distancing in the meeting space.

Chairman Seaworth noted that a quorum is present and opened the meeting at 6:30 p.m.

Old Business

1. **Major Subdivision Application #19-03, Jon Rokeh, Rokeh Consulting, LLC, acting as Applicant on behalf of San-Ken Homes, Inc., owner of Tax Map 262, Lots 43 & 45 located at 373 Fourth Range Road in the Rural/Agricultural-Residential (R3) Zone and the Wetlands Protection (WP) District.**

The Applicant proposes a 56-lot Open Space Development with individual lots to be served by on-site septic and wells. 95 acres of open space are proposed.

- **Special Use Permit Application SUP-WP #19-310.**

The Applicant requests a Special Use Permit in accordance with Article 143-72.D., Wetlands Protection District, for construction of roadway resulting in impacts to the wetlands.

- **Special Use Permit Application SUP-OSD #19-311.**

The Applicant requests a Special Use Permit in accordance with Article X, Open Space Development, for Reduction in Specification Standards.

Chairman Seaworth read the application in full. He noted that a letter had been received from San-Ken Homes asking for two rulings from the Pembroke Planning Board. First request was to continue this application and its public hearing to the next monthly meeting on August 25, 2020. The reason is that the Aries report came in three full weeks past its expected date (was received July 13, 2020) and a continuance is needed due to lack of time to review the report, prepare and provide information to the Planning Board.

Chairman Seaworth stated the second request was a formal request to extend the consideration period for this application to August 30, 2020. Chairman Seaworth explained that due to NH Governor Emergency Order 23 the Planning Board has not been extending time to review applications as all deadlines have been extended in the emergency order.

MOTION: Vice Chairman Bourque moved to approve to grant both requests of the applicant, to continue the public hearing to August 25, 2020 and to extend the consideration period for this application to August 30, 2020. Member Hanson seconded.

VOTE: B. Seaworth – YES C. Hanson – YES R. Bean – YES
D. Crean – YES R. Bourque – YES

MOTION TO GRANT APPLICANT'S REQUESTS PASSED ON A 5-0 VOTE.

New Business

2. **Minor Subdivision Application #20-02, Mark C. Sargent, Richard D. Bartlett and Associates, LLC, acting as Applicant on behalf of Frederick B. Whittemore, owner of Tax Map 565, Lot 57 located at 374 Pembroke Street in the Medium Density-Residential (R1) Zone, the Aquifer Conservation (AC), Architectural Design (AD), Floodplain Development (FD), Shoreland Protection (SP) and Wetlands Protection (WP) Districts and Town of Pembroke, owner of Tax Map 565, Lot 59 located at 59 White Sands Road in the Medium Density-Residential (R1) Zone, the Aquifer Conservation (AC), the Floodplain Development (FD), the Shoreland Protection (SP) and the Wetlands Protection (WP) Districts.**

The Applicant proposes a lot line adjustment to convey 10.96 acres of Map 565, Lot 57 to Map 565, Lot 59.

Present: Mark Sargent, Richard D. Bartlett and Associates, LLC

Chairman Seaworth provided an overview. Lot 59 is an undeveloped riverfront conservation property owned by the Conservation Commission. Lot 57 has multiple residential buildings fronting on Pembroke Street with undeveloped backland. The piece to be sold to the Commission includes riverfront and railroad bed, which is valuable to the Town's goal of creating a contiguous rail trail.

The Checklist waiver requests are appropriate because they are not applicable to the lot line adjustment or they are submitting partial information as related to the subject area. No new development is proposed as the purpose of the plan is for conservation.

Only one minor plan comment is outstanding that could be appropriate as a condition of approval:

1. The zoning district boundary line on the vicinity map is inaccurate and must be corrected prior to signature.

MOTION: Vice Chairman Bourque moved to approve the waivers as requested by the applicant. Seconded by Member Crean.

VOTE: B. Seaworth – YES C. Hanson – YES R. Bean – ABSTAIN
D. Crean – YES R. Bourque – YES

MOTION TO APPROVE THE WAIVERS REQUESTED BY THE APPLICANT PASSED ON A 4-0-1 ABSTAIN VOTE.

MOTION: Vice Chairman Bourque moved to accept Minor Subdivision Application #20-02 as complete. Seconded by Selectmen's Rep Bean.

VOTE: B. Seaworth – YES C. Hanson – YES R. Bean – ABSTAIN
D. Crean – YES R. Bourque – YES

MOTION TO ACCEPT APPLICATION AS COMPLETE PASSED ON A 4-0-1 ABSTAIN VOTE.

At 6:43 p.m. Chairman Seaworth opened the public hearing on Minor Subdivision Application #20-02. Chairman Seaworth noted that if this application is not completed tonight, the application and its public hearing will be continued to a future meeting and not renoticed.

Mark Sargent explained that Lot 59 is an undeveloped riverfront lot owned by the Pembroke Conservation Commission. The applicant proposes to convey 10.96 acres of Map 565, Lot 57 to Map 565, Lot 59. There are a series of waiver requests from the applicant, including G, H, I, J, K, L, M, N, O, S and U. Town Planner previously noted that zoning district line is inaccurate on the plan. The zoning district line will be corrected.

Mark Sargent noted the total area is approximately 100 acres. The existing Conservation Commission parcel is approximately 1.43 acres with frontage on the river. The proposal is to annex 10.96 acres of Lot 57 along the river northeasterly with the easement to the Conservation Commission. The new conservation lot will be 11.79 acres.

Ayn Whytemare, 439 Pembroke Street, stated that the Conservation Commission is pleased that Fred Whittemore wishes to donate 10 acres along the river up to the railway bed to the Commission. No farming or logging is done on this land and it fits Conservation Commission criteria. It is riverfront, historic, home to bald eagles, contiguous to an existing conservation piece of land, and may utilize the rail trail in the future. Ayn noted her cousin Ted does not wish to name the area "Whittemore" as there is enough of that in Pembroke now.

Chairman Seaworth thanked Ayn Whytemare for that clarification.

Brian Mrazik, Pembroke Hill Road, said he would like to compliment the town and the Conservation Commission for their ongoing effort to acquire properties along the Soucook River. This will be a forever treasure to the town. It is some of the highest valued property and part of the water supply. I am personally delighted with this spectacular conservation/recreation objective.

Tim Hamilton, 50 Bow Lane, asked for the specific location of the land. Ayn Whytemare said that looking at the White Sands Conservation area sign, look to the left. Richards Conservation area is 1.43 acres. The land is located to the left of that, behind the cornfield, and left of the Eversource right of way. This puts the future rail trails in the hands of the Conservation Commission.

Tim Hamilton said he purchased his property because there were no people in front of them. The land is owned by Fred Whittemore Association and could still be sold for future development. Ayn Whytemare said it is possible, but not likely, that would happen. The land is in current use and is used for agriculture, farming and logging.

The Planning Board reviewed the suggested conditions of approval. Ayn Whytemare addressed condition number 7 regarding recording fees. With all the money Whittemore Association has spent on survey and legal, the Board of Selectmen spoke of cutting the registration fees in half, with Pembroke Conservation Commission to pay half.

There being no further input Chairman Seaworth closed the public hearing at 7:00 p.m. Chairman Seaworth clarified that a lot line adjustment is a Minor Subdivision Plan.

MOTION: Vice Chairman Bourque moved to approve Minor Subdivision Application #20-02 with the following conditions:

1. Prior to signature, revise the vicinity map to correct the zoning district boundary lines.
2. Prior to signature, all waivers and the date granted shall be listed on the plan.
3. All conditions of approval shall be listed on the plan.
4. The original signatures of all property owners shall be provided on the final plan.
5. The plan will not be considered as receiving final approval until all conditions of approval are met.
6. The plan shall be recorded at the Merrimack County Registry of Deeds.
7. All recording fees shall be paid by the Pembroke Conservation Commission.

Seconded by Member Hanson.

VOTE: B. Seaworth – YES C. Hanson – YES R. Bean – ABSTAIN
D. Crean – YES R. Bourque – YES

MOTION TO APPROVE MINOR SUBDIVISION APPLICATION 20-02 WITH CONDITIONS PASSED ON A 4-0-1 ABSTAIN VOTE.

1. **PRIOR TO SIGNATURE, REVISE THE VICINITY MAP TO CORRECT THE ZONING DISTRICT BOUNDARY LINES.**
 2. **PRIOR TO SIGNATURE, ALL WAIVERS AND THE DATE GRANTED SHALL BE LISTED ON THE PLAN.**
 3. **ALL CONDITIONS OF APPROVAL SHALL BE LISTED ON THE PLAN.**
 4. **THE ORIGINAL SIGNATURES OF ALL PROPERTY OWNERS SHALL BE PROVIDED ON THE FINAL PLAN.**
 5. **THE PLAN WILL NOT BE CONSIDERED AS RECEIVING FINAL APPROVAL UNTIL ALL CONDITIONS OF APPROVAL ARE MET.**
 6. **THE PLAN SHALL BE RECORDED AT THE MERRIMACK COUNTY REGISTRY OF DEEDS.**
 7. **ALL RECORDING FEES SHALL BE PAID BY THE PEMBROKE CONSERVATION COMMISSION.**
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3. **Major Site Plan Conditional Approval Extension Request, Major Site Plan #19-102, Special Use Permit SUP-AC #19-303, and Special Use Permit SUP-WP #19-304. Timothy Bernier, T. F. Bernier, Inc., acting as Applicant on behalf of New England Flower Farms, LLC, owner of Tax Map 559, Lot 14 located at 830 North Pembroke Road Rural/Agricultural-Residential (R3) Zone, the Aquifer Conservation (AC) District, the Wetlands Protection (WP) District, the Floodplain Development (FD) District, and the Shoreland Protection (SP) District.**

Waiver Request from Site Plan Review Regulations §203-21, Conditional Approval Time Limit & Extension Request for Time Limits of Conditional Approval –The Applicant requests a waiver from the 12-month conditional approval time limit in order to further request a one-year extension of the conditional approval granted on July 23, 2019 for the construction of a 157,550 sq. ft. addition to an existing greenhouse, construct a new retention pond, and new paved access drive around the building.

Present: Jonathan Crowdes, T F Bernier, Inc.

At 7:06 p.m. Chairman Seaworth opened the public hearing on Waiver Request from Site Plan Review Regulations 203.21. Chairman Seaworth noted that if this application is not completed tonight, the application and its public hearing will be continued to a future meeting and not renoticed.

The Planning Board discussed the request for a 12-month extension of conditional approval. Vice Chairman Bourque suggested extending to the date of July 31, 2021 to cover date of Planning Board meeting.

Jonathan Crowdes explained that the original approval for Major Site Plan 19-102 was granted July 23, 2019. The applicant has all conditions complete except for the additional septic system. There was a delay in getting test pits and delays with NH Subsurface approval of public water supply. We expect to have that approval within a month. Vice Chairman Bourque noted that the request was more than reasonable.

There being no further input Chairman Seaworth closed the public hearing at 7:08 p.m.

MOTION: Vice Chairman Bourque moved to approve the waiver as requested by the applicant and extend conditional approval of Major Site Plan #19-102 to July 31, 2021. Seconded by Member Hanson.

VOTE: B. Seaworth – YES C. Hanson – YES R. Bean – YES
D. Crean – YES R. Bourque – YES

MOTION TO APPROVE THE WAIVERS REQUESTED BY THE APPLICANT PASSED ON A 5-0 VOTE.

Minutes

July 14, 2020

MOTION: Vice Chairman Bourque moved to approve the minutes of July 14, 2020 as amended. Member Crean seconded.

VOTE: B. Seaworth – YES C. Hanson – YES R. Bean – Abstain
D. Crean – YES R. Bourque – YES

MOTION TO APPROVE THE MINUTES OF JULY 14, 2020 AS AMENDED PASSED ON A 4-0-1 ROLL CALL VOTE.

Miscellaneous

1. Correspondence

A. China Mill Redevelopment DRI

Planner Cronin provided members with copy of Allenstown Planning Board minutes discussing China Mill. They declared the application a Development of Regional Impact. Central NH Regional Planning Commission provided a packet of comments on the proposed development. Chairman Seaworth is pleased with the package CNHRPC put together and suggested that the Pembroke Planning Board second their recommendations. Planning Board members discussed #6, the statement that Allenstown has plenty of sewer capacity for 150 units. David Jodoin stated that Allenstown says they have sewer capacity on their side but Pembroke does not. This assertion has been

contested since 1973-1975 timeframe. Member Crean stated that he has in the past suggested building a regional sewer plant done as a joint sewer commission. The complication was that it could not be approved in the name of two towns. It is inevitable that Pembroke is allotted a certain amount of sewer capacity at a cost. David Jodoin noted that revenue from selling sludge goes to plant operating costs and does not result in a credit for Pembroke, which pays 54% of the processing cost of the sludge that is sold. Vice Chairman Bourque noted that Pembroke has no input in the management of plant facilities. Member Crean suggests scrapping the current arrangement and starting over.

Vice Chairman Bourque asked whether the declaration of DRI after Allenstown Planning Board had a public hearing on the application would be an issue. Chairman Seaworth indicated it was a matter of interpretation of RSA by individual towns. As long as Allenstown accepts and considers abutter comments, there is not an issue. Board consensus was that comment on this application should definitely include its impact on sewer allocation. Member Hanson stated increased traffic up Broadway should be highlighted. Allenstown should provide a contribution toward a Route 3 Corridor Study to start the state project rolling. David Jodoin noted it is possible some overflow problem parking will occur in Suncook Village.

Member Crean said he is not enamored with the traffic study provided for the China Mill development. In the past, CLD had on site engineering in house. Whoever pays for the study has a bias to fit their proposal. Member Crean would like to see the Town of Pembroke retain firms with specific expertise to represent the public's interest, and in the long run, save money by having our consultant prepared to review the report rather than rely on a developer's report. Vice Chairman Bourque asked for clarification that our consultant would review the study presented and say we need more than that, if applicable. That is correct. Chairman Seaworth said that the town's relationship with firm or firms, would request that they review a report provided and tell us what is good, bad or still needed. Selectmen's Rep. Bean noted that when he was on the Planning Board, whoever writes the check has input to the report.

To summarize, David Jodoin stated that the Planning Board would like to see the town set up agreements with reserve specialists (traffic, water, etc.) and the developer pay the cost of a second review if it is determined necessary. Chairman Seaworth said that in the interim, the town should study what services/expertise various companies have so when a situation comes up we can send out a proposal. Member Crean agreed with that summary so that we have qualified people on call ready to go, with a time frame for review process, if a situation arises. David Jodoin stated the town can get "letters of agreement" with providers and the developer will agree to pay the hourly rate stated in the agreements. The benefit to the developer is that the review will be done timely. Board consensus was it is a good idea to have a list of experts in subject matter. They requested David Jodoin run it by Carolyn Cronin. Member Crean said the Planning Board has final determination of who to use.

Miscellaneous

1. Correspondence – none.
2. Committee Reports-

Tri Town EMS – Vice Chairman Bourque reported that Tri Town EMS and ZBA have not met since last meeting. CIP is planning to hold an on-site meeting in the Safety Center. Police Department includes requests for small equipment. Parks and Recreation are proposing to replace two cracked tennis courts (of four total). The bathrooms are thirty years old. A roof for the stage is requested. A good bid was received for paving this year.

Board of Selectmen – Selectmen's Rep. Bean reported that downtown parking is an ongoing discussion item. The number of apartments and spaces proposed for China Mills impacts both towns. Vice Chairman Bourque added that the developer is also asking to reduce the parking space size from 10 feet to 9 feet, crowding even more spaces into the design. Selectmen's Rep. Bean stated that technically, the developer could be requested to put up a parking garage.

PACE – Member Hanson noted that the PACE Executive Committee met two weeks ago. The June 30, 2020 audit is complete. The Executive Committee has a plan for school reopening using seven instructional spaces. Students can exercise discretion on whether they attend in person or remotely. PACE lost a tenant due to illness and a move. Tenant space is available and may be used to house a culinary program but this is not definite. Regarding Pembroke School District, AREA communities are excluded from Pembroke Academy process. Once the 20 year note is paid off in 2027, the towns are under no obligation to remain in Pembroke Academy.

3. Other Business – Chairman Seaworth asked for comments on future Planning Board meeting format, on line or in person. The Governor's emergency order was set to expire after the town placed notice in the newspaper. An in person meeting was planned for July 28, 2020. The emergency order is almost certainly going to extend to the end of the year. Board consensus was in person meetings are more informed, and there are possible conflicts with School Board meetings if social distancing require that meetings be held in the cafeteria. Overall, not all members are present tonight. This topic will be discussed at the next work session.

4. Planner Business – none

5. Board Member Items - none

6. Audience Items - none

MOTION: Member Hanson moved to adjourn the meeting. Seconded by Vice Chairman Bourque.

Without objection the meeting was adjourned at 8:15 p.m.

Respectfully submitted,
Susan Gifford, Recording Secretary