

Pembroke Planning Board
Meeting Minutes
January 25, 2022
(Approved February 8, 2022)

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

ALTERNATES PRESENT:

MEMBERS EXCUSED:

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. As New Business applicant was present and no members of the public were present for Old Business item #1, Chairman Seaworth proposed to reverse the order of the items.

New Business

- 1. Special Use Permit Application SUP-WP #22-301, Thomas R. Selling, T. R. Selling Engineering, PC acting as Applicant on behalf of Anthony Ladds, owner of Tax Map 258, Lot 24 located at 594-608 North Pembroke Road in the Rural/Agricultural Residential (R3) Zone and the Wetlands Protection (WP) District.**

The Applicant requests a Special Use Permit in accordance with Article 143-72.D. to construct a gravel driveway with four wetland crossings.

Planner Cronin noted the Applicant has filed a NHDES Wetlands Permit Application and Town of Pembroke Wetlands Special Use Permit for impacts to the wetlands for the purpose of constructing a gravel driveway to access a proposed single-family residence. There is no site plan, and the wetlands Special Use Permit is a standalone case. The proposed driveway is 12 ft. wide and 1,400 ft. long with four wetland crossings. Three culverts are proposed.

A TRC meeting was not held, but comments were received from the following departments: DPW, Police, Fire, and Engineering. Many department comments were received on the overall design of the driveway, but these comments are informational only as the Board is tasked with reviewing the wetland impacts only.

A Driveway Permit will be required by DPW for the curb cut, which must conform the requirements of the Town Driveway Regulations. Construction of the driveway will be subject to any conditions imposed by NHDES through their Wetlands Permit review and approval.

At 6:35 p.m. Chairman Seaworth opened the public hearing on Wetlands Special Use Permit Case SUP-WP #22-301. 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.

Thomas Selling, T.R. Selling Engineering, PC, explained that the proposed 1,400-foot driveway faced budgetary and topography challenges to minimize the impact to wetlands.

Revised plans will show realignment per Fire Department specifications to provide 50-foot radius for emergency vehicles. Mr. Ladds (owner) has agreed to amend the plans to the satisfaction of the fire department. Three crossings will have culverts with submerged pipe halfway and one is a circular culvert. Tom Selling, Alan Ladds, and Jim Fougere, Wetland Scientist walked the property. Alan Ladds wants to place the house in the back. Tom Selling explained that there is a pond at the top of the property that widens going down. Three upper islands and a beaver pond at the bottom were flagged in the springtime. There is dense tree and shrub stabilization in the wetlands. There is a small crossing of a stream in the back. The culverts meet hydrologic concerns.

Vice Chairman Bourque asked how much of the driveway is in the 50-foot wetland buffer area. Chairman Seaworth clarified the question, asking if there other wetland buffers the driveway would come close to. Mr. Selling stated the island crossing is small. One of the four proposed wetland crossings is more than fifty feet. Vice Chairman Bourque asked if the driveway construction would make it accessible all four seasons. Mr. Selling stated the driveway will be maintained well above the water table. The corners will be realigned due to fire department concerns. Adequate passage on the 12-foot-wide driveway is planned. There are no shoulders planned but several places will have 10% slope. Vice Chairman Bourque asked if there would be a turnaround at the end of the driveway. Tom Selling said absolutely, there will be a paved area by the garage. A T-shaped turnaround is recommended with the condition that it accommodate a standard fire vehicle.

Member Edmonds asked if the plan had received Natural Heritage Commission review. Tom Selling said yes, as part of NH DES review, endangered species must be identified for any alteration of terrain permit. The beaver pond is a beautiful habitat. Chairman Seaworth asked if NH DES had seen the new proposal. NH DES has not seen the revised plan. Planner Cronin said this is the first time she has heard about the realignment. Vice Chairman Bourque noted DPW had noticed that numbers had been reversed on the paved apron. The correct numbers of 20 feet wide and 25 feet depth should be noted. Chairman Seaworth noted the Engineering department stated NH DES permit includes review and approval of culverts. Is there any need for the town engineer to review again after NH DES approval? Vice Chairman Bourque stated that town engineer review would be duplicate effort after state review. Planner Cronin suggested adding a condition that Wetland Special Use Permit approval is contingent on fire department review and approval of realigned curves. Chairman Seaworth agreed.

Vice Chairman Bourque asked if there was room on the road for snow plowing without shoulders. Mr. Selling stated he proposed two designated snow storage areas on the plan and the State disagreed. It is a balancing act to elevate the road and have 12-14 foot slopes for snow. He added more gravel to his client's budget. Member Edmonds asked how much acreage is in the back property. If future plans include subdividing and/or use of a shared driveway, the driveway design is not adequate. Mr. Selling said the driveway was not presented as a shared ingress/egress. The fire department will review the revised plans to ensure that the design satisfies their apparatus concerns and provides sufficient turnaround. Planner Cronin noted there is nothing to cite as a reference. She suggested that the fire department shall review the amended plan and work with the applicant on the geometry of the driveway and size of the turnaround. Chairman Seaworth noted that until there is a house, the turnaround location is not set. Mr. Selling noted the property owner

needs to get excavators, concrete trucks, trailers with heavy equipment onto the property. They will build the road, level an area for the house and create a turnaround area for heavy apparatus. Member Cruson noted that during construction one can control the time of access onto this very wet area and limit seasonal access. Mr. Selling stated there will be large earth moving equipment on the lot before construction. The driveway will be built to provide safe passage for all vehicles. The driveway will be built above the water table. The applicant has a right to access his property. The State wetlands review will ensure the plan meets all conditions.

Chairman Seaworth reiterated that the fire department must review the geometry of the driveway and turnaround area. Vice Chairman Bourque stated there needs to be a permanent turnaround area. Mr. Selling said he will make that a priority and it will be a condition of approval. Vice Chairman Bourque noted the figures on the paved apron need to be reversed on the amended plan. Mr. Selling said he misread the regulations.

Planner Cronin reviewed the suggested conditions of approval.

There being no further input Chairman Seaworth closed the public hearing at 7:12 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. Selectmen's Rep. Gagyi asked a question of his fellow board members. What is the road frontage on North Pembroke Road? Planner Cronin noted that frontage is 850 feet. Selectmen's Rep Gagyi was asking about how far away abutters were located.

MOTION: Vice Chairman Bourque moved to approve Wetlands Special Use Permit Case SUP-WP #22-301 subject to the following conditions:

1. This Special Use Permit is in accordance with Article 143-72.D.(2), Wetlands Protection District, to construct a residential driveway with four wetland crossings. It includes work within a wetland and wetland buffer and shall be constructed according to the submitted plans and the NHDES Wetlands Permit conditions of approval.
2. The Special Use Permit shall be recorded at the Merrimack County Registry of Deeds.
3. Fire shall review the amended plan and work with the applicant to satisfy Fire recommendations on the driveway geometry and a permanent turnaround.

Seconded by Member Hanson.

VOTE: B. Seaworth – Y K. Foss – Y P. Gagyi - Y
B. Edmonds - Y R. Bourque – Y K. Cruson – No
C. Hanson - Y

MOTION TO APPROVE WETLANDS SPECIAL USE PERMIT #22-301 WITH CONDITIONS PASSED ON A 6-1 VOTE.

Old Business

2. Amendments to Subdivision Review Regulations

To amend Chapter 205, Town of Pembroke Subdivision of Land Regulations to make updates to reflect changes in Town ordinances and State statutes, to update outdated

language to reflect current practices, to provide clarification on ambiguous language, and to make grammatical corrections.

Planner Cronin provided a recap of the discussion at the January 11, 2022 work session. Vice Chairman Bourque chaired the meeting and went through the proposed changes to the Subdivision Review Regulations one by one. There were two proposed changes to wording. One was to clarify how cul de sac is designed. "Not less than" was added before 20 feet to show the minimum. On the breakdown of how sidewalks were allowed and required, a reference to R3 zoning district overall (along with LO and CI), and R3 zoning district within one mile of a Pembroke school were listed.

On January 11, 2022, cul de sac design was put aside to discuss with the full board at a future meeting. Vice Chairman Bourque noted that he did not agree with listing item C., that the town should own cul de sac islands or assume any responsibility for their maintenance. Member Hanson brought up that a homeowner association was unlikely to maintain a vegetated center island over time. In his perspective, with turnover of property, the homeowner association in some cases, ceases to exist. Chairman Seaworth play the devil's advocate. Either way the towns get the land, it must be paved and/or maintained, and liability issues increase. The amount of impervious land increases. A developer could choose to convince the Planning Board to allow plantings on a cul de sac island. Vice Chairman Bourque noted the town should not own the cul de sac island. The island should be fully paved or maintained by a homeowner's association. Member Edmonds advocates for fully paved islands. Vice Chairman Bourque added a paved island gives a place to push snow. Member Foss noted that there is also liability concerns when kids play on a snow pile. He feels the board is addressing a problem that does not exist. Trimming an overgrown cul de sac island is the same as trimming the overgrown edge of a town road. An island is no different than a park, or land the town is taking for tax liability. The town has liability in all these instances.

Chairman Seaworth noted that the Planning Board can revise the Subdivision Regulations at any time after a public hearing. At any time, we can learn from experience and amend the regulations. Chairman Seaworth stated that Wellington Way is an example of a wooded cul de sac island that is appealing. The Planning Board is dealing with concerns passed along from town departments. Member Foss stated that brush clearing is done by the town. Labor and materials are the cost of town maintenance. Chairman Seaworth said the shape of the road does not change the town maintenance procedures. Member Edmonds added that similarly with drainage detention ponds, sometimes there is no other choice but town maintenance. Sometimes the municipality must step up and do some measure of maintenance. Chairman Seaworth noted that if the town says to pave cul de sac islands, the town assumes responsibility. Should we always say pave it? We do not want any non-paved options. Member Edmonds stated that a vegetated island can have environmental value. Member Foss stated that Conservation Commission monitors land.

Chairman Seaworth noted that Conservation Commission prefers to produce large wildlife habits. Member Hanson said that the board can invite developers to make a proposal or leave a cul de sac island paved. Vice Chairman Bourque said a developer who wants other than fully paved island could go to ZBA for a variance. Chairman Seaworth noted that because it is in Subdivision Review Regulations, it would be a subdivision waiver request to the Planning Board not a variance. A developer would have to show a maintenance plan for a vegetated island. Member Hanson stated paved island is the easiest path. Member Cruson suggested Recreation get involved and put up basketball hoops on paved cul de sac islands.

Chairman Seaworth stated we may or may not agree. Do we leave the existing language in the Subdivision Review Regulations, or remove item B. or item C.? Member Edmonds asked how cemeteries are funded for maintenance. Chairman Seaworth stated that some plots prepaid for perpetual care and trust funds are available for that purpose. Other maintenance comes from the town cemetery budget. Vice Chairman Bourque suggested a straw poll to determine keeping A., B., and or C. in the cul de sac language. Chairman Seaworth asked for show of hands to keep A. – 7 yes. To keep B. – 4 yes 3 no. To keep C. – Deed the island to the town with no town maintenance, this is impossible. Unable to determine. Chairman Seaworth noted there is always the waiver process. Planner Cronin said TRC would address details of cul de sac island. Member Cruson said there is a severe lack of recreational facilities. Basketball hoops would encourage social connections. Chairman Seaworth asked if making a change to proposed Subdivision Review Regulations requires another public hearing. Planner Cronin will check with legal counsel. Vice Chairman Bourque reminded members that we did not vote to adopt the proposed changes at the January 11, 2022 meeting.

Chairman Seaworth noted we can vote on the two clarifying changes, and conditionally on the last change to include striking item Letter C. My understanding is that a majority did not like all of item Letter C. Planner Cronin will clarify the process with legal.

At 7:56 p.m. Chairman Seaworth opened the public hearing on proposed Subdivision Review Regulations.

Planner Cronin noted that she received an email today from DPW Director on specifications for town road paving. DPW supports a pavement thickness of four inches made up of 2 ½ inch base and 1 ½ inch topcoat instead of the current specification of 3-inch total, made up of 2-inch base and 1 inch topcoat. It would be more expensive, but the paving would last longer by adding a half inch to each component. Chairman Seaworth noted that the Roads Committee does not have authority over road specifications in new development. Road specifications are in the Subdivision Review Regulations. The Roads Committee looks at road maintenance. Vice Chairman Bourque asked if Roads Committee replaces paving in kind. Chairman Seaworth stated that in extreme issues, a

project will redo the total paving and the town standard specs are used. This is done after a cost/benefit analysis. Member Edmonds noted that the specs are final thickness figures. More material is required to press down to thickness specs. Chairman Seaworth asked Planner Cronin to put road paving specs on the agenda for later in the year. Road specs are in the Subdivision Review Regulations. Member Hanson noted we may want to update to current practices. Vice Chairman Bourque asked if we would receive a document from Roads Committee.

Chairman Seaworth clarified that we have an email from Department of Public Works that needs to be presented to Roads Committee for consideration for roads in new development. Vice Chairman Bourque noted that the Planning Board can change Subdivision Review Regulations at any time.

Vice Chairman Bourque commended Planner Cronin for her work on the Subdivision Review Regulations. Due to prior manual changes, the entire document has been repaginated. The regulations will have a Table of Contents and no duplicate page numbers going forward.

MOTION: Vice Chairman Bourque moved to adopt the Subdivision Regulations as amended tonight. Member Foss seconded.

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

MOTION TO ADOPT THE SUBDIVISION REGULATIONS AS AMENDED TONIGHT PASSED ON A 7-0 VOTE.

Minutes

January 11, 2022

MOTION: Vice Chairman Bourque moved to approve the minutes of January 11, 2022 as amended (add “center islands” page four). Member Hanson seconded.

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

MOTION TO APPROVE MINUTES OF JANUARY 11, 2022, AS AMENDED PASSED ON A 4-0-3 ABSTAIN VOTE.

Miscellaneous

1. Correspondence

A. Concord DRI – Grappone Mazda Site Plan

Planner Cronin reported that City of Concord Planning Board has forwarded a development of regional impact for Grappone Mazda, 134 Manchester Street. The proposal is to demo the existing building and construct a new 22,800 square foot building with service bays and a car wash. Concord Planning Board is having their first public hearing on this application on February 16, 2022. The Concord staff report was just sent to Planner Cronin today. They are hoping to get Pembroke Planning Board input. The

applicant is looking for relief of impervious surface limits. The Concord Planning Board is not in favor because the site is in the aquifer area. The impervious area would be over 135,025 square feet or 3.05 acres, which is 79.8% of the property. There would be additional storage of regulated substances. Stormwater management will utilize the best available technology. The drive aisles exceed maximum width. Concord Planning Staff recommends reducing the amount of pavement on site. Traffic will be revised to the adjusted driveway location.

Vice Chairman Bourque asked if the detention pond or wetlands was shown on the southeast corner of the Existing Conditions page of the plan. Member Foss noted that is also shown on the proposed page, with the building on top of this feature. Clarification is needed. Planner Cronin noted that the topography goes up in that spot. Vice Chairman Bourque would like to see less pavement on the proposed site plan, with islands and parking lot landscaping added. He also would like further information on the car wash discharge line.

The Board will review Concord's staff report and take up the matter again at the February 8th Planning Board workshop.

1. Committee Reports

Board of Selectmen – Selectmen's Rep Gagyi reported that the board met on January 19, 2022. A warrant article was proposed for \$1.3 million to fix Main Street and Sherwood Meadows. Chapter 184 and Chapter 185 regarding seasonal off-road traffic was discussed. Conservation Commission and Police recommend getting rid of Chapter 184 and keeping Chapter 185. Notice from NH DRA was received that townwide revaluation of both commercial and private property will be completed over one year's time. Tax bills are being sent out. The Board of Selectmen revoked warrant articles to repair the town clock and will seek voter guidance. The clock apparatus looks new, but the electric motor is 50 years old. Only one person is left that services the equipment. Member Foss noted it is hard to determine what is causing faulty timekeeping. Selectmen's Rep Gagyi stated one consideration is to replace all the clock apparatus with new equipment that will synchronize the four clock faces. Member Hanson suggested moving the clock to an on-ground encasement. The lease was presented to CIP. This is the tip of the clock maintenance iceberg over the next ten years. Crazy Kids is seeking a liquor license. The Main Street Fund is now 1.3 million up from \$500,000 five years ago.

Roads Committee – Chairman Seaworth noted that the Broadway, Pembroke Hill, and Beacon bonds are paid off. Main Street is next on the list. The proposal is to totally dig up Main Street and install new sewer lines.

2. Other Business

A. Recommendation to BOS on Application for Planning Board Alternate
Planner Cronin reported that Bryan Christianson expressed interest in becoming an Alternate Planning Board member. Member Cruson stated we need alternates. Member Foss stated he had served on CIP with Bryan Christianson in the past.

MOTION: Vice Chairman Bourque moved to send a recommendation to the Board of Selectmen that Bryan Christianson be appointed as an Alternate Planning Board member. Member Foss seconded.

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

MOTION TO RECOMMEND ALTERNATE PLANNING BOARD MEMBER TO BOARD OF SELECTMEN PASSED ON A 7-0 VOTE.

3. Planner Items – Planner Cronin reported that a Training/Non-public session has been set with Stephen Whitley of Town Counsel on Thursday, January 27, 2022 for all Planning Board and Zoning Board of Adjustment members. The focus will be on roles and responsibilities of each board and questions about process. Planner Cronin can send a remote link to the session if necessary.
4. Board Member Items - none
5. Audience Items - none

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

Without objection the meeting was adjourned at 8:34 p.m.

Respectfully submitted, Susan Gifford, Recording Secretary