

**Pembroke Planning Board
Minutes of Meeting
(Adopted)
Tuesday, September 9, 2008**

MEMBERS PRESENT: Robert Bourque, Chairman; Alan Topliff, Vice Chairman; Kevin Krebs; Kathy Cruson

ALTERNATE PRESENT: Brian Seaworth

ABSENT: Mark Zydel; Todd Terrien; Cindy Lewis, Selectmen's Representative

STAFF PRESENT: Stephanie Alexander, Interim Planner and Jocelyn Carlucci, Recording Secretary

Chairman Bourque opened the meeting at 7:01 p.m. He announced that Members Zydel and Terrien would be absent although Selectmen's Rep. Lewis would be joining the Board once the voting polls had closed. Chairman Bourque designated Alternate Member Seaworth to vote in Member Zydel's absence.

Guests

1. Discussion of Open Space Ordinance and Growth Management Ordinance.

Ms. Alexander noted that Steve Whitman and Jeff Taylor indicated that a Growth Management Ordinance was not their area of expertise. Chairman Bourque said that the Board must decide whether to hire one person for the Open Space Ordinance and another for the Growth Management Ordinance or to hire one person for both. The Board had a short discussion of their recollection of the conversations with Messrs. Whitman and Taylor but agreed that the prior meeting minutes should be reviewed for clarification.

Chairman Bourque pointed out that the Board agreed that they wanted to sundown the Growth Management Ordinance and work on an alternative such as phasing.

The Board tabled the discussion until Selectmen's Rep. Lewis was present.

(continued at 6A)

Discussion

2. Determine CTAP Impact Fee Workshop Date, Time and Location

Ms. Alexander said that the Board wanted to determine the date, time, and location of a workshop with Bruce Mayberry. She said that notice of the other CTAP workshops will be coming.

The Board agreed to have Ms. Alexander call Mr. Mayberry to determine his availability to present a CTAP Impact Fee Workshop on Tuesday, October 21, 2008 from 6-8 p.m. at the Pembroke Library. She will call the Library to see if the room is available and if there is an audio/visual system. Ms. Alexander said that she will not be available to attend the workshop.

3. Review Revised CTAP Buildout Scenarios

The Board reviewed the CTAP Buildout Scenarios and concluded that it was not useful in its present format. Vice Chairman Topliff said that it may become useful when the Board begins to work on regulation changes.

4. Discuss Gravel Excavation Baseline Information/Research and Gravel Regulations.

Chairman Bourque suggested that a subcommittee be formed to review the Gravel regulations and make recommendations to the Board. Ms. Alexander said that research should be completed to determine (1) how many gravel permits are in place, (2) what gravel pits are grandfathered and how many are grandfathered, and (3) what gravel pits should be coming before the Board for permit renewals.

Interim Town Administrator Carol Murray suggested reviewing state aerial photos to determine where the present gravel pits are located in Pembroke.

After a brief discussion, Member Cruson agreed to contact Pembroke Academy to determine if there are students needing community service hours who are capable of researching the Town archives for the needed gravel information. Interim Town Administrator Murray said that the student(s) will need to be supervised. Chairman Bourque suggested that the Board create a list of tasks for the students to do i.e. organize the storage room, and/or a list of information that the Board needs regarding gravel pits. Ms. Alexander said she would begin organizing a list of tasks.

Chairman Bourque said that David Beauchesne would be valuable at plotting gravel pits on a map.

Interim Town Administrator Murray suggested asking Oscar Plourde to help the Board with the gravel project since he is most knowledgeable about the subject. The Board will discuss this subject more at its October 14, 2008 work session.

5. Review 2009 Zoning Ordinance Revision Schedule.

Ms. Alexander reviewed the Zoning Ordinance Public Hearing Schedule dated September 3, 2008 with the Board. She said that the date for last revisions of the Zoning Ordinance should be completed at the November 25 or December 9 business meeting not December 19. She pointed out that public hearings for zoning ordinances can be held anytime and the Board should keep this in mind for next year.

Ms. Alexander said that the last work session of the year is November 11, 2008. She also strongly recommended that the Board have two public hearings. She suggested that the Board focus on zoning ordinance changes at the next work session. She said the Zoning Board is working on the building height definition, changes in the open space ordinance and setbacks (notations of R1B to be changed to R1A), and accessory buildings to be built with variable set backs.

6. Develop List of Zoning Ordinance Definition, Site Plan, and Subdivision Regulation Changes

Ms. Alexander said that the term “usable land” presently appears in the zoning ordinance. The Board must determine:

- (1) if the definition of “usable land” needs to be revised
- (2) whether the definition should be referenced in the Site Plan and Subdivision Regulations after the Zoning Ordinance is passed at Town Meeting or whether the term must be duplicated in both regulations and eliminate all references to the term “buildable area”
- (3) if the wetland setbacks should be changed (setback is presently at 20')
- (4) if setbacks should be include for other types of constraints
- (5) if the 15% slope should be increased or decreased.

Ms. Alexander said that, at the present time, structures cannot be built up to 20' from the wetlands and the Board may want to consider restricting road construction or other type of construction up to the wetlands. Chairman Bourque said that the Board should contact the NH Department of Environmental Services (NH DES) to see: (1) what type of construction they allow in the wetland buffer; (2) what language can be used in the Town regulations, and (3) if there is a formula for soil types which dictates setback from the wetlands. Interim Town Administrator Murray said that DES may be able to help with language to incorporate best management practices for storm water.

Selectmen's Rep. Lewis joined the Board at 8:33 p.m.

Member Cruson suggested determining the setbacks required for different soil types and to take the footage that accommodates the soil type in order to eliminate the need for applicants to do soil studies throughout their entire wetland area. She also suggested talking to NH DES to determine the soil types. Interim Town Administrator Murray suggested speaking with UNH regarding the GRANIT System.

Chairman Bourque asked the Board if the wetlands buffer should be omitted from contiguous buildable area. Presently, right-of-ways, easements, wetlands, and anything over 15% slopes are eliminated. He asked the Board to consider whether setbacks should be eliminated from contiguous buildable area. Chairman Bourque asked the Board to consider eliminating setbacks and wetlands buffers from the contiguous buildable area.

Chairman Bourque suggested that "no construction, structures or improvements (vertical or horizontal) be allowed within the wetlands buffer area."

The Board agreed that the wetland buffer and setbacks should be counted as part of the contiguous buildable area. Chairman Bourque said that it should be clarified that the structure must be placed within the contiguous buildable area. Selectmen's Rep. Lewis suggested that the Board inform the Code Enforcement Officer regarding the Board's intent on the subject.

The Board agreed that the 15% slopes should remain.

Chairman Bourque said that "contiguous buildable area" is in the site plan regulations but "usable land" is in the zoning ordinance. Ms. Alexander said that "contiguous lot frontage" and "usable land" is defined in the zoning ordinance. Ms. Alexander suggested choosing one phrase such as "usable land" or "buildable land" and create one definition for such.

Following further discussion, Vice Chairman Topliff read aloud the definition of "Usable Land" in the Zoning Ordinance (page 143:20). He suggested defining "buildable area" as excluding all soils identified as poorly and very poorly drained, all wetlands, slopes greater than 15%, and dedicated easements or right-of-ways. He also suggested defining "contiguous buildable area" as 70% of the minimum lot size in a particular zone that is buildable area.

Chairman Bourque suggested defining "buildable area" (minus slopes, wetlands, easements, right-of-ways). In order for the lots to qualify, he said that it must meet the minimum "contiguous usable area" of 70% of the lot size.

Member Krebs said that the definition of “contiguous area” can be found in 205:16 of the Subdivision Regulations.

Selectmen’s Rep. Lewis suggested preparing a chapter of definitions for the Site Plan Regulations, Zoning Ordinances, and Subdivision Regulations.

Vice Chairman Topliff will create a definition and send it to Ms. Alexander for review.

6A. Discussion of Open Space Ordinance and Growth Management Ordinance (continued).

Ms. Alexander said that she asked Jeff Taylor if he would apply Growth Management principles into the Open Space Ordinance and he indicated that he did not know of a way that that could be done. Her impression was that Jeff Taylor was excited to hear that the Board wanted an open space ordinance rather than a “full-blown” GMO.

Ms. Alexander said that Jeff Taylor needs more specific information so that he can draft an explicit proposal and whether the Board would like to work on a GMO or only certain components of it. Mr. Taylor previously proposed preparing an open space ordinance with and without a regulations audit.

Chairman Bourque clarified that there are two separate issues on the table: (1) open space; and (2) GMO. The GMO is not to be a part of the open space ordinance.

Vice Chairman Topliff suggested using Jeff Taylor for the Open Space Ordinance and take more time discussing the GMO or phasing. Selectmen’s Rep. Lewis said that a CTAP application has been prepared and included both the Open Space Ordinance and the GMO. Interim Town Administrator Murray said that Mr. Taylor may not be clear as to what the Board would like him to do with regard to the GMO. Chairman Bourque said that the Board would like to migrate away from the GMO to something similar to phasing. Interim Town Administrator Murray said that Mr. Taylor initially proposed two meetings with the Board to discuss specifics and, at that time, the GMO/phasing issue could be clarified.

The Board agreed to have Ms. Alexander send an e-mail to Mr. Taylor and ask him to quote a price for both the Open Space Ordinance and GMO along with a regulatory audit by September 23, 2008.

Selectmen’s Rep. Lewis will create a list of Pembroke subdivisions and their locations so that Board members can discuss the positive and negative points associated with each subdivision and share them with Mr. Taylor.

Minutes

7. Review and Approve Meeting Minutes of August 26, 2008

MOTION: Chairman Bourque moved to accept the August 26, 2008 meeting minutes as amended. Seconded by Vice Chairman Topliff.

VOTE:	Robert B. – Y	Brian S. – Y	Kevin K. – Y
	Kathy C. – Y	Alan T. – Y	Cindy L. – Y

MOTION TO ACCEPT THE AUGUST 26, 2008 MEETING MINUTES AS AMENDED PASSED ON A 6-0 VOTE.

Miscellaneous

8. Mylar Review – Boulder Woods

Ms. Alexander said that no mylar was submitted.

9. Correspondence

Ms. Alexander informed the Board:

- a. Saltmarsh Project: There will be a project review by the Division of Historical Resources.
- b. Site Walk: There will be a site walk of the Public Service of NH Bow Power Plant by the Bow Planning Board and Conservation Commission on Monday, September 15, 2008 at 6 p.m. (Chairman Bourque included a newsletter called the “Current” to the file. It contains an article on the proposed project).
- c. Farmington Cell Tower Notification. The Board had no comment.
- d. Pembroke’s Code Enforcement Officer noticed a sheetmetal shop and office located at the Thayer Corp. at 718 Riverwood Drive which was last noted as a finished warehouse. The site plan review for a change of use is required and a special use permit is required because it is in the aquifer district.
- e. Chickering Builders. There is a new earth berm on site. Ms. Alexander sent Chickering Builders a reminder that their subdivision expires in November. Chickering “as built” for units 61-64 are in the file. Everett Hodge has reviewed them.
- f. Fall Planning and Zoning Conference. Scheduled for October 25, 2008 from 8 a.m. to 3:30 p.m. at Mountain Lodge, Loon Mountain, Lincoln, NH. Each member received information and a registration form.

Ms. Alexander said that during October she will not be available for more than the 40 hrs. a month originally agreed upon because she will be busy with the Fall Planning and Zoning Conference. Chairman Bourque asked that she be available for the October 14, 2008 work session with the Zoning Board.

- g. 10th Annual Statewide Housing Conference. To be held Tuesday, October 14, 2008, at the Radisson Center in Manchester.
- h. Land Use Clerks Works Conservation Commission Seminar. Information in the file.
- i. Landscaping at the Waters Edge Workshop. October 8, 2008 at Keene State.
- j. Grant Program Conference. Regional Environmental Planning Program administered through NH DES.

10. Committee Reports

Member Krebs said that he attended the Conservation Commission meeting. The Conservation Commission hired a contractor to remove three trees on a piece of conservation land.

Member Krebs said that the North Pembroke Road development had begun. He took a number of pictures of the site. He said that a 100’ wide path from the front to the back of the lot was cut. His understanding is that there was suppose to be a 50’ wide opening with 30’ buffers. The wetland markers

were run over by equipment. The developer cut right up to the brook. Because it is not conservation land, the Conservation Commission felt it was not their jurisdiction.

Chairman Bourque suggested that the Code Enforcement Officer be notified and asked to look at the site.

Interim Town Administrator Murray will check to see if an "Intent to Cut" was filed.

Member Krebs did not see a silt fence.

11. Other Business

Ms. Alexander gave the Board Certificates of Adoption regarding the public hearing on August 26, 2008 for Site Plan Review Regulation revisions and Subdivision Regulation revisions. The Board signed them.

Information to be inserted in the municipal newsletter is due to Linda Williams by September 15, 2008.

Chairman Bourque suggested that Ms. William create a synopsis of the article that was in the "Current" newsletter regarding the Bow Power Plant. Selectmen's Rep. Lewis asked that a notice be added to the newsletter that Planning Board members are needed.

With regard to Grace Capital Church, Ms. Alexander said that the attorneys for Associated Grocers of New England and the Church did not want to record the easements without a signed plan. A condition of approval requires that the easements be filed along with the driveway permit, therefore, the attorneys decided that Town Counsel will hold the easements in escrow so that the Highway Director can sign off on the driveway permit which will fulfill the Board's condition of approval. All the documents will be recorded simultaneously. Ms. Alexander also informed the applicant that, because the Town will be filing all the documents, they will need three additional checks covering the L-Chip fees.

With regard to Pembroke 600, Interim Town Administrator Murray said that a letter was drafted to the applicant and is presently with Town Counsel for approval.

Adjournment

MOTION: Member Krebs moved to adjourn. Seconded by Vice Chairman Topliff.

The vote was unanimous in favor of the Motion.

The meeting adjourned at 10:10 p.m.

Respectfully submitted,
Jocelyn D. Carlucci, Recording Secretary