

**Pembroke Planning Board
Meeting Minutes
(Approved November 9, 2021)
October 26, 2021**

MEMBERS PRESENT: Brian Seaworth, Chairman; Robert Bourque, Vice Chairman; Peter Gagy, Selectman's Rep.; Kathy Cruson, Brent Edmonds, Clint Hanson, Kevin Foss

ALTERNATES PRESENT:

MEMBERS EXCUSED: Ann Bond, Selectman's Rep

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

Chairman Seaworth called the meeting to order at 6:30 pm. Seven members were present.

New Business

- 1. Design Review, Pembroke Golf, LLC and Keystone Pembroke, LLC, owner of Tax Map 634, Lot 23 located at 42 Whittemore Road in the Limited Office (LO) Zone, the Aquifer Conservation (AC) District, the Architectural Design (AD) District, and the Wetlands Protection (WP) District.**

The Applicant proposes to construct three single-family homes, two 2-unit buildings, one 4-unit building, and nine 6-unit buildings for a total of 65 new dwellings units.

The purpose of a design review is for the applicant and the Board to engage in discussion. All comments are non-binding, and no decisions will be made by the Board.

Present: Jeff Merritt, Granite Engineering; Bob MacCormack, Owner/applicant; Tim Peloquin, Licensed Land Surveyor, Brent Cole, Granite Engineering

Chairman Seaworth noted that the first business item is a Design Review. More detail is provided for a design review than for a conceptual consultation, but it is still an informal process. All comments are non-binding, and no decisions or votes will be taken by the Planning Board tonight. I see a decent amount of audience members so I will dedicate a portion of the meeting to public comment. Please keep your comments brief, no more than 3-5 minutes. After all public comment is taken, we will go back to board questions and allow the applicant to address any comments presented by the public or board.

Planner Cronin noted that Chairman Seaworth provided a good explanation of the Design Review process.

Planner Cronin noted that the applicant is nearing completion of construction on 74 units of multifamily housing approved as an Open Space Development. The applicant plans a Phase II of the multifamily use to be constructed on the north side of Whittemore Road. 65 units are proposed to be served by private roadway and town water and sewer.

This application is filed as a Design Review. This is not a subdivision submittal and therefore, does not require action by the Board. The design review process is authorized under RSA 676:4.II.(b), which allows the Board to "engage in nonbinding discussion with the applicant beyond conceptual and general discussions which involve more specific

design and engineering details.” The meeting has been noticed to abutters and to the general public.

A TRC meeting was held on October 12, 2021. Traffic impacts, fire safety, and improvements to Whittemore Road were discussed. Sewer indicated that capacity would be available at the end of February 2022. The Town Engineer issued preliminary comments. A copy of the plan was sent to the Superintendent of Schools.

This opportunity for non-binding comments allows the Board to ask questions, make suggestions, and provide general or specific feedback on the plan. The Board will take no action on the application; there will be no motions made on the plan.

Jeff Merritt, Granite Engineering, noted that the applicant is here tonight to collect input from everybody. Phase 1 is located on the south side of Whittemore Road on Lot 2 consisting of 68 acres. Proposed Phase 2 is on the north side of Whittemore Road on Lot 23 consisting of 75 acres. A separate project to replace the club house has already been approved by the Planning Board. An initial subdivision of Lot 23 is proposed to create four new lots. Three lots will be for single-family homes and Lot 4 will contain 62 multi-family units. Access will be off Whittemore Road. We are also proposing a private road that terminates in a cul-de-sac. Jeff Merritt indicated location of visitor parking, dumpsters, and sidewalks on one side of the street on the plan. Sidewalk is added to the north side of Whittemore Road because the applicant heard this would be beneficial to the community.

The units will have town water and sewer and underground electric. A State Alteration of Terrain permit is needed. The hatched areas on the plan indicate wetland buffers. There is no work proposed on the south side, but the applicant proposes to dedicate 18.5 acres to the Conservation Commission. The dedicated land is intended to protect wildlife and expand the river rail trail to White Sands. The applicant is walking the area with the Conservation Commission members and interested parties tomorrow. Member Cruson asked how wide the proposed strip of land is. It is two hundred feet wide. The intent of tonight’s meeting is to gather data for design changes. Chairman Seaworth noted that the Planning Board minutes are compiled by viewing the recording of the meeting. Microphones are in the ceiling so please be mindful that only one person speak at a time and no side conversations occur.

Chairman Seaworth asked how big the proposed single family lots are. The lots are 20,000 to 21,000 square feet in keeping with the integrity of the neighborhood. Three equivalent homes are already built on the south side of Whittemore Road. Member Edmonds asked if the private roads will be under the maintenance of the landowner, and if any part of the drainage system connects to the town system. Jeff Merritt said the private roads will be maintained by the landowner. A formal design will be needed to determine and mitigate any impact to the town system. Member Edmonds asked who would maintain detention areas. The landowner will maintain the detention areas. Vice Chairman Bourque asked that the underground electric system provide secondary containment around the transformers. He also stated that the snow storage/sand-salt mix should not be close to wetlands. Selectmen’s Rep. Gagyí asked about the visitor parking. Some of the

visitor parking is far from the building entrances. Jeff Merritt said we tried to position several different visitor parking spots throughout the lot in small areas.

Member Cruson stated that naming streets and numbering buildings will be important for fire, police and ambulance. Jeff Merritt noted that auxiliary signs are going to be added to Phase 1 tomorrow, as agreed with fire, police and ambulance. Similar signage will be added in Phase 2. Member Cruson asked if the new section will have street names and unit numbers. Labeling on the plan is preliminary. Member Cruson noted that her vehicle was nearly taken out by a golf cart as she was driving in the area, and something should be done. Jeff Merritt said that a formal crossing area for golf carts is on the plan for the new club house. Awareness of golf cart rules is something we can talk to DPW about.

Member Cruson stated that in January 2021 during the new club house plan discussions, the Planning Board was told that the old clubhouse would not be built up, the storage buildings would be razed, and the area would be used for overflow parking. Mr. MacCormack, at the time, said there were no plans for the future on the south side. Bob MacCormack stated I recall that I said I do not have any plans right now, but I am a developer. Member Cruson stated that there was never any mention of a second phase of multi-family buildings during consideration of the first multi-family development application.

Member Cruson recommends a left turn lane at Whittemore and Route 3. Chairman Seaworth stated that a four way stop sign within the development was discussed at TRC. He noted that Whittemore Road is a through street to a limited number of housing units and the police chief recommendation makes sense to me. Vice Chairman Bourque agrees with the police chief recommendation. Member Foss said stop signs would provide traffic calming, as on Donna Drive. Member Edmonds said a roundabout would fit nicely in this development. Chairman Seaworth stated that Steve Pernaw will do a traffic study and focus on the increased traffic at intersections. The police chief was concerned about increased traffic on Nadine into Donna Drive. Mr. Pernaw should address this concern as part of long-term thinking. Bob MacCormack stated we have already done a traffic study on the proposed development. NH DOT does not want any changes at Whittemore Road and Route 3. Steve Pernaw recommends a right-hand turn lane in his new report. Vice Chairman Bourque asked when Nadine is going to be open as a public road. The applicant needs to apply for the Board of Selectmen to accept the road. Bob MacCormack said this item is on the agenda of the November 17, 2021 Board of Selectmen meeting.

Chairman Seaworth asked if the cross hatching represented wetland buffer. It does. Chairman Seaworth noted that the new wetland buffer ordinance severely restricts activity to "no disturb." Jeff Merritt noted that the areas we are proposing to work within are already disturbed and are grandfathered. Chairman Seaworth said that whether a buffer is existing disturbed land is important to me. Jeff Merritt said existing swales, ponds and hard crossings are already on wetlands. Chairman Seaworth said that two years ago, a landowner could plant grass and drive golf carts over wetlands. Bob MacCormack stated that in the State of NH, wetlands at a golf course are allowed to be used to maintain the golf course. For sixty years, this land has grown grass and been maintained and mowed. Bob MacCormack said this exception may supersede the ordinance put in several years ago. Chairman Seaworth said the Planning Board purview is the town zoning ordinance.

Vice Chairman Bourque said when the law changes, the law changes. Chairman Seaworth asked if any vernal pools are located on the property, as these are treated differently than wetlands in our ordinance. Jeff Merritt stated we are working with NH DES on a swale under state authority. State runoff discharges to a large culvert, crosses the property to irrigation ponds. We are tracking this project separately. We intend to reroute the state runoff better to prevent ice puddles freezing on town road.

Chairman Seaworth opened the public input period. Please keep your comments brief. State your questions and your name and address for the minutes. The applicant may respond to questions tonight, or may further research them before responding.

Chris Ryerson, Whittemore Road, said her road is a dead end. She has lived there 24 years. Her concern is additional traffic from new club house events.

Eric Derosa, Whittemore Road, asked about sidewalk on the golf course side. He previously lived in Lowell, MA and Derry, NH and did not expect the traffic, trash and speeding cars he sees at his Pembroke residence. His concern is access to Route 3. There was an accident on Route 3 at Whittemore, during a left turn. Nadine is blocked at the other end, and he could not get home due to the accident. His daughter is diabetic. What if there were an emergency and there is no access or egress out of Whittemore Road?

Jen Dorr, Woodlawn Ridge Road, also concerned about left turn onto Route 3.

Jeff Haynes, Woodlawn Ridge Road, concerned about golf carts driving on public roads. He would like brush and trees cleared at Nadine. Golf cart crossings should be well marked. Golf cart drivers have been observed holding open containers of alcohol.

Pete Kohalmi, Woodlawn Ridge Road, first got a letter about this proposed development two weeks ago. He read the ZBA minutes about the variance and disagrees that the applicant has a hardship. He also read the minutes of the new club house Planning Board application and heard Mr. MacCormack state the old club house area would be used for overflow parking.

Tom Snow, Woodlawn Ridge Road, has lived there three years. Does the traffic study consider less traffic because of work from home during COVID? We need a traffic light at Route 3 and Whittemore to prevent accidents and ease traffic flow. The applicant has done a wonderful job on Phase 1. Resident would like to see designated golf cart crossings.

There being no further public comment Chairman Seaworth asked for board comments. Member Cruson would like the applicant to address the approach to Woodlawn Ridge Road. Chairman Seaworth said that the zoning and planning processes are separate. ZBA grants relief to zoning ordinance that become the new ordinance. Planning Board enforces zoning regulations. I wanted to make that clear. This is the way the two boards work with each other.

Jeff Merritt addressed the location of the driveway. It was located for the clearest line of sight. It may not be utilized as much as the main access. It provides emergency access for future neighborhoods. Woodlawn Ridge Road is located within a right of way. There are no plans to change its path. Bob MacCormack stated that during the TRC it was discussed that in bringing water and sewer to the proposed development, an easement would allow Woodlawn Ridge to connect in the future. Bob MacCormack said that the applicant plans to install a fire hydrant for Woodlawn Ridge as it does not have water for firefighting purposes.

Member Cruson noted that a larger club house means more people will be drinking and driving. People attending a function will not be familiar with the area and need signage to be as clear and safe as possible. Jeff Merritt said part of our job is to design safe access. Bob MacCormack said that the State of New Hampshire strongly regulates safe alcohol consumption. Mr. MacCormack stated that having open containers of alcohol in a golf cart are legal if they are sold from a beverage cart, which is tightly regulated by State of New Hampshire. It is not our responsibility to stop state runoff onto town roads, but we take safety very seriously. We have amended items related to our new club house after a meeting with the new fire chief, who was not present during the application process. We have amended items during a zoning application related to the cul de sac. The new fire chief indicated firefighters can only fight fire from the side or rear, not the front. We changed the design of the cul de sac to comply. We are trying to cooperate with all town departments. Jeff Merritt inquired about the checklist. Planner Cronin stated the checklist is not applicable to design review. It was provided for information only. Chairman Seaworth reiterated there would be no votes and no approvals. All discussion is for informational purposes only. Jeff Merritt stated applicant is here on goodwill to solicit and address comments. Chairman Seaworth closed the business item on design review. We have other business and attendees are welcome to stay. The Planning Board has open alternate positions. Anyone is welcome to join us twice a month as an alternate Planning Board member.

Minutes

October 12, 2021

MOTION: Member Hanson moved to approve the minutes of October 12, 2021, as presented. Vice Chairman Bourque seconded.

VOTE:

B. Seaworth – Y	C. Hanson - Y	K. Cruson - Y
B. Edmonds - Y	R. Bourque – Y	K. Foss – Abstain
P. Gagy - Abstain		

MOTION TO APPROVE MINUTES OF OCTOBER 12, 2021, AS PRESENTED PASSED ON A 5-0-2 ABSTAIN VOTE.

Miscellaneous

1. Correspondence – Planner Cronin noted that the Current Use Board has scheduled a public hearing on assessment ranges for Friday, November 5, 2021 at NH Department of Revenue Administration, 119 Pleasant St, Concord NH
2. Committee Reports – Member Foss reported that the Conservation Commission met last week and discussed the MacCormack land offering. Commission members are

walking the land October 27, 2021. Interested people can join us at 3 pm. We are meeting at the club house.

Peter Gagy, Selectmen's Rep, reported that the Board of Selectmen are reviewing proposed 2022 budgets for police, fire and ambulance services.

3. Other Business – Chairman Seaworth opened brief discussion in a general way on wetland ordinance grandfathering. Member Cruson noted that when wetlands have been groomed to make a golf course, and regulations are changed, there is an impact. Chairman Seaworth noted our wetland ordinance does not say anything about grandfathering. If a shed is currently located in a wetland buffer and the landowner wants a bigger shed, the request is considered as a new use. Our ordinance also requires a Planning Board special use permit for development in a wetland. Member Cruson noted that the wetland buffer was increased from 20 feet to 50 feet in the new ordinance. Planner Cronin noted that a garage legally in existence can be maintained as a pre-existing non-conforming building. A new structure must meet the new ordinance unless it is built in the same footprint. Planner Cronin stated that if a lot is shown on an existing, approved subdivision plan, the buffers and setbacks of that lot are grandfathered. Chairman Seaworth noted that most properties will not have a plan that shows wetland buffers.
4. Planner Items - none
5. Board Member Items – Vice Chairman Bourque inquired, in general, can an applicant's statements at a formal presentation be held as conditions of approval. Chairman Seaworth asked is a statement at a presentation binding for Planning Board enforcement? The only enforcement action the Planning Board has is to revoke the plan. That is not a good resolution and takes a long time. Vice Chairman Bourque asked, if an item is not in the notice of decision, is what the applicant states as recorded in the minutes binding? Planner Cronin stated the Planning Department can enforce conditions of approval to the plan, the approved plan, and the zoning ordinance. In the case of a violation, the process would include code enforcement letter, legal letter, court action and fines.
6. Audience Items

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

Without objection the meeting was adjourned at 8:22 p.m.

Respectfully submitted, Susan Gifford, Recording Secretary