

Pembroke Planning Board
Meeting Minutes
December 14, 2021
(Approved January 11, 2022)

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

ALTERNATES PRESENT:

MEMBERS EXCUSED: Kathy Cruson

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

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

New Business

1. **Minor Subdivision Application #21-07, Matthew Peterson, Keach-Nordstrom Associates, Inc. acting as Applicant on behalf of Sand Road, LLC, owner of Tax Map 634, Lot 48 located at 627 Sand Road; AVM Pembroke, LLC owner of Tax Map 634, Lot 48-1 located at 619 Sand Road; and Pembroke Commercial Group Inc., owner of Tax Map 634, Lot 48-3 located at 16 Sheep Davis Road in the Commercial/Light Industrial (C1) Zone, the Aquifer Conservation (AC) District, and the Architectural Design (AD) District.**

The Applicant proposes a lot line adjustment to convey 1.66 acres from Lot 48-1 to Lot 48 and to convey 2.01 acres from Lot 48-3 to Lot 48.

Planner Cronin explained that there is a proposal to construct a new self-storage facility on Lot 48. To accommodate the development, three lots are intended to be reconfigured in size and shape. The proposal is to convey 1.66 acres from Lot 48-1 to Lot 48 and to convey 2.01 acres from Lot 48-3 to Lot 48.

Lot 48 is a non-conforming grandfathered lot. The lot line adjustment would make the lot less non-conforming (increase lot size while frontage remains the same). Lots 48-1 and 48-3 will continue to meet the dimensional standards after the lot line adjustment. A TRC meeting was held and there were no significant concerns from department heads on the lot line adjustment. The checklist waiver requests are appropriate as they are not related the lot line adjustment. Soil topography is shown on the plan.

MOTION: Vice Chairman Bourque moved to grant the waiver requests for checklist items as requested by the applicant: Part A, Items: I, K, L, M, N, O, Q, R, U, and V.

Seconded by Member Hanson.

VOTE: B. Seaworth – Y K. Foss – Y P. Gagyi - Y
B. Edmonds - Y R. Bourque – Y C. Hanson - Y

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

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

Seconded by Member Foss.

VOTE: B. Seaworth – Y K. Foss – Y P. Gagyi - Y
B. Edmonds - Y R. Bourque – Y C. Hanson - Y

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

At 6:35 p.m. Chairman Seaworth opened the public hearing on Minor Subdivision application #21-07. 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.

Chairman Seaworth asked what the non-conforming factor is on the lot. Matthew Peterson said the frontage on Sand Road is subpar at 199.36 feet where two hundred feet is required. Chairman Seaworth asked if a variance from ZBA is needed. Planner Cronin said it is not, because the lot is grandfathered, having been approved on a subdivision plan. The lot can be made larger, but not smaller. Planner Cronin reviewed the suggested conditions of approval.

There being no further input Chairman Seaworth closed the public hearing at 6:41 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 #21-07 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 shall be recorded at the Merrimack County Registry of Deeds accompanied by an LCHIP check.
5. The 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 P. Gagyi - Y
 B. Edmonds - Y R. Bourque – Y C. Hanson - Y

MOTION TO APPROVE MINOR SUBDIVISION APPLICATION #21-07 WITH CONDITIONS PASSED ON A 6-0 VOTE.

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 SHALL BE RECORDED AT THE MERRIMACK COUNTY REGISTRY OF DEEDS ACCOMPANIED BY AN LCHIP CHECK.**
5. **THE PLAN WILL NOT BE CONSIDERED AS RECEIVING FINAL APPROVAL UNTIL ALL CONDITIONS OF APPROVAL ARE MET.**

2. **Major Site Plan Application #21-106, Matthew Peterson, Keach-Nordstrom Associates, Inc. acting as Applicant on behalf of Sand Road, LLC, owner of Tax Map 634, Lot 48 located at 627 Sand Road; AVM Pembroke, LLC owner of Tax Map 634, Lot 48-1 located at 619 Sand Road; and Pembroke Commercial Group Inc., owner of Tax Map 634, Lot 48-3 located at 16 Sheep Davis Road in**

the Commercial/Light Industrial (C1) Zone, the Aquifer Conservation (AC) District, and the Architectural Design (AD) District.

The Applicant proposes to construct a new 72,300 SF self-storage facility with associated office, parking, and stormwater improvements.

➤ **Special Use Permit Application SUP-AC #21-309**

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

Planner Cronin explained that the applicant proposes to construct a new 72,300 SF self-storage facility with associated site improvements (stormwater infrastructure, parking, office). The development is proposed to connect to town water and sewer. A Special Use Permit application for the aquifer was submitted, and a public hearing will be held in conjunction with the site plan application.

Self-storage is a use not accounted for in Zoning Ordinance's parking requirements. For practical purposes, the use for parking has been classified as a "wholesale establishment," which would require 74 parking spaces. The Applicant submitted a waiver request from strict compliance with the parking requirements in accordance with Section 143-45.1.A. to allow 6 parking spaces. Planner Cronin stated that Pembroke Water Works had comments on the construction process, and vehicles with storage of fuel. The Health Officer had no concerns. The applicant provided a rendering and a brief narrative for the Architectural Design district.

A TRC meeting was held on November 30, 2021. Addressing, site security, fire access, and traffic circulation were discussed. The Town Engineer reviewed the plans and issued preliminary TRC comments relative to traffic and stormwater.

Planner Cronin noted the waivers appear to be reasonable because they are not applicable to the proposal and/or explanation was provided for each. The issue of dumpsters was discussed at TRC and is explained in the waiver request. Contiguous buildable area is shown in the zoning summary on Sheet 1. A note about burglar/fire alarm will be added to the plan with future revisions.

Revised plans will be forthcoming to address comments from Planning, Engineering, and NHDES.

Vice Chairman Bourque asked if the proposal met Development of Regional Impact triggers. Chairman Seaworth noted that the Planning Board can vote at any time that a proposal is a development of regional impact. Planner Cronin stated that the plan does not trigger any Town of Pembroke DRI regulations. Vice Chairman Bourque noted that in site plan definitions an increase of 70,000 square feet could be a DRI. Planner Cronin noted that there is precedent that self-storage has been permitted in the C1 Industrial zone in the past. A substantial increase is 120,000 gross square feet in industrial zoned area.

MOTION: Vice Chairman Bourque moved to grant the waiver requests for checklist items as requested by the applicant: Part A – Items: I, J, K, L and Q; Part B - Items: B. (3), B.(7), B.(11), B.(17), and B.(20); and Part C – Items: B, C and F.
Seconded by Member Hanson.

VOTE: B. Seaworth – Y K. Foss – Y P. Gagyi - Y
B. Edmonds - Y R. Bourque – Y C. Hanson - Y

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

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

VOTE: B. Seaworth – Y K. Foss – Y P. Gagyi - Y
B. Edmonds - Y R. Bourque C. Hanson - Y

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

MOTION: Vice Chairman Bourque moved that this application does not qualify as a development of regional impact. Seconded by Member Foss.

VOTE: B. Seaworth – Y K. Foss – Y P. Gagyi - Y
B. Edmonds - Y R. Bourque C. Hanson - Y

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

At 6:52 p.m. Chairman Seaworth opened the public hearing on Major Site plan application #21-105 and SUP-AC-#21-309. 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.

Matthew Peterson, Keach-Nordstrom Associates, Inc., noted that all staff comments have not been addressed. He hopes to have NHDES AOT comments back before the plan is revised. Some historical value has been identified on the site. Keach-Nordstrom must hire an archeological survey. The lot is 5.66 acres. Matthew Peterson noted he did extra borings and test pits because Merrill Construction, formerly located on the lot, took off good soil and put back less favorable soil. Retaining wall easement is not on site. If the electrical transformers in back are replaced, they must have adequate containment system as they contain lots of oil. The applicant proposes a 24-foot-wide road by Dunkin Donuts. In addition, stop signs and lane markings will be shored up in the area. The plan is for 71,700 square feet of storage and 600 square feet of office space. The fire trucks are planning to do a trial run through the proposed lane between buildings. A Hopkinton, NH company known to Keach-Nordstrom will manage landscaping. There is an elevation climb from 316 feet to 328 feet on site. A drain is proposed to the catch basin system. Four infiltration systems are planned on site. Pre and post runoff amounts must meet 25-year storm figures. Alteration of Terrain analysis indicated a slight increase on location D. Discussion with NHDES will follow.

The plan incorrectly lists a well on site. The site will use town water and sewer lines. Water use is expected to be twenty-eight gallons per day. Erosion control measures include matting all slopes. Lighting will be minimized and run on time sensors. A wall pack will be mounted on one pole to maintain dark sky. Matthew Peterson noted that a similar self-storage site was completed in Tilton, NH. Matthew Peterson thanked the board for their time. He offered to answer any questions.

Vice Chairman Bourque asked about snow storage and salt usage. A note and snow storage location will be added to the plan. Green Pro products will be used. Green Pro

products are approved by Town of Merrimack, NH, which has a no salt policy. Chairman Seaworth asked how many employees would be in the office. Matthew Peterson said there would be one employee in the office, on shifts. Chairman Seaworth asked about traffic analysis. Matthew Peterson explained that all engineers use the square foot times number of trips formula listed in the ITE manual. The manual is updated every 3-4 years. Mini warehouse self-storage is the category in the ITE manual. Each trip in and out is counted. $72,300 \div 1000 \times 15 = 109.173$ trips on a weekday. That is 55 in and 55 out which is two vehicles per hour over a 24-hour period. The measurement is daily, not just a peak hour count. Trips are slightly more 140.99 on Saturday and 136.65 on Sunday.

Chairman Seaworth noted that initially the figure did not match his impression, but the count of two vehicles per hour makes sense. Selectmen's Rep Gagyi asked if the established storage facility around the corner was asked for actual traffic counts. Matthew Peterson said they had not but that it would be interesting to find out. Vice Chairman Bourque asked about security system. Matthew Peterson said that 603 Self Storage has recently been buying up existing storage facilities. Not all facilities are fenced. The proposed facility will have a fence around the units and security cameras in the office. Member Edmonds asked about sub surface infiltration systems. Surface debris accumulates and funnels below ground. Matthew Peterson said three of four runoff areas end up in the sedimentation area. The one underground system will have an isolator. Access points will be jet vacuumed. Ports to physically clean the area in spring and fall will be provided. Merrimack and Litchfield have a no underground system policy. There is no regulatory follow up from NHDES once the infiltration systems are approved and installed. Matthew Peterson stated that NHDES puts specific notes on the permit. Keach-Nordstrom hires UNH students in the summer to take pictures and do sampling analysis. Engineering firms must now hire a Soil Scientist for every site.

Vice Chairman Bourque asked if the contract with people who rent the storage units will prohibit storage of vehicles and hazardous material. Matthew Peterson will provide a copy of the client contract to the Planning Board before the next meeting. By maintaining cameras on site, staff will be monitoring for vehicles, diesel fuel, antifreeze and client sleeping in units. Chairman Seaworth noted that construction comments were received from Pembroke Water Works. Vice Chairman Bourque noted that containment is required if the transformers are enlarged. Chairman Seaworth noted the Police Chief had traffic concerns, particularly on left turn.

Planner Cronin noted discussion is ongoing regarding the enter and exit congestion at the Dunkin drive through. Vehicles enter from three different directions. The Town Engineer requested a more formal traffic memo that can be forwarded to NHDOT for input. Entrance to the self-storage is being considered off Sand Road and/or off Sheep Davis Road. Matthew Peterson will incorporate all comments into a revised plan. He appreciates the board's time and would like to continue the public hearing to February 22, 2022 to address all comments and develop a revised plan.

There being no further input Chairman Seaworth closed the public hearing at 7:29 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 continue consideration of New Business Item #2 and its public hearing to February 22, 2022. Seconded by Member Foss.

VOTE: B. Seaworth – Y K. Foss – Y P. Gagyi - Y
B. Edmonds - Y R. Bourque – Y C. Hanson - Y

MOTION TO CONTINUE NEW BUSINESS ITEM #2 TO February 22, 2022 PASSED ON A 6-0 VOTE.

Minutes

November 23, 2021

MOTION: Member Hanson moved to approve the minutes of November 23, 2021, as presented. Vice Chairman Bourque seconded.

VOTE: B. Seaworth – Y P. Gagyi - Y C. Hanson- Y
B. Edmonds - Y R. Bourque – Y K. Foss- Abstain

MOTION TO APPROVE MINUTES OF NOVEMBER 23, 2021, AS PRESENTED PASSED ON A 5-0-1 ABSTAIN VOTE.

Miscellaneous

1. Correspondence – Planner Cronin reported that she received a copy of NHDES Dredge and Fill application for a driveway at 594-608 N. Pembroke Road. This would also need Planning Board approval for wetland impact. This is an undeveloped residential lot. A 12-foot gravel driveway is proposed between Cross Country and Borough Road. A single-family residence and four wetland crossings are proposed. There is no Planning Board application submitted for this yet. Chairman Seaworth noted that NH DES technical information would be needed when there is an application.

Planner Cronin received information on bridge repair on Route 28 in Allentown/Pembroke. The project is rehab of a structurally deficient bridge. 980 square feet of wetland impact is anticipated. The North Pembroke Road bridge repair is complete, and the bridge is now open. There was a delay because NH DOT could not procure enough bolts for the guardrails.

2. Committee Reports –

Conservation Commission – Member Foss reported that Conservation met last night. Energy Commission members attended. They are looking to create a separate Communication Power Plan. The Congregational Church talked about land on 3rd Range Road.

Roads Commission – Chairman Seaworth reported that Roads met last week. Selectmen's Rep Gagyi and himself are both on Roads Commission. The focus was end of season encumbrance of funds for projects not complete. The bid for Main Street is expected to go to Town Meeting. Paving plan update was presented relative to budget proposal. The 10-year plan has 6-7 years at a higher budget. Selectmen's Rep Gagyi noted that the Congregational Church wants to sell property containing an easement between two houses. They would like Conservation Commission to purchase this land. The easement was supposed to go away after the S curve work on Church Street was complete, but it did not. Access is via 3rd Range Road Class VI section. Member Foss

noted the land did not have high conservation value. An alternative may be to have the two abutters each purchase one half of the land between the houses.

Board of Selectmen – Peter Gagy, Selectmen's Rep, reported that the Safety Center received quotes on fixing the roof. Starting January 1, 2022 there will be two different town stickers. The dump sticker will continue to be free to residents. A new overnight parking sticker for residents will be free for the first year. DPW received a \$100,000 grant. The clothing collection company discussed their process.

Technical Review Committee – Vice Chairman Bourque noted that TRC was held at the end of November. The cases were on tonight's agenda.

3. Other Business - none

4. Planner Items – Planner Cronin noted that this meeting is the last meeting of the year. The proposed zoning changes and subdivision regulation updates will have a public hearing on January 11, 2022. A joint meeting between Planning Board and ZBA will be scheduled in the new year.

5. Board Member Items – Vice Chairman Bourque noted that the maximum building height definition is actually a regulation to enforce it. Are there plans to review definitions that are regulations? Chairman Seaworth stated that there is a contract in place with Regional Planning Commission. They will be reviewing Pembroke subdivision regulations, site plan regulations and zoning ordinance for consistency and format. Member Hanson stated that PACE is on track to complete sale of the building before December 31, 2021.

6. Audience Items – none

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

Without objection the meeting was adjourned at 8:00 p.m.

Respectfully submitted, Susan Gifford, Recording Secretary