

**Pembroke Planning Board
Meeting Minutes
(Approved March 23, 2021)
February 23, 2021**

MEMBERS PRESENT: Brian Seaworth, Chairman; Robert Bourque, Vice Chairman; Ann Bond, Selectman's Rep.; Kathy Cruson; Brent Edmonds; Kevin Foss; Holli Germain

ALTERNATES PRESENT:

MEMBERS EXCUSED:

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

Chairman Seaworth called the meeting to order at 6:31 p.m. He read the legal notice required for remote meetings under the Governor's Emergency Order. The Planning Board is utilizing Go to Meeting platform. The public has access to listen or participate as stated on the public notice of meeting. Six members were present.

New Business

Minor Subdivision Application #21-01, Timothy Bernier, T.F. Bernier, Inc. acting as Applicant on behalf of B.M.T. Construction, LLC, owner of Tax Map 258, Lot 19 located at 653 N. Pembroke Road in the Rural/Agricultural-Residential (R3) Zone and Tax Map 258, Lot 19-1 located at 651 N. Pembroke Road in the Rural/Agricultural-Residential (R3) Zone and the Wetlands Protection (WP) District.
Present: Jon Crowdes of T.F. Bernier, Inc.

The Applicant proposes a lot line adjustment to exchange an equal swap of 13,569 square feet between the two lots.

Planner Cronin provided an overview. She stated that the purpose of the application for lot line adjustment between Map 258, Lot 19 and Lot 19-1 is to give Lot 19 more buildable area. Applicant has many waiver requests because the checklist is the same as for a Subdivision. Planner Cronin had alerted the applicant of the change to the wetland buffer last year from 20 feet to 50 feet. In response, the applicant submitted a copy of the subdivision plan from 2005 showing the new buildable area. The Board should determine if this is adequate information to grant the waiver requests for H. Buildable Area and J. Existing Features, namely wetlands. The lot line plan was sent to all department heads and none responded with concerns.

Vice Chairman Bourque asked if the subdivision plan marked up with the new 50 feet wetland buffer line satisfies items H. and J. If so, he would recommend taking H. and J. off the requested waivers list. Chairman Seaworth stated he would prefer to keep the waiver list as submitted by the applicant. Vice Chairman Bourque stated he is not willing to waive items H. and J. Chairman Seaworth asked Planner Cronin if what the applicant submitted with the waivers requested, is enough to accept the application in for review. If the board does not feel the applicant has provided enough information to satisfy H. and J., then vote accordingly. Member Cruson stated she would rather exclude H. and J. from the waiver request list than grant the waivers.

Chairman Seaworth clarified that the language is “the plat must show ...” The additional information is not on the lot line plan; it is shown on a supplemental sheet. The plat becomes noncompliant if information is not submitted in the format requested. Can we accept the plan in for review with administrative cleanup as a condition of approval?

MOTION: Member Edmonds moved to grant the waiver requests for checklist items as requested, including H. and J. as requested by the applicant.

Seconded by Selectmen’s Rep Bond.

VOTE: B. Seaworth – Yes K. Foss – No A. Bond - No
B. Edmonds - Yes R. Bourque – No K. Cruson – No
H. Germain - No

MOTION TO GRANT THE WAIVER REQUESTS AS LISTED FAILED ON A 2-5 VOTE.

MOTION: Vice Chairman Bourque moved to grant the waiver requests for checklist items C, I, K, L, M, N, O, Q, R, S, U and V (without Items H. and J.).

Seconded by Selectmen’s Rep Bond.

Discussion: An alternative would be to continue the application to another meeting without voting, giving the applicant an opportunity to modify the application so that is complete.

VOTE: B. Seaworth – No K. Foss – Yes A. Bond - Yes
B. Edmonds - No R. Bourque – Yes K. Cruson – Abstain
H. Germain - Yes

MOTION TO GRANT THE WAIVER REQUESTS AS LISTED ABOVE PASSED ON A 4-2-1 VOTE.

Chairman Seaworth noted that accepting the application in for review does not preclude the Planning Board from asking for additional information as conditions of approval, which are stated on the plan that is recorded. Chairman Seaworth noted that we could continue the public hearing to another date, the expectation that the plan would be complete at that time.

MOTION: Vice Chairman Bourque moved to accept the application as complete.

Seconded by Member Foss.

Discussion: Chairman Seaworth clarified that we are only saying we have enough information to accept the plan in for review. We can discuss whether Items H. and J. need information added to the plan.

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

MOTION TO ACCEPT THE APPLICATION AS COMPLETE PASSED ON A 6-0-1 VOTE.

At 7:08 p.m. Chairman Seaworth opened the public hearing on Minor Subdivision Application #21-01. If this business item is not resolved tonight, the application and the public hearing will be continued without being renoticed. Information will be on the town website for a future agenda item.

Jon Crowdes, T.F. Bernier, Inc. explained that the applicant proposes to add a triangle of land to Lot 19 that is all buildable, increasing the contiguous building area. The contiguous buildable area on the left is limited by slope, not by wetlands. We have demonstrated the new 50 foot wetland buffer on the right, and we can also demonstrate the buffer on the left. Chairman Seaworth asked about the status of construction on the larger lot. Jon Crowdes stated septic design is being built. Chairman Seaworth asked if the change in wetland buffer requirement affected the other lot. Jon Crowdes stated the house meets the 75 foot setback from septic. Vice Chairman Bourque asked if the contiguous buildable area, wetland buffers, location of house and septic are all on one plan. Chairman Seaworth stated that on a minor subdivision, the applicant is not required to site the house. It was discussed that it would be a code enforcement issue to ensure that the house is not in the wetland buffer.

Planner Cronin clarified that the Planning Board's role is to ensure there is enough overall buildable area on each lot. It would not be binding if the applicant were asked to show the location of the house and septic on the plan. Vice Chairman Bourque asked if applicant has poured a foundation. Planner Cronin stated she did not know the status of construction and that the applicant received a building permit based on the 2005 approved subdivision plan. Vice Chairman Bourque noted the applicant started construction under the 20 foot wetland buffer. Jon Crowdes stated there is a 75 foot septic setback from the wetlands. Vice Chairman Bourque asked if there were an issue, would applicant move the house to the left, away from wetlands. We do not have a Code Enforcement Officer at this time. Which buffer will govern?

Planner Cronin stated the building permit is under the old plan with a 20 foot wetland buffer applied. The new house on the new buildable lot must meet the 50 foot wetland buffer. Chairman Seaworth said, as Vice Chairman Bourque stated, we do want to be clear that both lots are affected by the lot line adjustment. On Lot 19-1 there is a 50 foot wetland buffer. Jon Crowdes stated we will show both the 50 foot and 20 foot wetland buffers on the final plan. Planner Cronin discussed language for two additional draft conditions of approval. In summary, Jon Crowdes will show a 50 foot wetland buffer on Lot 19, and both 20 foot and 50 foot wetland buffers on Lot 19-1. Planner Cronin read the complete list of eight draft conditions.

There being no further input Chairman Seaworth closed the public hearing at 7:35 p.m. for tonight. 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.

MOTION: Vice Chairman Bourque moved to approve Minor Subdivision Application #21-01 with the following conditions:

1. Prior to signature, 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 plan will not be considered as receiving final approval until all conditions of approval are met.
5. The plan shall be recorded at the Merrimack County Registry of Deeds accompanied by an LCHIP check.

6. All recording fees shall be paid to Town of Pembroke.
7. Prior to signature, the plan shall be revised to show the 20-foot and 50-foot wetland buffers on Lot 19-1 and the 50-foot wetland buffer on Lot 19.
8. Prior to signature, the plan shall be revised to show the contiguous buildable areas on both lots.

Seconded by Member Cruson.

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

MOTION TO APPROVE MINOR SUBDIVISION APPLICATION #21-01 PASSED ON A 7-0 VOTE.

Discussion Item

2. Conceptual Site Plan, Cornerstone Realty Holdings, Tax Map VW, Lot 187 located at 30 High Street in the Medium Density Residential (R1) Zone and the Wetlands Protection (WP) and Aquifer Conservation (AC) Districts.

The Applicant requests general feedback, comments, and questions before making a formal application submittal to the Board.

Planner Cronin provided an overview. The plans went to Zoning Board of Adjustment and the applicant was granted multi-family use. There is no application to the Planning Board at this time. This is a discussion item, not a public hearing, and no comment from the public will be taken at this time.

Naomi Praul, Nobis, explained that applicant Cornerstone Holdings is proposing a conversion of the old school buildings into 32 one bedroom units. The connections between the buildings will be eliminated. Covered parking will be provided for 48 spaces in the area of the existing playground. Existing parking on Simpson Avenue will remain. ADA handicapped parking will be provided near the six unit building. The project will use the existing driveways with two way traffic. Walkways will be included for residents. Some paving will be removed to include more landscaped areas. Chairman Seaworth asked if the west building will open to the outside. Sarandis Karathanasis, owner, stated the intention is to create separate entrances for the units. The eight unit historic building (1907) will have a common hallway. Vice Chairman Bourque noted that two handicapped parking spaces on Simpson Avenue is not adequate. Chairman Seaworth asked if the development targets any demographic. Sarandis Karathanasis said the development does not target any demographic. Two buildings are multi-level. Ten units will be up and down townhouse style, and the six classroom building will be one level units, some with ADA handicapped access. Sarandis Karathanasis said we can incorporate some additional handicapped parking spaces, perhaps an area for offloading of residents or groceries. Member Cruson asked about grading around the building. There is considerable drop off in two areas. Sarandis Karathanasis said the plan is keep all the buildings as they exist. All units will enter from the front. Retaining walls and fill will be utilized as needed. We are

incorporating a “fitness amenity” by making residents walk through green space from the parking to the units. We are putting in smaller windows with granite sills.

Member Cruson asked if a covered walkway is under consideration. She also asked about asbestos remediation. Sarandis Karathanasis said we are moving forward with asbestos remediation in the 10 unit building. We have sewer access for ten units at this time. There is an asbestos floor in the gym that will be addressed at the appropriate time.

Member Edmonds asked if a traffic impact plan is being considered. Sarandis Karathanasis said there will be far less traffic than the previous school use. He would like to see money spent on betterment of the property, rather than studies. Member Cruson noted there is a traffic study underway because of the mill building conversion into 150 units. This development of 32 units is smaller. Chairman Seaworth noted there would be minimal traffic impact on Broadway. The traffic change would be around the property. Selectmen’s Rep Bond commented that busses still travel twice a day to pick up and bring home children on High Street. Vice Chairman Bourque noted there would be less traffic due to parent drop off and pick up. Member Foss noted that as a member of the committee that worked on recommendations to the School Board on what to do with the school, he feels this is a great proposal. He is glad to see that the buildings will be preserved. Member Foss feels that people looking to rent or own a unit will factor in their own needs to decide what type of unit is desirable to them.

Sarandis Karathanasis said I appreciate your comments. We are looking at high end build outs and new windows. The neighborhood will be proud of the development. We will create green space near the property. Chairman Seaworth is pleased with the covered parking option. Chairman Seaworth thanked Naomi and Sarandis for bringing forward the concept of the development. As Member Foss said, it is great that someone is using the buildings with the same vision as the recommendation committee. Sarandis Karathanasis said we look forward to working with all of you.

Old Business

Continued Public Hearing

3. Adoption of the Master Plan

Planner Cronin provided an overview. We have received no new comments since the last hearing on the Master Plan. All of the comments from the last hearing, including the letter from Dana Carlucci, have been incorporated into the new chapter. Dana approved the edits.

At 8:07 p.m. Chairman Seaworth opened the public hearing on adoption of the Master Plan. If this business item is not resolved tonight, the application and the public hearing will be continued without being renoticed. Information will be on the town website for a future agenda item.

Mike Tardiff, Central NH Regional Planning Commission, said Dana Carlucci’s comments were related to the rail trail, and were incorporated into the Land Use and Transportation chapters. Mike Tardiff addressed the implementation chapter and highlighted the many

short term recommendations. The rail trail is one of them, as is the Pembroke Street corridor. Both of these projects are underway. Mike said he is looking forward to working on more implementation strategies with the Town of Pembroke now that the hard work of the Master Plan is complete.

Member Cruson clarified that in front of Chapter 6 the link is 6.6 not 6.b. Chairman Seaworth noted that the italicized paragraphs can be updated from time to time, listing new accomplishments, rather than waiting ten years to do a total rewrite of the Master Plan. We should be mindful of making updates as needed. Mike Tardiff agreed that updating a piece of the Master Plan at a time is the more common approach by towns these days. Chairman Seaworth stated we have all reviewed the latest changes.

Hearing no further input Chairman Seaworth closed the public hearing on adopting the Master Plan at 8:14 p.m.

MOTION: Vice Chairman Bourque moved to adopt the Master Plan, which was very well done. Seconded by Member Foss.

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

MOTION TO ADOPT THE MASTER PLAN PASSED ON A 7-0 VOTE.

Chairman Seaworth thanked Mike Tardiff, Central NH Regional Planning Commission for all his help. Mike Tardiff said it was a full staff effort. Mike Tardiff thanked Carolyn Cronin for her help throughout the process.

Selectmen's Rep Bond left the meeting.

Minutes

- January 26, 2021

MOTION: Member Foss moved to approve the minutes of January 26, 2021 as written. Vice Chairman Bourque seconded.

VOTE: B. Seaworth – Yes H. Germain – Abstain K. Foss - Yes
B. Edmonds - Yes R. Bourque – Yes K. Cruson-Yes

MOTION TO APPROVE MINUTES OF JANUARY 26, 2021 AS WRITTEN PASSED ON A 5-0-1 ABSTAIN VOTE.

- February 9, 2021

MOTION: Member Foss moved to approve the minutes of February 9, 2021 as amended (restructure sentence on page 2, clarification of speaker name Birch to Burt). Vice Chairman Bourque seconded.

VOTE: B. Seaworth – Yes H. Germain – Abstain K. Foss - Yes
B. Edmonds - Yes R. Bourque – Yes K. Cruson-Yes

MOTION TO APPROVE MINUTES OF FEBRUARY 9, 2021 AS AMENDED PASSED ON A 5-0-1 ABSTAIN VOTE.

Member Germain left the meeting.

Miscellaneous

1. Correspondence – Bond for San Ken Homes

Member Cruson recused herself for this discussion. Planner Cronin reported that the San Ken Homes project is moving along. Planner Cronin reached out to Mike Vignale for an itemized estimate for site restoration. Because the roads are private, no road bond is required. The estimate is for site restoration in the amount of \$68,448, which includes a 15% contingency, to be provided by letter of credit or cash. The Planning Board approves the bond amount.

MOTION: Vice Chairman Bourque moved to approve the bond estimate of \$68,448 for San Ken Homes. Member Foss seconded.

VOTE: B. Seaworth – Yes K. Foss - Yes
 B. Edmonds - Yes R. Bourque – Yes

MOTION TO APPROVE BOND ESTIMATE FOR SAN KEN HOMES PASSED ON A 4-0 VOTE.

2. Committee Reports – Member Cruson rejoined the Planning Board. Chairman Seaworth reported that Roads Committee meets next week. NH Legislature is addressing a huge bill HB586 next week addressing workforce housing and many other planning and zoning items. If passed it heads back to the Senate. Member Cruson viewed a webinar on 155E Gravel Pits. Vice Chairman Bourque reported that Tri Town met last Wednesday and work on updating personnel policies. Zoning was postponed from February 22 to March 8, 2021.

3. Other Business

Five Alternate Member seats – Planner Cronin noted that NONE of the Alternate Planning Board member seats are filled

4. Planner Items – Planner Cronin reported that Holli Germain's resignation is effective March 1, 2021. Planner Cronin noted that Clint Hanson has offered to rejoin the board in the full member position.

MOTION: Vice Chairman Bourque moved to recommend to the Board of Selectmen that Clint Hanson fill the open Planning Board position. Member Foss seconded.

VOTE: B. Seaworth – Yes K. Foss - Yes K. Cruson - Yes
 B. Edmonds - Yes R. Bourque – Yes

MOTION TO RECOMMEND CLINT HANSON FOR OPEN PLANNING BOARD POSITION PASSED ON A 5-0 VOTE.

Reminder: March 9, 2021 Planning Board work session – CANCELLED due to Town voting.

5. Board Member Items –

Member Edmonds asked if there was any time frame to discontinue virtual meetings and resume in person meetings. Chairman Seaworth responded that the Planning Board can notice to hold a meeting at town hall at any time. There is no mandate to stop virtual meetings unless and until the Governor's Emergency Declaration ends.

6. Audience Items - none

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

Without objection the meeting was adjourned at 8:45 p.m.

Respectfully submitted,
Susan Gifford, Recording Secretary