

PEMBROKE PLANNING BOARD

APPROVED MINUTES OF MEETING

Tuesday, January 23, 2007

MEMBERS PRESENT: Robert Bourque, Chairman; Larry Young, Selectman; Roland Lemoine, Vice-Chair; Cindy Lewis, Alan Topliff

ALTERNATES PRESENT: Kevin Foss, Mark Zydel, Todd Terrien

EXCUSED: None

STAFF PRESENT: Laura Scott, Director of Planning; Jocelyn Carlucci, Recording Secretary

Chairman Robert Bourque called the meeting to order at 7:00 p.m.

Chairman Bourque designated Todd Terrien to vote for resigned member, Bill Faith and Mark Zydel to vote for resigned member, John Harrington.

Public Hearing - 2007 Town Meeting Warrant Articles – Planning Board Proposed

§143-38 Private Day Care, Preschool, or Kindergarten

Amendment removes the distinction of Private day care from other forms of day care; adds preschool to the ordinance; removes the outside play area space requirement; removes the requirement for parking areas to be screened; removes the reference to accessory use or principal use of a structure by a day care or kindergarten; removes the provision for signage; removes the requirement for licensing; and clarifies that accessory uses shall follow §143-18 and only require a special exception and that principal uses require site plan review.

Chairman Bourque opened the public hearing at 7:03 p.m.

There being no input, Chairman Bourque closed the public hearing at 7:04 p.m.

MOTION: Alan Topliff moved to accept the Amendment as proposed. Todd Terrien seconded.

VOTE: Alan T. – Y Cindy L. – Y Roland L. – Y Robert B. – Y
Larry Y. – Y Mark Z– Y Todd T. – Y

PROPOSED AMENDMENT PASSED ON A 7-0 VOTE.

§143-19 Table of Dimensional Regulations

Community Facilities - Amendment adds language to (7), that town buildings, fire stations, police stations, public libraries, and town equipment garages are allowed in all Zoning Districts as long as the facilities are in compliance with Article IX Overlay Districts.

Chairman Bourque opened the public hearing at 7:05 p.m.

There being no input, Chairman Bourque closed the public hearing at 7:05 p.m.

MOTION: Mark Zydel moved to accept the Amendment as proposed. Alan Topliff seconded.

VOTE: Alan T. – Y Cindy L. – Y Roland L. – Y Robert B. – Y
Larry Y. – Y Mark Z– Y Todd T. – Y

PROPOSED AMENDMENT PASSED ON A 7-0 VOTE.

Residential Use – Amendment restores (4) Planned Residential Development and (5) Rural Cluster Open Space Development from the Table of Dimensional Requirements and deletes Open Space Subdivision from the Table of Uses.

Chairman Bourque opened the public hearing at 7:06 p.m.

There being no input, Chairman Bourque closed the public hearing at 7:06 p.m.

MOTION: Alan Topliff moved to accept the Amendment as proposed. Cindy Lewis seconded.

VOTE: Alan T. – Y Cindy L. – Y Roland L. – Y Robert B. – Y
Larry Y. – Y Mark Z– Y Todd T. – Y

PROPOSED AMENDMENT PASSED ON A 7-0 VOTE.

Retail and Service – Amendment allows day care, preschools, and kindergarten as a permitted use, as opposed to a special exception, in all zoning districts.

Chairman Bourque opened the public hearing at 7:07 p.m.

There being no input, Chairman Bourque closed the public hearing at 7:07 p.m.

MOTION: Alan Topliff moved to accept the Amendment as proposed. Cindy Lewis seconded.

VOTE: Alan T. – Y Cindy L. – Y Roland L. – Y Robert B. – Y
Larry Y. – Y Mark Z– Y Todd T. – Y

PROPOSED AMENDMENT PASSED ON A 7-0 VOTE.

§143-33 Manufactured Housing Subdivision

Amendment restores the current section 143-33 in the Zoning Ordinance.

Chairman Bourque opened the public hearing at 7:08 p.m.

There being no input, Chairman Bourque closed the public hearing at 7:08 p.m.

MOTION: Alan Topliff moved to accept the Amendment as proposed. Cindy Lewis seconded.

VOTE: Alan T. – Y Cindy L. – Y Roland L. – Y Robert B. – Y
Larry Y. – Y Mark Z– Y Todd T. – Y

PROPOSED AMENDMENT PASSED ON A 7-0 VOTE.

§143-8 Definitions

Amendment retains the name cluster residential subdivision, replaces “bulk” with “dimensional”, replaces “active” with “passive”, and retains the reference to cluster subdivision.

Laura Scott recommended that the Board vote against changing the current definition until further review of the language can be assessed. She advised to retain the language that is currently in the Zoning Ordinance.

Chairman Bourque opened the public hearing at 7:09 p.m.

There being no input, Chairman Bourque closed the public hearing at 7:09 p.m.

MOTION: Robert Bourque moved to **not** accept the Amendment as proposed. Todd Terrien seconded.

VOTE: Alan T. – Y Cindy L. – Y Roland L. – Y Robert B. – Y
Larry Y. – Y Mark Z– Y Todd T. – Y

PROPOSED AMENDMENT DID NOT PASS ON A 7-0 VOTE.

Public Hearings – Continued Applications

Major Site Plan Application. Case #06-107. Map 561 Lot 6-1, located at 91 Sheep Davis Road in the Commercial (C1) Zoning District. The applicant, Robert Peterson of REP Enterprises, on behalf of Real Estate Unlimited, Inc., propose to use the site for the retail sales of utility trailers and accessories. Proposed physical improvements to the site include a 40’ x 52’ expansion of the building, the relocation of the Borough Road Driveway, installation of a new sign, and the expansion of the parking area.

Laura Scott indicated that the Robert Peterson of REP Enterprises had withdrawn his application per a letter dated January 12, 2007, a copy of which is enclosed in each member packets.

Major Subdivision Application. Case #06-07. Map 937 Lot 7, located at 424 North Pembroke Road in the Rural/Agricultural Residential (R3) Zoning District. The applicant, Stephen Cormier, proposes to develop the parcel as a Cluster Subdivision with 11 single-family

residential lots, a new cul-de-sac road, and 31.6 acres of open space. The house lots will be served by individual private septic systems and a private community water system.

Cindy Lewis stated, for the record, that she does work with Northpoint Engineering, LLC but not with Kevin Leonard.

Chairman Bourque recused himself and Roland Lemoine became Acting Chairman.

Acting Chairman Roland Lemoine designated Kevin Foss to vote for Robert Bourque.

After a review of the January 22, 2007 minutes of meeting of the Zoning Board of Adjustment and their decision pertaining to this application, Acting Chairman Roland Lemoine opened the public hearing at 7:18 p.m.

Charles Cleary, Attorney for the applicant, reviewed the proposed 11-Lot Rural Cluster Development. He explained that the balance of the land would be open space.

Dennis Aubin, the applicant's partner, stated that the parcel of land is a total of 49.3 acres. The intent is to construct a 1,054 ft. road consisting of an open drainage system and a 20 ft. paved road with 4 ft. shoulders. Applicant is requesting a waiver for the length of the cul-de-sac. The cul-de-sac has been designed so that a future extension of the proposed roadway could occur through the adjacent undeveloped parcel known as Map 935, Lot 47. The applicant feels that the proposed cul-de-sac length is reasonable given the ability for future extension and their willingness to sprinkler the proposed homes. Applicant is also asking for a sidewalk waiver in order to be more in keeping with the rural character of the neighborhood.

Mr. Aubin clarified that the property will use approximately 17 acres for development. Approximately 30 acres will have a conservation easement with private and public access. The remaining 2 acres will be buffer land around the entire property. He feels that the proposed Cluster Subdivision is in line with the current Article X Cluster Subdivision Provisions and that it meets or exceeds the provisions.

Laura Scott stated that there are no outstanding issues that would hinder completeness of the project. All issues remaining deal with permits and approvals and legal/financial issues to be reviewed and approved by the Town. She also pointed out that the January 12, 2007 letter from Michael S. Vignale, P.E. of KV Partners LLC indicated that the applicant will take care of all issues previously noted.

MOTION: Alan Topliff moved to accept the request for a sidewalk waiver. Mark Zydel seconded.

VOTE: Alan T. – Y Cindy L. – Y Kevin F. – Y Roland - Abstention
Larry Y. – Y Mark Z- Y Todd T. – Y

PROPOSED SIDEWALK WAIVER PASSED ON A 6-0 VOTE WITH 1 ABSTENTION.

There was a discussion regarding the cul-de-sac waiver. Roland Lemoine pointed out that the homes will be sprinklered.

MOTION: Alan Topliff moved to accept the cul-de-sac waiver. Todd Terrien seconded.

VOTE: Alan T. – Y Cindy L. – Y Kevin F. – Y Roland - Abstention
Larry Y. – Y Mark Z- Y Todd T. – Y

PROPOSED CUL-DE-SAC WAIVER PASSED ON A 6-0 VOTE WITH 1 ABSTENTION.

MOTION: Alan Topliff moved to accept the application as complete. Mark Zydel seconded.

VOTE: Alan T. – Y Cindy L. – Y Kevin F. – Y Roland - Abstention
Larry Y. – Y Mark Z- Y Todd T. – Y

MOTION TO ACCEPT THE APPLICATION PASSED ON A 6-0 VOTE WITH 1 ABSTENTION.

Acting Chairman Lemoine opened the public hearing at 7:40 p.m. Roland Lemoine stated that he will only vote to break a tie while serving as Chairman.

Roland questioned the number of total lots of the subdivision and whether the open space was a separate lot.

Kevin Krebs, 429 North Pembroke Road, stated that he did not feel that moving the road, which allowed for an 11th lot, was good planning. He stated that, in his opinion, the information that the Zoning Board of Adjustment had and the information that the Planning Board had was inconsistent.

Jim Kowalik, 425 North Pembroke Road, stated that the number of houses proposed on this subdivision was too high and not in keeping with the area. He preferred to see half the number of houses built on this land. He also stated that this development does not follow the Master Plan and that approval of this development would open the town to more open space cluster developments.

Alan Topliff stated that Chapter 6 of the Master Plan, entitled Housing, notes that the residents would like to see cluster developments and elderly housing and that 60% of those responding to the survey felt that growth should be concentrated in upland areas of the Town.

Mr. Kowalik stated that other sections of the Master Plan point out that open space should be preserved.

Laura Scott stated that the Conservation Easement would be owned by the Town. Negotiations have not taken place and the easement is subject to approval by the Planning Board.

Cindy Lewis explained her concern regarding the narrowness of Lots 7-5 and 7-3 given the possibility of future requests for pools and decks by the potential homeowners.

Kevin Leonard of Northpoint Engineering, LLC stated that the setbacks are correct and based on the zoning requirements.

Mr. Aubin stated that the designs of the homes will be in proportion to the lot sizes.

There being no further input, Acting Chairman Lemoine closed the public hearing at 8:23 p.m.

Larry Young stated that although this subdivision may be a very good plan, he wondered if, given the closeness of the homes and the rural location, the subdivision might be unsuitable.

Alan Topliff pointed out that although there are varying opinions, there are no specific issues that have not been met and that the applicant has done a great deal of work to prepare for the permitting process.

Acting Chairman Lemoine stated that he did not feel the Town should own the road.

Laura Scott commented that the ordinance says that it is suppose to be a Town road. The Public Works Director and Town Engineer have reviewed the plans.

Taking into consideration the public's concerns, comments were made by Planning Board members felt that the applicant should return to the Planning Board with a design that would show more space in-between the house lots in keeping with the rural look of the area.

Mr. Lemoine reiterated that, in his opinion, the road should remain a private road.

Mr. Leonard stated that ownership of the road by the homeowner's association would be a burden and he believes that a public road is appropriate in this application.

Mr. Leonard reviewed the increase in culvert size from a 12" to a 15" reinforced concrete pipe culvert as requested by Public Works and others along North Pembroke Road.

MOTION: Cindy Lewis moved to continue the public hearing to the Planning Board's next regular meeting. Mark Zydel seconded.

VOTE: Alan T. – N Cindy L. – Y Kevin F. – Y ROLAND - Abstention
 Larry Y. – N Mark Z- Y Todd T. – N

PROPOSED MOTION WAS TIED ON A 3-3 VOTE.

To break the tie, Acting Chairman Lemoine voted Yes.

PROPOSED MOTION TO CONTINUE THE PUBLIC HEARING WAS PASSED ON A 4-3 VOTE.

Acting Chairman Lemoine announced a break at 8:55 p.m.

Chairman Robert Bourque called the meeting to order at 9:05 p.m.

Public Hearings – New Applications

Major Subdivision Application Design Review. Case #DR07-01. Map 264 Lot 64, located at 307-323 Third Range Road in the Rural/Agricultural Residential (R3) and the Medium Density Residential (R1) Zoning Districts. The property owner, Eight Thumbs, LLC, is conceptually proposing to upgrade Third Range Road from a Class VI to a Class V Road from the intersection of Church Road and Third Range Road continuing along the length of the parcel, which would allow for the development of the lot. The property owner is also conceptually proposing to build a new cul-de-sac road and subdivide the parcel into eight single-family residential lots.

Mark Zydel recused himself. Chairman Bourque designated Kevin Foss to vote for Mark.

Laura Scott announced that this was merely a design review and is nonbinding on the applicant and boards.

Karen O'Rourke, P.E. of Brown Engineering stated that she represented Eight Thumbs, LLC. She reviewed the proposed plan to upgrade Third Range Road from a Class VI to a Class V road from the Intersection of Church Road and Third Range Road, the proposed cul-de-sac, and associated 8-lot residential subdivision. She indicated that the main purpose was to gather feedback from the Town with regard to the proposed plan.

After a brief discussion of the Town's past plans to create an intersection across from Cross Road, Ms. O'Rourke agreed to investigate the matter further and its affect on the applicant's proposed design.

Chairman Bourque opened the public hearing at 9:15 p.m.

Paul Cremeno, 316 Church Road, questioned the impact of his land with regard to an existing seasonal stream that runs at the rear of his property.

Chairman Bourque pointed out that the applicant will need a wetland survey.

There was a discussion of the Town's proposed plans to create an intersection across from Cross Road as an alternate traffic flow route for the schools in order to relieve the Route 3 congestion.

Chairman Bourque indicated that there should be a discussion between the applicant and the Town regarding the proposed Cross Road intersection. It was also suggested that the applicant may wish to speak with a Taylor Community representative regarding any land associated with the potential Cross Road intersection.

There being no further input, Chairman Bourque closed the public hearing at 9:33 p.m.

It was the recommendation of the Planning Board that the applicant meet with the Selectmen and Taylor Community to discuss the Cross Road intersection before proceeding with other expenses.

Conceptual Consultations

Major Site Plan for Map 632 Lot 18-5 located on Riverwood Drive in the Commercial/Light Industrial (C1) and the Aquifer Conservation Zoning Districts. The applicants representative Jeff Lewis, Northpoint Engineering, on behalf Gladstone Brothers Construction (applicant) and Riverwood Commercial Properties (owner) are proposing a Planned Industrial Development with 4 buildings housing a total of 30 light industrial users. Each unit contains a 300sqft office area and a 900 sqft warehouse area.

Laura Scott described the letters and memos in the member packets.

Jeffrey Lewis, P.E. of Northpoint Engineering, LLC representing the applicant, Gladstone Brothers Construction, explained that the applicant is proposing a Planned Industrial Development consisting of four buildings housing a total of 30 light industrial users. The site is located at the end of Riverwood Drive. The front of the building will consist of a door to the office of each unit and the rear of each unit will have an overhead door to an open bay. He explained that there are two conceptual site plans. The first, and most desirable to the applicant, will require two waivers. The first waiver would allow a reduction in the minimum 100-foot separation between principal structures because the site meets the turning requirements for a WB-50 vehicle and is adequate for emergency vehicle access.

The second waiver would allow the septic system to be set back 30 feet from the front of the property line rather than the required 50-foot front yard setback. Since the septic system is temporary and is only needed until such time as the Town's sewer is available, the applicant feels this waiver is justified.

Chairman Bourque asked where snow would be stored on the site and how dumpsters would be handled.

Mr. Lewis stated that there is adequate space for snow removal and storage at the rear of the site.

David Ledoux of Gladstone Brothers Construction, stated that each unit will have a 90 gallon container stored inside each unit and would be taken out of the unit and emptied once a week. Once the dumpster was emptied, it would be returned to the inside of the unit. He also pointed out that the units will begin as rentals and then become condominium units.

Todd Terrien inquired about the landscaping. Mr. Lewis indicated that a landscaping design was in the process of being prepared and will meet site plan requirements.

Ms. Lewis questioned the use of the mezzanine area and whether or not this area could be finished off for additional space. The applicant stated that it is not his intention to do this but that future owners/tenants could. Ms. Lewis continued that if this space was made into office there would not be enough parking provided to meet our regulations.

It was the opinion of the Board that input from the Fire Chief would be desirable before granting the waivers.

Meeting Minutes

- November 28, 2006

Alan Topliff requested that page 3, paragraph 9 include: “Chip Ferdette looked at other structures in the area and found none suitable.”

- December 19, 2006

The Board requested that all misspelled names be corrected including, but not limited to, Bruce Kudrick and Jim Kowalik on page 2 and Davis Seavey on page 7.

- January 9, 2007

The Board requested that changes be made as proposed by Laura Scott.

MOTION: Alan Topliff moved to accept the minutes of November 28, 2006, December 19, 2006 and January 9, 2007 as amended. Mark Zydel seconded.

VOTE: Alan T. – Y Cindy L. – Y Roland L. – Y Robert B. – Y
Larry Y. – Y Mark Z– Y Todd T. – Y

MOTION PASSED ON A 7-0 VOTE.

Vacant Member Positions

- Planning Board rep. to Conservation Commission

Todd Terrien agreed to be the Planning Board rep to the Conservation Commission.

- Alternate Member Position

Jay Burnham has requested, by letter dated January 11, 2007 to the Planning Board, to be considered for the alternate member position of the Board.

Chairman Bourque requested that Laura Scott write a letter to the Selectmen requesting that Mr. Burnham be appointed to the alternate position.

Chairman Bourque indicated that he hopes that Jim Kowalik and Kevin Krebs would consider applying as alternate members of the Board.

Correspondence

Laura Scott pointed out the letter from the Epsom Board of Adjustment pertaining to an application to construct a personal wireless services facility at Map U-18, Lot 2.

Ms. Scott made note of the 2007 Planning Board Budget Proposal to be placed in member binders along with the newly updated 2007 Zoning Ordinance.

She also mentioned that the Regional Planning Commission will have an impact fee workshop on February 8, 2007 at 7 p.m. in Concord. Anyone interested should see Ms. Scott.

Miscellaneous

Laura reported that the Zoning Board of Adjustment met on January 22nd and granted the three variances proposed by Merrill Construction.

After a brief discussion, it was suggested that Ms. Scott draft a letter to the Chairman of the ZBA, for review by Chairman Bourque, asking that the Planning Board be notified of any future ZBA hearings, in order to give the Planning Board a chance to comment on the case(s) if desired.

Adjournment

MOTION: Bob Bourque moved to adjourn. Roland Lemoine seconded.

Vote was unanimous in favor of the Motion.

The meeting adjourned at 10:40 p.m.

Respectfully submitted,

Jocelyn D. Carlucci
Recording Secretary