

# **PEMBROKE PLANNING BOARD**

## **APPROVED MINUTES OF MEETING**

**Tuesday, February 13, 2007**

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

**ALTERNATES PRESENT:** Kevin Foss, Todd Terrien

**EXCUSED:** Mark Zydel, Alternate

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

Chairman Robert Bourque called the meeting to order at 6:58 p.m.

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

### **Rules Of Procedure – Timing of Election of Officers Discussion**

Chairman Bourque asked the Planning Board to consider electing the Chair and Vice Chair in April rather than May. The newly elected officers would begin as of the first meeting in May in preparation for the construction season.

Laura Scott informed the Board that in order to change the election date, it would be necessary to hold a public hearing since the Board would be changing their adopted rules of procedure. She is able to appropriately advertise the public hearing to be held at the next meeting.

**MOTION:** Chairman Bourque moved to change the date of the election of officers from the first meeting of May to the first meeting of April. Todd Terrien seconded.

**VOTE:** Alan T. – Y                      Cindy L. – Y                      Roland L. – Y                      Robert B. – Y  
Larry Y. – Y                      Kevin F – Y                      Todd T. – Y

THE MOTION TO CHANGE THE DATE OF ELECTION OF OFFICERS FROM THE FIRST MEETING OF MAY TO THE FIRST MEETING OF APRIL PASSED ON A 7-0 VOTE.

### **Subdivision Regulations – Cul-de-Sac Road Length Waiver Request Discussion**

Cul-de-sacs. Permanent cul-de-sacs shall not exceed six hundred (600) feet in length and shall be provided with a circular turnaround with a centerline radius of not less than sixty (60) feet and a pavement width of twenty (20) feet. The center island shall be landscaped adequately.

Chairman Bourque noted that the 600 ft. cul-de-sac rule has been waived by the Board, at the request of applicants, a number of times.

Alan Topliff asked if the fire department initially established the 600 ft. cul-de-sac rule.

Cindy Lewis said no, that the rule was established based on safety issues per a number of departments such as fire, ambulance, and police.

Vice Chairman Lemoine stated that he did not agree with the paved 20-ft. width rule. He was concerned emergency vehicles positioned side-by-side would have difficulty turning around within a paved width of 20 feet. He felt it would be safer if the width was 25 ft.

Cindy Lewis stated that a 600 ft. long cul-de-sac limited the number of houses and, therefore, eliminate the “bottle-neck” that could be created with the longer cul-de-sacs.

Laura Scott noted that she has found no clarification on how the Board measures cul-de-sacs.

She also stated that the Water and Sewer Departments did not have a preference for length of a cul-de-sacs but they do not like cul-de-sacs because they do not like having water and sewer line stubs. Their recommendation was that the Board think about how the cul-de-sac can connect to other undeveloped parcels so water stubs can be left for future connections.

Ms. Scott noted that the Police Department had no preference as to length but would like to see lighting at the end of the cul-de-sacs.

The Fire Department said that a cul-de-sac of 600 ft. or 1,000 ft. is fine, but would like to have sprinklers required. The Fire Department reviewed a number of cul-de-sacs and preferred the turning radius on Jack’s Drive. They felt that it was well-designed.

The Highway Department had no preference for the length of a cul-de-sac but would prefer the removal of curbing on the inside of a cul-de-sac because they keep damaging it with the plows. They also would prefer not having a center island and would suggest an open space with a catch basin for snow storage. A landscaped center island is additional maintenance for the Town.

The Town Engineer commented that most communities have cul-de-sacs between 600’ and 1000’ and require sprinkler systems in homes on cul-de-sacs over 600 ft. Many towns are also requiring two points of egress with one being for emergency access only.

Alan Topliff felt that anything the Board can do to encourage sprinkler installation would be good. He noted that the Fire Department pumpers carry 1,000 ft. of hose and, therefore, the maximum length for the cul-de-sac should be no more than 1,000 ft. He also noted that a sprinkler system may only contain the fire, and would not necessarily put the fire out. For fire safety, no more than 1000 ft. would be best.

Cindy Lewis pointed out that Peasley Drive is a perfect example of a development with a cul-de-sac feel without having cul-de-sac issues such as plowing or maintenance of a center island.

Alan Topliff noted that if the Board decides not to allow cul-de-sacs, it should be prepared to defend its position.

Ms. Scott noted that the only way to not allow cul-de-sacs would be to change the subdivision regulations. She asked the Board to decide whether they would like her to begin working on the changes to the subdivision regulations or the site plan regulations as previously discussed.

Chairman Bourque suggested reviewing the subdivision regulations first thereby creating the basis for the site plan regulations' changes. He also proposed, in the interim, to change the width of the road to 25 feet, the length of the road to no more than 1,000 feet, requiring all homes to be sprinkled, move the 1,000 feet to the center of the radius of the cul-de-sac and creating a "boulevard-type" entrance.

Laura Scott said that the Board would need to hold a public hearing to adopt the revised section. She felt that for ease of input by the other town departments and the public, it might be best to update all of the subdivision regulations at once rather than working on it "piece-meal", lessening the chances of errors between regulation sections, and encouraging consistency throughout the regulations.

**MOTION:** Chairman Bourque moved to draft regulations to allow a cul-de-sac length of 600-1,000 feet, to require all homes be sprinkled, the 1,000 feet will be measured from the new entrance to the center of the cul-de-sac, with a paved road width of 25'. Alan Topliff seconded.

**VOTE:** Alan T. – Y                      Cindy L. – Y                      Roland L. – Y                      Robert B. – Y  
Larry Y. – Y                      Kevin F. – Y                      Todd T. – Y

THE MOTION TO DRAFT REGULATIONS TO ALLOW A CUL-DE-SAC LENGTH OF 600-1,000 FEET, TO REQUIRE ALL HOMES BE SPRINKLED, THE 1,000 FEET WILL BE MEASURED FROM THE NEW ENTRANCE TO THE CENTER OF THE CUL-DE-SAC, WITH A PAVED ROAD WIDTH OF 25' PASSED ON A 7-0 VOTE.

The Board agreed to have Ms. Scott to work on the cul-de-sac regulations as a priority and then focus on other road subdivision regulations in preparation for the April 10<sup>th</sup> work session.

**Taylor Homes Site Plan Application Approval – Planning Director Questions**

Laura Scott had two concerns:

1. Regarding the 50' ROW that was to be the connector from Church Road/Cross Road to Third Range Road, there was never a deed or easement granted from Taylor Homes to the Town. Since this is on the approved plans, the Planning Board can and should request this deed to be granted now to the Town for Taylor Homes to be in compliance with Site Plan approval granted by the Board.
2. Regarding the discussion of the First Congregational Church acquiring "unused" land of Taylor Homes after a certain time period, she asked for clarification from the Board on how the land was going to revert back to the Church based on our current zoning and subdivision regulations.

After a lengthy discussion, Cindy Lewis stated that the Taylor Homes land could be subdivided, but it would be considered "non-buildable" until a road was created to a Class V road. The Board agreed that the only way for the land to revert back to the Church is through a subdivision for back land with a right-of-way.

Selectman Preston suggested that the Town acquire the deed to the 50 ft. ROW connector from Church Road/Cross Road to Third Range Road as soon as possible.

The date of the property reversion and/or the subdivision is July 2008.

**MOTION:** Alan Topliff moved to instruct Laura Scott to write a letter to Taylor Homes asking for an easement to the Town for the 50 ft. ROW from Church Road/Cross Road to Third Range Road. Roland Lemoine seconded.

**VOTE:** Alan T. – Y                      Cindy L. – Y                      Roland L. – Y                      Robert B. – Y  
                  Larry Y. – Y                      Kevin F. – Y                      Todd T. – Y

THE MOTION TO INSTRUCT LAURA SCOTT TO WRITE A LETTER TO TAYLOR HOMES ASKING FOR AN EASEMENT TO THE TOWN FOR THE 50 ft. ROW FROM CHURCH ROAD/CROSS ROAD TO THIRD RANGE ROAD PASSED ON A 7-0 VOTE.

**Site Plan and Subdivision Financial Guarantees Procedure**

Laura Scott explained that with regard to financial guarantees, it is the responsibility of the Planning Board to determine the amount of financial guarantee and make it a requirement of site plan or subdivision approval. The Planning Board, not the Board of Selectmen, can release the bonds or letters of credit. This was confirmed by Town Counsel.

Ms. Scott further clarified that the Planning Board cannot sign for financial guarantees. Only the Board of Selectmen can accept a bond or letter of credit. The Planning Board merely determines the amount for the letter of credit or bond and makes it a condition of approval. With that being said, the Planning Board is the only one who can release the financial guarantee.

It is Ms. Scott's recommendation that (1) applicants discuss their bond or letters of credit issues with the Planning Board, not the Board of Selectmen; (2) the Planning Board send a letter to Fire, Sewer, Water, and Highway Departments asking for comments prior to releasing the bond; (3) the Town Engineer should comment to the Planning Board on the completion of the requirements before the bond is released; (4) the Planning Board take responsibility for releasing the bonds once all the conditions have been met; and (5) the Board of Selectmen agree to the release.

**Town-Owned Land – Review List and Make Recommendations**

Laura Scott was asked by Selectman Brian Tufts in 2006 to review the list of town-owned land and get a consensus of each property's use to the Town. Ms. Scott will be working with the Town Administrator in asking for input from all Town Boards and Departments, and the public to find out what should be done with the properties. Some of the options are: (1) sell the property; (2) sell the property to abutters with the requirement to be merged with their property, (3) keep the property for Town use; (4) keep the property for conservation land; or (5) N/A.

Alan Topliff noted that some of the land may have been historically kept for a specific use (drainage, etc.) or a future use. It would be good to note that information for future reference. Planning Board recommendations were as follows:

<b>Map/Lot</b>	<b>Address</b>	<b>Recommendation Use</b>
VE 1	172 Main Street (Lamiette Park)	N/A
VE 62	212 Main Street (Water Dept. bldg.)	N/A
VE 165	Central Street (Municipal Parking Lot)	N/A
VE 195	Glass Street (vacant)	Hold for conservation
VW 58-1	Lindy Street (vacant)	Sell to abutter
VW 113	116 Main Street (clock tower)	N/A
VW 117	4 Union Street (Sewer Dept; office space; community space)	Keep for Town use
VW 118	6 Union Street	Keep for town use (additional parking for 4 Union Street building)
VW 129-1	5 Colonial Drive (vacant)	Keep for emergency vehicles
VW 175	High Street (vacant)	Sell to abutter
VW 184	Exchange Street (vacant)	Keep for Town use (railroad bed)
VW 186	Exchange Street (vacant)	Research location of road/driveway, survey area for accurate information
VW 188	45 Pleasant Street (Memorial Field)	N/A
VW 188-P	45 Pleasant Street (Pump Station)	N/A

VW 189	8 Exchange Street (DPW Dept.)	N/A
<b>Map/Lot</b>	<b>Address</b>	<b>Recommendation Use</b>
VW 190	Pleasant Street (vacant)	Research location of road/driveway and survey area for accurate information
VW 203	28 Pleasant Street (vacant)	Sell to abutter
VW 227	1 Bridge Street Ext. (sewer pump station)	N/A
VW 227-P	1 Bridge Street Ext. (sewer pump station)	N/A
VW 228	2 Exchange Street (Highway Annex)	N/A
VW 256/10-2	865 Dover Road (vacant)	Sell to abutter
VW 256/24	814 Ricker Road (vacant)	Keep (possibly used for drainage)
VW 258/CM-9	North Pembroke Road (French Cemetery)	N/A
VW 258/3-3	627 Robinson Road (vacant)	Sell to abutter
VW 260/CM-8	Cross Country & Sixth Range Road (Richardson Cemetery)	N/A
VW 262/CM-4	Fourth Range Road (Pembroke Hill Cemetery)	N/A
VW 262/1-1	358 Pembroke Hill Road (vacant)	Old Town Pound – Transfer to Historical Society
VW 262/23-1	438 Cross Country Road (vacant)	Keep for Town use
VW 262/27	543 Cross Country Road (vacant)	Keep for Town use
VW 264/32-1	224 Academy Road (Schuette Conservation Land)	N/A
VW 264/79-1	346 Pembroke Hill Road (vacant)	Sell To Abutter if unnecessary for drainage, etc.
VW 266/CM-2	Buck Street (Evergreen Cemetery)	N/A
VW 266/7	34 Mason Avenue (Brittney Conservation Land)	N/A
VW 266/24	Broadway (DAR Park)	N/A
VW 266/40	247 Pembroke Street (Safety Center)	N/A
VW 266/171	171-173 Buck Street (Girard Conservation Land)	N/A (river access and historic site)
VW 559/11	825 N. Pembroke Road (vacant)	Keep for Town use
VW 559-13	Soucook River (vacant)	Keep for Conservation Land
VW 561/CM-7	Borough Road (Abbott Cemetery)	N/A
VW 561/17-1-P	147 Sheep Davis Road (sewer pump station)	N/A
VW 561-34	402-408 Borough Road (vacant)	Keep for Town use

VW 561-38	434 Borough Road (single family home)	Sell
<b>Map/Lot</b>	<b>Address</b>	<b>Recommendation Use</b>
563/22-1-1	02-516 Third Range Road (Bragfield Pond Conservation Land)	N/A
563/39	226 Brickett Hill Road (water tower)	N/A
563/70	475 Pembroke Street (Baxter Conservation Land)	N/A
563/94	305-325 Brickett Hill Road (Butterfield Conservation land)	N/A
565/CM-3	Pembroke Street (Pembroke Street Cemetery)	N/A
565/59	59 White Sands Road (Richard Conservation Land)	N/A
565/81-A	Bow Lane (Stony Brook Conservation Land)	N/A
565/81-B	White Sand Road (White Sands Conservation Area)	N/A
565/81-B-P	55 White Sands Road (pump station)	N/A
565/81-C	444 Pembroke Street (Beck Conservation Land)	N/A
565/81-19	410 Nadine Road (vacant)	Keep for Conservation Land
565/95	27 Whittemore Road (Clark Conservation Property)	N/A
565/256	311 Pembroke Street (Town Hall and Library)	N/A
565-256-B	313 Pembroke Street (Historical Society Building)	N/A
565/257-6-1	Church Road (vacant)	Keep for Town use
567/1-1	Merrimack River (Gamelin Conservation Property)	N/A
632/3	635-655 Pembroke Street (well and pump station)	N/A
632/8-1-P	702 Keith Avenue (pump station)	N/A
632/18-12	142 Sheep Davis Road (well & pump station)	N/A
634/46	572 Pembroke Street (pump station)	N/A
634/46-P	572 Pembroke Street (pump station)	N/A
868/CM-1	Rt. 28 and Bachelder Road (Buck Street Cemetery)	N/A
870/34	662 Thompson Road (outhouse)	Sell to abutter, possibly move outhouse to town hall property next to Historical Society Building
935/CM-5	North Pembroke Road (Old North Pembroke Cemetery)	N/A

Map/Lot	Address	Recommendation Use
937-CM-6	North Pembroke Road (New North Pembroke Road Cemetery)	N/A
939/67	501-623 Kimball Road (Whittemore Conservation Parcel)	N/A

Laura Scott suggested that if the Town properties were labeled as “Cemetery” or “Pump Station”, etc. and filed together, it would be less confusing when trying to determine which properties can or cannot be sold.

**Planning Board Alternate Member Nomination**

With regard to Jay Burnham’s appointment to the Planning Board, Laura Scott reviewed the decision of the Board of Selectmen. In view of the fact that Mrs. Jay Burnham is presently on the Zoning Board of Adjustment, they were of the opinion that it would be a conflict of interest and could possibly result in litigation filed against the Town by applicants that come before the Planning Board or Zoning Board of Adjustment. Therefore, the Board of Selectmen asked the Planning Board to reconsider the appointment of Jay Burnham to the Planning Board.

**MOTION:** Vice Chairman, Roland Lemoine, moved to **not** nominate Jay Burnham as an Alternate to the Planning Board. Todd Terrien seconded.

**VOTE:** Alan T. – Y                      Cindy L. – Y                      Roland L. – Y                      Robert B. – N  
Larry Y. – Y                      Kevin F – Y                      Todd T. – Y

THE MOTION TO **NOT** NOMINATE JAY BURNHAM AS AN ALTERNATE TO THE PLANNING BOARD PASSED ON A 7-1 VOTE.

Roland Lemoine stated that Kathy Cruson of 315 Pembroke Hill Road would like to volunteer as an alternate to the Planning Board.

**MOTION:** Vice Chairman, Roland Lemoine, moved to nominate Kathy Cruson as an Alternate to the Planning Board. Alan Topliff seconded.

**VOTE:** Alan T. – Y                      Cindy L. – Y                      Roland L. – Y                      Robert B. – Y  
Larry Y. – Y                      Kevin F – Y                      Todd T. – Y

THE MOTION TO NOMINATE KATHY CRUSON AS AN ALTERNATE TO THE PLANNING BOARD PASSED ON A 7-0 VOTE.

Chairman Bourque instructed Laura Scott to send a letter to the Board of Selectmen requesting that the Board accept the nomination and appoint Kathy as an alternate.

## Correspondence

Laura Scott indicated that a copy of the Proposed Zoning Warranty Articles was placed in each member packet. Roland Lemoine volunteered to post them at Kimball's Market.

Ms. Scott said she would be at the polls on March 13, 2007 from 11 a.m. to 7 p.m. to answer any questions from residents.

Ms. Scott indicated that the following correspondence was included in the member packets: (1) Memo to Brown Engineering from Laura Scott regarding Case #DR07-01; (2) Memo to Zoning Board from Laura Scott regarding Planning Board's request to review and comment on applications submitted to ZBA for Variances and Special Exceptions. Ms. Scott will keep the Board informed of comments by the ZBA; and (3) the Planning Board budget as of January 19, 2007.

Chairman Bourque asked that Ms. Scott write a letter to Jay Burnham indicating his personal regrets that Mr. Burnham was not able to join the Board at this time.

Vice Chairman Lemoine asked Ms. Scott to send him a copy of Emile Lacerte's letter to Ms. Scott regarding the road improvement requirements.

## Miscellaneous

Alan Topliff asked what grounds the Planning Board would have to deny an applicant a cluster subdivision if the applicant met all town specifications.

Cindy Lewis indicated that an example would be if there was a natural habitat that was trying to be preserved or lot-shape consistency/sizing within an area that was desired.

Vice Chair Lemoine said that he would like clarification of whether or not conservation land in a subdivision is considered a lot. Ms. Scott said that it would depend on whether it was laid out as a separate parcel or an easement.

Alan Topliff stated, and the Board agreed, that the ordinance expresses the concept of preserving the look of an area and allows the Board the freedom to decline a project based upon where the subdivision was located and the importance of preserving the desired look and feel of an area.

Ms. Scott pointed out that the next Planning Board work session is voting day and three members of the Board are running for Selectman. Based on the possibility of not having a quorum should one additional member not be available, the Board agreed to cancel the March 13<sup>th</sup> work session.

**MOTION:** Alan Topliff moved to cancel the March 13<sup>th</sup> work session. Cindy Lewis seconded.

Vote was unanimous in favor of the Motion.

Todd Terrien reported that he attended the Conservation Commission meeting. The Conservation Commission met with Dennis Aubin who was looking for feedback from the Commission on his plan before coming to the Planning Board.

**Adjournment**

**MOTION:** Vice Chair Lemoine moved to adjourn. Todd Terrien seconded.

Vote was unanimous in favor of the Motion.

The meeting adjourned at 9:37 p.m.

Respectfully submitted,

Jocelyn D. Carlucci  
Recording Secretary