

**Pembroke Planning Board
Meeting Minutes
(Approved 12-8-20)
November 24, 2020**

MEMBERS PRESENT: Brian Seaworth, Chairman; Robert Bourque, Vice Chairman; Ann Bond, Selectman's Rep. (arrived 7:00 pm); Brent Edmonds; Kathy Cruson; Dan Crean (left 7:05 p.m.); Holli Germain

ALTERNATES PRESENT: Kevin Foss

MEMBERS EXCUSED:

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

Chairman Seaworth called the meeting to order at 6:30 pm. He read the legal notice required for remote meetings under the Governor's Emergency order. The Planning Board is utilizing the Go to Meeting platform. The public has access to listen or participate as stated on the public notice of meeting. Five members were present at first roll call, sufficient to hold a meeting. Dan Crean joined the meeting several minutes later due to technical issues.

He noted that Selectmen's Rep Bond would arrive after an emergency School Board meeting. It is not permissible to appoint an alternate for a Selectmen's Rep. Planner Cronin noted that this meeting is being recorded on Go to Meeting. To help with bandwidth, persons joining should keep their camera off and their audio on mute unless presenting or speaking.

New Business

1. **Major Site Plan Application #20-104, Pembroke Golf, LLC and Keystone Pembroke, LLC, owners of Tax Map 634, Lots 1 and 2 located at 65-89 Whittemore Road in the Medium Density-Residential (R1) Zone, the Limited Office (LO) Zone, and the Aquifer Conservation (AC), Floodplain Development (FD), and Wetlands Protection (WP) Districts.**

The Applicant proposes to construct a new clubhouse, parking lot, and associated site improvements.

➤ **Special Use Permit Application SUP-AC #20-304**

The Applicant requests a Special Use Permit in accordance with Article 143-68.E., Aquifer Conservation District, for golf course use over the aquifer.

Site plan titled "Non-Residential Site Plan, Pembroke Pines Country Club," dated October 27, 2020. Traffic Impact Assessment dated 10/23/2020. Storm water Management Report dated 10/13/2020.

Planner Cronin provided an overview. The Pembroke Pines Golf Course is proposing to construct a new clubhouse with associated parking and improvements. The proposal is to build across Whittemore Road from the existing clubhouse. This way the existing clubhouse can remain in operation until the new one is complete. A list of all chemicals and cleaning products used was provided. All chemicals are stored in a locked building on site. The engineer's comments came in yesterday and the applicant has not had a chance to respond and submit revised plans.

The application requires NHDES AOT and Sewer Permits. A Special Use Permit application for the Aquifer Conservation Overlay District has been filed. A Special Exception for the clubhouse use was granted by the ZBA in October 2020.

A TRC meeting was held on November 10, 2020. DPW brought up issues with the driveway width, which they will work with the applicant on. Police is not opposed to the project, but expressed concerns about increased traffic in the area.

The Conservation Commission had some general concerns about construction disturbance and ensuring proper erosions control measures are in place. There are no significant concerns.

The waivers appear to be reasonable because they are not applicable to the proposal.

MOTION: Vice Chairman Bourque moved to grant the waiver requests for checklist items: Part A, Items: I, J, K, L; Part B, Items: B.(7), B.(11); Part C, Items: B, C as requested by the applicant.

Seconded by Member Edmonds.

VOTE: B. Seaworth – Y H. Germain – Y K. Cruson - Y
B. Edmonds - Y R. Bourque – Y D. Crean - Y

MOTION TO GRANT THE WAIVER REQUESTS AS LISTED PASSED ON A 6-0 VOTE.

MOTION: Vice Chairman Bourque moved to accept the application as complete. Seconded by Member Germain.

VOTE: B. Seaworth – Y H. Germain – Y K. Cruson - Y
B. Edmonds - Y R. Bourque – Y D. Crean - Y

MOTION TO ACCEPT THE APPLICATION AS COMPLETE PASSED ON A 6-0 VOTE.

At 6:47 p.m. Chairman Seaworth opened the public hearing on Major Subdivision Application #20-104. 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.

Jeff Merritt, Granite Engineering, noted that he had the whole team present, including Robert MacCormack, owner; Tim Peloquin, Promised Land Survey; Steve Pernaw, Traffic Engineer; and Attorney Charlie Cleary. Jeff Merritt pointed out the existing clubhouse on the north side of the road, and the new clubhouse on the south side of the road. Sheet 1 of 30 shows half the course on each side. The Greens residential project is under construction. Contractor will demo the old clubhouse once occupancy is approved for the new clubhouse. Access will be from Whittemore Road. A new driveway is proposed. On sheet 5 of plan detail Jeff pointed out 157 parking spaces on lot 1 and lot 2. There is a proposed bag drop off area for vehicles to circle around and park. On the main floor there is a restaurant, bar, kitchen on the north side, and function rooms. On the lower level there is a golf pro shop, locker rooms and interior golf cart storage. There is delivery access to the kitchen.

The drainage plan is a closed drainage network of catch basins and pipes, leading stormwater to a detention pond and treatment swales. The drainage is shown on sheet 11 of 30, Utility Plan. The applicant is extending sewer, water, gas, and underground electric to the clubhouse. The lighting plan is for LED dark sky compliant lights. The landscaping plan is subject to a limited planting height in the Eversource easement. A Special Exception was granted in October 2020. NH AOT and Sewer Discharge permits are needed. Oil separation is provided, as well as an inspection and maintenance manual as required as

part of NH AOT. A Special Use Permit for the aquifer is part of the application. The use of a clubhouse is not new. The use has coexisted without a problem for decades. There is no impact on The Greens.

Steve Pernaw, Pernaw and Company, stated our office prepared addendum #2 traffic report for the area. The size of the restaurant has increased from 45 seats to 75 seats. Most attendees are golfers, but the facilities are open to the public. In 2017, NH DOT estimated 12,000 vehicles a day passed along Route 3. This number has decreased in 2020. Steve used ITE Trip Generation to update the report. The clubhouse use generates less than 10 vehicles at peak traffic hour. The additional trips have no impact on intersection capacity. Chairman Seaworth asked if the new extension to Nadine Drive diverted golf course traffic. Steve Pernaw stated that of the 10 trips, 7 will use Whittemore Road and 3 will travel up to the traffic light at Bow Lane. Selectmen's Rep Bond asked when the study was done and whether there was any impact from COVID. Steve Pernaw said it was done October 23, 2020. He did not collect new data from the previous count as count was higher in 2019. The results are from ITE trip generation, independent of COVID.

Member Cruson asked if the existing gravel parking was going to be used for overflow from the proposed 157 parking spaces. Bob MacCormack stated there are currently 125 existing unmarked parking spaces. These will be used to accommodate restaurant and golf use. Bob noted there is currently not enough parking for large events. Member Cruson noted she had visited the apartments and there seems to be a lack of parking over there. Bob MacCormack stated we have more resident parking than required. The issue is that there are currently 80-110 construction workers on site daily, and some areas are used for construction material. There are five auxiliary parking areas for friends and guests of residents. When construction is complete, there will be adequate residential parking.

Vice Chairman Bourque asked about snow storage areas on sheet 6. Jeff Merritt stated there are many snow storage areas indicated along each island. We have a lot of acreage. In a heavy snow year, we may have to remove snow from site. In a normal snow year, there will be enough snow storage. Selectmen's Rep Bond asked where the extra snow would go. Jeff Merritt said that in extreme snow years, we will truck off the snow. There is ample snow storage areas around the perimeter of the parking spaces. Vice Chairman Bourque asked if sand and salt will be store on site. Bob MacCormack said no, we purchase sand and salt locally from Dirt Doctor and use our golf course and residential equipment to spread it. There is adequate equipment to plow and move snow. Vice Chairman Bourque stated that the Planning Board would like to make sure there is no sand and salt storage on site. Bob MacCormack stated that the applicant is ok with having that made a condition of approval.

Member Edmonds asked what else is going in the area of the old clubhouse. Bob MacCormack said we will have the parking lot remain as overflow parking. The building will be razed when we get an occupancy permit. Member Edmonds asked for clarification that the town bears no responsibility for the drainage. Jeff Merritt said the stormwater system is private. There is nothing the Town of Pembroke needs to maintain. The land owner is responsible for the storm water system, not the municipality.

Chairman Seaworth asked members of the public to take themselves off mute if they wish to comment, or hit *6 if on their phone.

Peter Kohalmi, 490 Woodlawn Ridge Road, asked his neighbors to consider that the scope of the project is to clear an acre of land. There will be blasting. The clubhouse will be a three-story building with function rooms that will be used year round. What kind of functions will there be?

Bob MacCormack said there will be weddings, parties, reunions. We already do that now mostly in the winter months. We use the clubhouse facility for virtual golf in the winter. During the golf season, the primary functions are made up of 140-150 golfers who have an outing and banquet. On an off season weekend we host 12 weddings a year. With the new clubhouse there would likely be substantially more.

Peter Kolhami, 490 Woodlawn Ridge Road, asked about use of water and sewer, and if impact fees were considered. Chairman Seaworth noted that impact fees are well defined in NH RSA. Impact fees cannot be assessed on a per project basis. We will consider the impact to the overall area.

Member Crean left the meeting. Chairman Seaworth designated Kevin Foss to vote for Member Crean.

Chairman Seaworth noted that sewer capacity, the parameters of use and allocation of sewer were discussed at Technical Review Committee (TRC- made up of town department heads). Because the applicant is moving an existing use, the Pembroke Sewer Commission stated that the clubhouse would not need further allocation, even with additional restaurant seating. Planner Cronin confirmed that Paulette Malo, Pembroke Sewer Department, did not note any concerns about sewer.

Selectmen's Rep Bond asked about the date of deconstruction. Mr. MacCormack stated that within six months of receiving occupancy permit for the new clubhouse, the old clubhouse will be razed. This is to allow for time needed if initial occupancy is obtained in the winter.

Kristie Zanis, 55 Whittemore Road, asked how far the clubhouse was from her house. Jeff Merritt located 54 Whittemore Road, Map 634 Lot 3 on the plan. The scale is 300 feet per inch on the plan so the clubhouse is approximately 500 feet from Ms. Zanis.

Chairman Seaworth asked Planner Cronin to clarify the Conservation Commission comments from TRC. Planner Cronin stated the Conservation Commission comments are not project specific. Conservation Commission is asking that there be no disturbance to the wetlands, erosion control measures are taken, and best management practices are followed. Jeff Merritt addressed erosion control prevention measures during construction. Sheets 12, 13, and 14 show temporary sediment stabilization, sediment filters, silt fencing and hatching on slopes 3:1 or greater. Wetlands and wetland buffers have a comprehensive erosion control plan. Selectmen's Rep Bond asked about wildlife in the area. When the town put a road in the area, they had to be concerned about turtles, etc. Jeff Merritt said curbing will be sloped granite, which NH DES recommends in areas with turtles. We are going through

the NH AOT permit process simultaneously with Pembroke Planning Board. We intend to comply. Selectmen's Rep Bond asked about berm from residences. Jeff Merritt said we left a vegetative buffer at the limit of tree clearing. An old discontinued street is in vegetated state. There is a pretty substantial buffer maintained at the residences. Mr. MacCormack took a lot of care in design for abutters.

Member Cruson noted that in Mike Vignale's preliminary comments, there were issues with cart path, sidewalk connection and crosswalk. More information will be coming. Planner Cronin noted that the applicant has not had a chance to do revised plans and submit them for Mike Vignale's review. Chairman Seaworth asked what else might we need when we come back to discuss this plan December 8, 2020. There is only one Planning Board meeting in December. Planner Cronin noted it was a tight timeline to address the engineer comments, revise plans, and resubmit them for Town Engineer review. Jeff Merritt stated revisions are possible within two weeks. They just received engineering comments yesterday. Twelve comments on a 30-page plan set will be addressed. The board may not hear back from KV Partners review in sufficient time for Planning Board members to review. Chairman Seaworth noted that the Planning Board would like the full revision, a new engineer review, and time to digest all the new information. To have Town Engineer analysis of revised plans, it might make sense to continue this hearing to January 26, 2021. Is there any other information that we do not have now but would like to have for January 26? Member Cruson stated I have concerns with traffic flow patterns.

At 7:54 p.m. Chairman Seaworth closed the public hearing. Chairman Seaworth said that the public hearing would not be renoticed. The public is advised to call the Planning Department or check the Town website for any updates or schedule changes.

MOTION: Vice Chairman Bourque moved to continue consideration of New Business Agenda Item #1 to the January 26, 2021 meeting. Seconded by Selectmen's Rep Bond.

VOTE: B. Seaworth – Y K. Foss – Y A. Bond – Y K. Cruson – Y
B. Edmonds - Y R. Bourque – Y H. Germain Y

MOTION TO CONTINUE CONSIDERATION OF NEW BUSINESS AGENDA ITEM #1 TO JANUARY 26, 2021 PASSED ON A 7-0 VOTE.

2. Minor Site Plan Application #20-105, MJR Realty Holdings, LLC, owner of Tax Map VE, Lot 150 located at 167 Main Street in the Central Business (B2) Zone and the Aquifer Conservation (AC) District.

The Applicant proposed to construct a one-stall detached garage to serve the existing funeral home.

➤ **Special Use Permit Application SUP-AC #20-305**

The Applicant requests a Special Use Permit in accordance with Article 143-68.E., Aquifer Conservation District, for construction over the aquifer.

Present: Tracey Sweeney of JE Belanger Surveying.

Planner Cronin provided an overview. The applicant proposes to construct a 24'x18' (432 SF) garage in the rear of the property for the purpose of storing the hearse that serves the funeral home use. The property is located in the Central Business (B2) Zone and the Aquifer Conservation (AC) overlay district. A Special Use Permit application for the AC Overlay has been filed. The use is permitted in the B2 District.

The property meets the dimensional standards for the zone. In the B2 Zone, setbacks can be determined by the average setback of the structures on either side of the lot (Note 5 in the Table of Dimension and Density Requirements).

In this case, based on the location of the existing abutting dwellings, the average rear setback is 7.4 ft. The Applicant is proposing 8.4 ft. The proposed garage meets the front and side yard setbacks required in the zone.

Department heads had no concerns. The Conservation Commission reviewed the application and had no concerns.

The Town Engineer recommended a crushed stone drip edge along both sides of the garage to collect roof runoff to meet the standards of the Aquifer Conservation district. A revised plan and additional information were submitted on November 16th.

The requested waivers are not applicable to the proposal. Revised plans and application materials have addressed all comments from the Town Planner review letter dated November 10th. The Town Engineer's concerns have been satisfied.

MOTION: Vice Chairman Bourque moved to grant the waiver requests for checklist items: Part A, Items: F, M, as requested by the applicant.

Seconded by Member Edmonds.

VOTE: B. Seaworth – Y K. Foss – Y A. Bond – Y K. Cruson – Y
B. Edmonds - Y R. Bourque – Y H. Germain Y

MOTION TO GRANT THE WAIVER REQUESTS AS LISTED PASSED ON A 7-0 VOTE.

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

VOTE: B. Seaworth – Y K. Foss – Y A. Bond – Y K. Cruson – Y
B. Edmonds - Y R. Bourque – Y H. Germain Y

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

At 8:05 p.m. Chairman Seaworth opened the public hearing on Minor Site Plan Review #20-105 and Special Use Permit #20-105. 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.

Tracey Sweeney of JE Belanger Surveying explained that Tom Hebert would be building a garage to keep the hearse in. Member Cruson noted that the funeral home is such an advantage for the community. Tom Hebert is a well-known builder. Member Cruson has no questions.

Chairman Seaworth reviewed the six draft conditions.

There being no further input Chairman Seaworth closed the public hearing at 8:10 p.m.

MOTION: Vice Chairman Bourque made a motion to approve Aquifer Special Use Permit SUP-AC #20-305 conditionally until Minor Site Plan #20-105 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 Cruson.

VOTE: B. Seaworth – Y K. Foss – Y A. Bond – Y K. Cruson – Y
B. Edmonds - Y R. Bourque – Y H. Germain Y

MOTION TO APPROVE SUP-AC-#20-305 CONDITIONALLY PASSED ON A 7-0 VOTE.

MOTION: Vice Chairman Bourque moved to approve Minor Site Plan Application #20-105 with the following conditions:

1. Prior to signature, all conditions of approval shall be listed on the plan.
2. The original signatures of all property owners shall be provided on the final plan.
3. The Site Plan Review and Special Use Permit Notices of Decision shall be recorded at the Merrimack County Registry of Deeds.
4. A building permit is required.
5. Crushed stone drip edge shall be installed prior to final approval.
6. The site plan will not be considered as receiving final approval until all conditions of approval are met.

Seconded by Member Foss.

VOTE: B. Seaworth – Y K. Foss – Y A. Bond – Y K. Cruson – Y
B. Edmonds - Y R. Bourque – Y H. Germain Y

MOTION TO APPROVE MINOR SITE PLAN APPLICATION #20-105 WITH CONDITIONS PASSED ON A 7-0 VOTE.

1. **PRIOR TO SIGNATURE, ALL CONDITIONS OF APPROVAL SHALL BE LISTED ON THE PLAN.**
 2. **THE ORIGINAL SIGNATURES OF ALL PROPERTY OWNERS SHALL BE PROVIDED ON THE FINAL PLAN.**
 3. **THE SITE PLAN REVIEW AND SPECIAL USE PERMIT NOTICES OF DECISION SHALL BE RECORDED AT THE MERRIMACK COUNTY REGISTRY OF DEEDS.**
 4. **A BUILDING PERMIT IS REQUIRED.**
 5. **CRUSHED STONE DRIP EDGE SHALL BE INSTALLED PRIOR TO FINAL APPROVAL.**
 6. **THE SITE PLAN WILL NOT BE CONSIDERED AS RECEIVING FINAL APPROVAL UNTIL ALL CONDITIONS OF APPROVAL ARE MET.**
3. **Major Site Plan Application #20-106, Timothy Bernier, T.F. Bernier, Inc., acting as Applicant on behalf of Silver Hill Development Corp., owner of Tax Map 559, Lot 12-3 located at 799 Silver Hills Drive in the Commercial/Light Industrial (C1) Zone and the Aquifer Conservation (AC) District.**
The Applicant proposes to erect a temporary storage building with a gravel driveway and associated regrading.
- **Special Use Permit Application SUP-AC #20-306**
The Applicant requests a Special Use Permit in accordance with Article 143-68.E., Aquifer Conservation District, for construction over the aquifer.
Timothy Bernier, T.F. Bernier, Inc. Agent

Planner Cronin provided an overview. Soake Pools manufacturing facility, approved in 2018, is located at 798 Silver Hills Drive. Their business has been successful and they are

looking to expand to the lot across from them, 799 Silver Hills Drive, to erect a temporary storage building and make associated site improvements in order to store pools.

The Board should determine if the project meets the criteria for a Development of Regional Impact as it is located within Concord's wellhead area. City of Concord received a copy of the plan and requested no chemicals or vehicles be stored onsite.

The Applicant requested that NHDES not require an AOT permit due to the temporary nature of the structure. NHDES confirmed that an AOT permit would not be required for the temporary structure, but a future permanent structure would require a Permit.

The property is located in the Commercial/Light Industrial (C1) Zoning District and the Aquifer Conservation (AC) overlay district. A Special Use Permit application for the AC Overlay has been filed. The Planning Board will need to review and vote on the Special Use Permit. The project meets all dimensional requirements.

A TRC meeting was held on November 10, 2020. Town department heads had no issue with the plan. The Conservation Commission had some concerns that the temporary structure could eventually become permanent with little oversight for potential chemical spills in the future. As presented, there are no significant concerns.

The Town Engineer reviewed the plans and issued comments in a letter dated November 12th. The applicants responded with a revision on November 13th, which was satisfactory to the Town Engineer.

MOTION: Vice Chairman Bourque moved to grant the waiver requests for checklist items: Part A, Items: H, I, J, K, L, M, P, Q; Part B, Items: B.(7), B.(11), B.(16); Part C, Items: B and C, as requested by the applicant.

Seconded by Member Edmonds.

VOTE: B. Seaworth – Y K. Foss – Y A. Bond – Y K. Cruson – Y
B. Edmonds - Y R. Bourque – Y H. Germain Y

MOTION TO GRANT THE WAIVER REQUESTS AS LISTED PASSED ON A 7-0 VOTE.

MOTION: Vice Chairman Bourque moved to accept the application as complete. Seconded by Member Foss.

VOTE: B. Seaworth – Y K. Foss – Y A. Bond – Y K. Cruson – Y
B. Edmonds - Y R. Bourque – Y H. Germain Y

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

Chairman Seaworth noted that the possibility of DRI was the site proximity to the Concord wellhead. Concord already reviewed the plan and returned comments. I do not see any specific triggers for DRI. Planner Cronin added the board considers the scope and scale of the project. Vice Chairman Bourque stated that if we take care of City of Concord concerns in the conditions, I do not support a DRI. Member Edmonds agreed that the proposal does not rise to the level of regional impact.

MOTION: Vice Chairman Bourque moved that the application is not a Development of Regional Impact. Seconded by Member Edmonds.

VOTE: B. Seaworth – Y K. Foss – Y A. Bond – Y K. Cruson – Y
B. Edmonds - Y R. Bourque – Y H. Germain Y

MOTION TO ACCEPT THAT THE APPLICATION IS NOT A DEVELOPMENT OF REGIONAL IMPACT PASSED ON A 7-0 VOTE.

At 8:24 p.m. Chairman Seaworth opened the public hearing on Major Site Plan Application #20-106. 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.

Tim Bernier presented on behalf of Soake Pools. Soake Pools is proposing to lease land from Silver Hills Development across the driveway on the southwest corner. All of the vehicles park at the Soake Pools manufacturing site. I do not know if it is COVID, or if the company just makes a great product, but business has expanded exponentially in the last nine months. Pools need to be stored before shipping out. Tim Bernier explained that a temporary structure is proposed, open at the ends. All manufacturing occurs across the street. There is no electric, septic, or water proposed for the temporary structure. Storing completed pools before shipping will be a concern for two years minimum. At a future time, if sales continue, Soake Pools may move to make the structure permanent. Shipping and receiving will work in the temporary structure. They may store raw tubs on the gravel floor of the structure at times. All chemicals are used at the manufacturing facility across the street.

Tim Bernier noted that Silver Hills Development designed stormwater facilities to accommodate some impervious service on each lot. The retention pond was designed for more than it collects. Tim Bernier provided NH AOT with calculations of design covered under general project rule. They will be utilizing the existing curb cut. Tim Bernier stated that some evergreens and white spruce will be planted to separate the uses with a buffer. The storage structure will be utilizing a flat spot, set on blocks. Brian Larson, the owner of Soake Pools is here for any questions.

Chairman Seaworth said he is not 100% sure what the upper limit of “temporary” is but there should be some upper limit we can put in the site plan conditions, before a request for reconsideration of temporary status or replacement with a permanent structure should occur. Brian, owner, stated five years would be reasonable. Member Germain said that the Conservation Commission discussed this plan. This is more than a COVID thing, and I feel four years is excessive. The board discussed the issue of permanence and temporary structures.

Vice Chairman Bourque asked what the Conservation Commission suggested as a time period. Member Germain said one year due to high product demand. Vice Chairman Bourque said, in my opinion, one year is too short. Three years is more reasonable. There is a substantial cost involved to set up a temporary structure. Brian, owner, stated the temporary structure will cost \$140,000. This is a substantial investment, and we have a three year backlog now. We do meet all environmental requirements. We do understand it is not a permanent structure. Tim Bernier noted it can be disassembled and relocated. Brian, owner, said we are sensitive to the concern that a temporary structure is unsuited to be there. Member Edmonds noted that the temporary structure is low impact development, environmental concerns are benign and substantial investment is being put forth by the

business. I would suggest no less than three years minimum. Member Cruson agrees with Brent. We should not micromanage expansion of business. The owner should realize a return on investment. Member Germain asked what the structure is made of. The fabric for the roof and sides is fabric, similar to that used for nurseries.

Chairman Seaworth noted we are talking about aquifer protection. This district is zoned C1. We would be hoping for permanent manufacturing facilities on this lot. We want to make sure the use intended in the use approved. We need to set a reasonable upper limit of time, at which the temporary structure will be readdressed. Member Cruson noted the structure is using no water or septic, has no parking and no traffic impact. Vice Chairman Bourque stated I support 4 or 5 years before reconsideration. The applicant is placing berm along the road side and landscaping buffer at the first lot. The application is for a well-constructed structure that does not require water, sewer or other utilities. Member Foss stated this proposal is ideal for a growing business. Five years use of temporary storage is reasonable. Five years is also the time length of permits with NH DES.

Chairman Seaworth asked if any audience members had comments.

Chairman Seaworth reviewed the six draft conditions provided by the Planner that were sent to the applicant. Chairman Seaworth asked Planner Cronin for language to address the City of Concord concerns. Item 7 No chemicals or vehicles shall be stored on site. Item 8 After five years from the approval date the applicant shall submit an extension request for temporary storage structure or a site plan for a permanent building.

Vice Chairman Bourque stated I concur with a five year limit for review. Chairman Seaworth stated that a five year review synchronizes with NH DES state approval.

There being no further input Chairman Seaworth closed the public hearing at 8:53 p.m.

MOTION: Vice Chairman Bourque made a motion to approve Aquifer Special Use Permit SUP-AC #20-306 conditionally until Minor Site Plan #20-106 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 Cruson.

VOTE: B. Seaworth – Y K. Foss – Y A. Bond – Y K. Cruson – Y

B. Edmonds - Y R. Bourque – Y H. Germain Y

MOTION TO APPROVE SUP-AC-#20-306 CONDITIONALLY PASSED ON A 7-0 VOTE.

MOTION: Vice Chairman Bourque moved to approve Major Site Plan Application #20-106 with the following conditions:

1. All waivers and the date granted shall be listed on the plan.
2. All conditions of approval shall be listed on the plan.
3. The original signatures of all property owners shall be provided on the final plan.
4. The Site Plan Review and Special Use Permit Notices of Decision are to be recorded at the Merrimack County Registry of Deeds and recording fees paid to Town of Pembroke.
5. A building permit is required.

6. The site plan will not be considered as receiving final approval until all conditions of approval are met.
7. No chemicals or vehicles shall be stored on site.
8. After five years from the approval date, the applicant shall request an extension for the allowance of the temporary structure or submit a site plan for a permanent building.

Seconded by Member Foss.

VOTE: B. Seaworth – Y K. Foss – Y A. Bond – Y K. Cruson – Y
B. Edmonds - Y R. Bourque – Y H. Germain Y

MOTION TO APPROVE MAJOR SITE PLAN APPLICATION #20-106 WITH CONDITIONS PASSED ON A 7-0 VOTE.

1. ALL WAIVERS AND THE DATE GRANTED SHALL BE LISTED ON THE PLAN.
 2. ALL CONDITIONS OF APPROVAL SHALL BE LISTED ON THE PLAN.
 3. THE ORIGINAL SIGNATURES OF ALL PROPERTY OWNERS SHALL BE PROVIDED ON THE FINAL PLAN.
 4. THE SITE PLAN REVIEW AND SPECIAL USE PERMIT NOTICES OF DECISION ARE TO BE RECORDED AT THE MERRIMACK COUNTY REGISTRY OF DEEDS AND RECORDING FEES PAID TO TOWN OF PEMBROKE.
 5. A BUILDING PERMIT IS REQUIRED.
 6. THE SITE PLAN WILL NOT BE CONSIDERED AS RECEIVING FINAL APPROVAL UNTIL ALL CONDITIONS OF APPROVAL ARE MET.
 7. NO CHEMICALS OR VEHICLES SHALL BE STORED ON SITE.
 8. AFTER FIVE YEARS FROM THE APPROVAL DATE, THE APPLICANT SHALL REQUEST AN EXTENSION FOR THE ALLOWANCE OF THE TEMPORARY STRUCTURE OR SUBMIT A SITE PLAN FOR A PERMANENT BUILDING.
4. **Major Subdivision Conditions of Approval Compliance Hearing, Subdivision Plan #19-03, Special Use Permit SUP-WP #19-310, and Special Use Permit SUP-OSD #19-311. 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 requests a compliance hearing on the conditions of approval for a 56-lot Open Space Development, which was conditionally approved on September 22, 2020. Discussion is limited to the conditions of approval on the Subdivision and Special Use Permits, including sidewalks, easements and deeds, and any other conditions that require discussion.

Present: Jon Rokeh, Rokeh Consulting, LLC

Chairman Seaworth noted that Member Cruson is recusing herself for this hearing.

Chairman Seaworth noted that in a compliance hearing, discussion is limited to conditions that need to be met before the approval is signed. Most times we try to keep administration of conditions simple so it can be reviewed and accepted as complete by the Town Planner, legal or Town Engineer. In this instance there are more complex conditions. The state requires the Planning Board to hold an additional public hearing if it includes discretionary

judgement of the board. For example, we had a case where the landscaping plan was presented at an additional public hearing after approval.

Planner Cronin noted that Chairman Seaworth gave a comprehensive explanation of the compliance hearing. She reiterated that discussion is limited to the conditions of approval as voted on and listed in the decision. Neither party can amend, add or delete conditions in a compliance hearing. Planner Cronin noted some items of discussion may include sidewalk plan, condominium documents and easement right of way for future connection to town road.

Chairman Seaworth stated that if the plan is not yet finalized and we expect changes due to discretionary judgement of the board, a compliance hearing is scheduled.

At 9:02 p.m. Chairman Seaworth opened the public hearing on the compliance hearing requested by the applicant on the conditions of approval for a 56-lot Open Space Development, which was conditionally approved on September 22, 2020. The scope of the hearing is as Planner Cronin described.

Jon Rokeh, Rokeh Consulting LLC, presented on behalf of the applicant San Ken Homes. After the public hearing closed on September 22, 2020 and the board was in deliberations, there was discussion about the roads being private now, and how would kids get on the bus to go to school. Buses are prohibited from travelling private roads. The board took away the sidewalk waiver and wanted to make sure kids have a place to stand and wait for the bus down by 4th Range Road. So the kids could walk safely and have a place to wait for the bus, the applicant proposes four feet wide gravel shoulders on both sides of every road in the development. The applicant also proposes to build a bus shelter outside the right of way of 4th Range Road.

In the same motion, the board granted a waiver to curbing. This proposal is a way to effectively get the kids ready to board the bus and have a safe area to wait.

Chairman Seaworth noted that the vote was unanimous to remove the waiver from sidewalks. Sidewalks are not waived as a condition. It is hard to substitute an alternative for sidewalks which are required by town ordinance.

Selectmen's Rep Bond agrees with what Chairman Seaworth stated. It is nice to have a bus shelter. I believe in sidewalks. A bus shelter would be fabulous as well. Vice Chairman Bourque stated that when we voted to have the sidewalks, my thought was having sidewalks throughout the entire development, not just within the one mile radius from school.

Chairman Seaworth stated we had some discussion about what the ordinance means. Property one mile from the school must have sidewalks. We had substantial discussion over the course of the application.

Kenny Lehtonen stated that when it became a non-public meeting we were not able to provide input. Sidewalks would go approximately 200 feet into the development per the one mile radius. If you could pull up the video or audio of that meeting we discussed that sidewalks would extend someplace near the entrance of the development. The kids would have a place to gather and wait for the bus.

Chairman Seaworth stated I do not specifically recall the discussion and we do not have the minutes in front of us. Kenny Lehtonen stated sidewalks are required within one mile of the school. The word "radius" does not appear in the Pembroke sidewalk ordinance. One mile is the distance a student can be expected to walk to school on a public road. There is not one mention of "radius" in the ordinance. It would not apply as a child would not walk through the woods to school. The applicant believed that the ordinance meant one mile tracing along roadway.

Chairman Seaworth stated in my mind I pictured a radius. The Planning Board has not had an equivalent proposal for approval before us at any other time. Our engineer indicated he would measure Safe Routes to School by a radius. The town does not have funding for sidewalk development. The town does not have an extensive network of sidewalks within the town. Sidewalks benefit more than just students. Sidewalks provide safe space for adults to walk and bike as well. There is different interpretations of language involved here. The engineer's Safe Routes to School diagram extends to the other side of the pond. Chairman Seaworth asked for thoughts of other members of the board as to what the sidewalk ordinance requires.

Kenny Lehtonen asked do we have a way to hear on video what was discussed previously regarding sidewalks. A measurement of approximately 200 feet was thrown out and we expected to put sidewalks in for 200 feet.

Chairman Seaworth stated there is no condition that states a distance of 200 feet. I do not recall where that number came from. Debating is not a good use of time. Vice Chairman Bourque stated I would fall back to what does the ordinance require? The Meadow View subdivision plan displays one mile distance past the pond in a radial manner showing limits of sidewalks. Vice Chairman Bourque favors requiring sidewalks in a one mile radius of the school that goes beyond the pond.

Selectmen's Rep Bond stated the Planning Board did not know that this development was going to be condominiums until the very end. Again, sidewalks are not just for children. In this development sidewalks allow 100 people to safely go from one point to another. We will have sidewalks available for children to walk to school. If we knew at the beginning, we could have talked earlier about sidewalks. Selectmen's Rep Bond concurs with the entire development has sidewalks. Vice Chairman Bourque stated my thought process was sidewalks through the whole development, not just at the first part.

Jon Rokeh stated my recollection of the discussion is very different.

Chairman Seaworth stated I do not have tape access right now. Do any members of the public want to comment on sidewalks?

Donald Zeaman, 406 4th Range Road, stated I agree that this development should have sidewalks for the safety of children and adults. With 56 homes, there should be sidewalks. Donald Zeaman stated that he lives across from this project. Can he make a comment on condition #16? Chairman Seaworth said yes. Donald Zeaman stated I am concerned about the potential impact on our 500 foot deep drilled well. We would like to be in the baseline study. The 56 individual wells to be drilled are in close proximity to us.

Chairman Seaworth reminded all that this hearing can only discuss conditions as approved for the project. He confirmed that the Planning Board did receive Mr. Zeaman's letter and attachments. Kathy Cruson stated I live on Pembroke Hill Road a quarter mile from the development. I firmly believe kids should have sidewalks.

Planner Cronin stated that in addition to sidewalks, we can discuss updated condominium documents and updated language for the right of way easement connection. The Town Attorney reviewed both documents and submitted track changes the board may want to consider. Legal counsel suggests adding "the town may, but is not required, to enforce"...

Chairman Seaworth noted that on issues contingent to sidewalks, the applicant talked about design of sidewalk area along the road. Jon Rokeh stated that when the sidewalk waiver was reconsidered, it gave the developer options. Jon Rokeh stated the Pembroke DPW said no way would we bring sidewalk clearing equipment this far out. Mike Vignale suggested gravel shoulders so the pavement would not break up.

Chairman Seaworth said we certainly have variation in type of sidewalks around town. Some sidewalks are set back with green space by the road. Kenny Lehtonen stated that a benefit of our proposal for 4 foot wide gravel shoulder on both sides of the road is that a standard snow plow will keep the area clear without special machinery. The proposal at hand opens a sidewalk area with a solid surface to safely walk on. This is a dead end subdivision. There is little traffic.

Vice Chairman Bourque is in favor of the language that Planner Cronin and legal counsel recommended, that the town may, but is not required, to enforce the condominium documents and declarations. Can we change the documents to add this language?

Chairman Seaworth noted that our condition states applicant will submit condominium documents in conjunction with Town Planner and Legal Counsel. We can ask the applicant to add the clause.

Vice Chairman Bourque noted that the development is all private roads, and the condominium association is responsible to plow their own roads and sidewalks. Chairman Seaworth said yes, the condominium association documents state the responsibility is for the owners to provide plowing and maintenance. Being a private road, the town is not responsible for sidewalk maintenance.

Chairman Seaworth stated I do not see us taking a vote tonight. Jon Rokeh stated the finalized plan with the engineer comments provide a sense of what could be submitted. Jon Rokeh said we have not received an answer if the board would be in favor of wide shoulders.

Chairman Seaworth stated that the proposal is not compliant with town ordinance. The Planning Board did not waive to provide an alternative. Vice Chairman Bourque concurred. Selectmen's Rep Bond concurred. Other members present tonight did not vote on the original motion. Member Foss agreed that the proposal does not meet the spirit of the ordinance. Member Edmonds stated that not being part of the original discussion, he would abstain on any vote.

Chairman Seaworth asked if it were feasible to continue this public hearing to December 8, 2020 which is the only scheduled meeting in December. Selectmen's Rep Bond stated we are running up against finalizing warrants for town meeting. Chairman Seaworth stated we usually give priority to business, if submitted, in December. We still have time in January to hold public hearings to address town meeting items. Planner Cronin stated that December 8, 2020 is the last opportunity for the Planning Board to make any final changes to proposed warrants for town meeting, so that agenda item must be discussed. There are no new applications in December. There would be one continued public hearing.

Vice Chairman Bourque stated what I would like to see is the document showing school distance plan accepted June 19, 2019 that shows sidewalks beyond the pond. Ken Lehtonen stated that was a different application. That was before we realized that the word "radius" was not in the town sidewalk regulations.

At 9:59 p.m. Chairman Seaworth closed the compliance public hearing on conditions for Major Subdivision Conditions of Approval Compliance Hearing, Subdivision Plan #19-03, Special Use Permit SUP-WP #19-310, and Special Use Permit SUP-OSD #19-311.

This hearing will not be renoticed. Please call the Planning Department or look on the town website for a future agenda item.

MOTION: Vice Chairman Bourque moved to continue the compliance public hearing to the December 8, 2020 meeting. Seconded by Selectmen's Rep Bond.

VOTE: B. Seaworth – Y K. Foss – Y A. Bond – Y
B. Edmonds - Y R. Bourque – Y H. Germain Y

MOTION TO CONTINUE COMPLIANCE PUBLIC HEARING TO DECEMBER 8, 2020 PASSED ON A 6-0 VOTE.

Chairman Seaworth stated that anyone with concerns on the process could email or call Planner Cronin at the town Planning Office.

Member Cruson rejoined the Planning Board. Chairman Seaworth stated that this concludes New Business. Due to the late hour could I get a motion to waive all other business on tonight's agenda?

Planner Cronin will make final revisions to the proposed warrant articles and send a copy to members prior the December 8, 2020 workshop. This is the last pass for the Planning Board to review any language for town meeting proposed amendments.

MOTION: Vice Chairman Bourque moved to continue all remaining business on the November 24, 2020 agenda to the December 8, 2020 meeting. Seconded by Member Cruson

VOTE: B. Seaworth – Y K. Foss – Y A. Bond – Y
B. Edmonds - Y R. Bourque – Y H. Germain Y

MOTION TO CONTINUE ALL REMAINING BUSINESS TO DECEMBER 8, 2020 PASSED ON A 6-0 VOTE.

MOTION: Selectmen's Rep Bond moved to adjourn the meeting. Seconded by Member Cruson.

Without objection the meeting was adjourned at 10:05 p.m.

Respectfully submitted,
Susan Gifford, Recording Secretary