

**MINUTES**  
**PEMBROKE PLANNING BOARD**  
**May 9, 2006**

**PLANNING BOARD MEMBERS PRESENT:** Bob Bourque, Vice Chair; Roland Lemoine, Selectman Larry Young (Selectmen's representative), Paul Andrews, Alan Topliff, John Harrington, Alternate Planning Board member; Cindy Lewis, Alternate Planning Board member; Kevin Foss, Alternate Planning Board member, Bill Faith, Alternate Planning Board member

**EXCUSED:**

**UNEXCUSED:**

**STAFF PRESENT:** Laura Scott, Planning Director; Susan Gifford, Recording Secretary

Vice Chairman Bourque opened up the Planning Board meeting at 7:01 p.m. He noted that Pat Fair had resigned as a Planning Board member effective May 3, 2006. Cindy Lewis was designated to vote for Pat Fair and John Harrington was designated to vote for the open Planning Board seat. Vice Chairman Bourque postponed Planning Board elections to the end of the meeting.

Vice Chairman Bourque noted that the Planning Board meeting is scheduled to adjourn by 10:00 p.m. unless the Planning Board elects to continue discussion on some or all of the remaining items on the agenda. The Planning Board will make this determination at each meeting. Any items remaining will be placed on the agenda for the next regular meeting.

**Consulting Engineers**

Informal discussion with KV Partners, LLC, – which has been contracted by the Town to provide engineering and inspection services to the Town. Mike Vignale, P.E., of KV Partners met with the Planning Board to introduce himself and get to know the Planning Board members. Mr. Vignale explained that his background was in transportation, drainage and traffic study, just what the Town of Pembroke needs at this time. He worked for a southern New England firm for 18 years and was a City Engineer for Concord NH for several years. His partner is Ray Korber. Their firm is structured to have low overhead and to provide experienced staff. Mr. Vignale stated he will give the Town of Pembroke a lot of attention and aggressively pursue the town's interest in every project he does.

In response to Board questions on how many pages his reports will be and would they be in layman's terms, Mr. Vignale stated that he will keep his reports as simple as possible. The length depends on the quality of the application. He will collaborate with the developer's engineer to resolve issues so they don't need to be on the report.

In response to Board questions about his procedure for inspections, Mr. Vignale stated he anticipated he would be at the site part time for road construction, as he would schedule inspections at key times during construction. Depending on whether there were problems at a site, he would spend more or less time accordingly.

The Planning Board thanked Mr. Vignale for coming in to meet with them.

**Land Protection Criteria**

Presentation by the Conservation Commission on their Draft Land Protection Criteria for acquisition of future town conservation property. Planning Board members received a copy of the Land Protection Criteria Rating Sheet that will be used by the Conservation Commission to evaluate current and future conservation land. Ayn Whytemare and Janet Anderson presented information on their draft land protection criteria. They also plan to present the criteria to the Board of Selectmen and the Recreation Commission.

Ms. Whytemare stated that the intent is to measure the factors that would influence why the Town would want a piece of land, if it were offered. They reviewed the land protection criteria from similarly sized towns – Hancock, Rochester, Peterborough – and developed criteria that would give the Conservation Commission and the public an idea of what type of land would be desirable. Janet noted that the Conservation Commission considered the townspeople’s responses to the Master Plan survey when they developed the criteria rating sheet. They also plan to evaluate the property the Conservation Commission already owns or has easements on.

The Planning Board suggested that they add “is the land accessible?” to the criteria. It was also recommended that they ask if there are any restrictive clauses, like maintaining the land as a Christmas tree farm, and if so, is there an endowment to carry out that restriction.

Vice Chair Bourque asked how the Land Protection Criteria Rating Sheet would be presented to the Planning Board and how the Planning Board would use it. If a development came through or a land owner was in the process of subdivision, the rating sheet would give the Planning Board an idea of the type of land the Conservation Commission would want. The Conservation Commission is responsible for managing the land once it is acquired. A cluster or conservation subdivision may result in a tax loss; however, it would also lessen the demand on town services and improve quality of life.

Some towns set a minimum acreage size for potential conservation land. Planning Board members asked if land we already have but can’t use should revert back to abutters. The Conservation Commission provided a copy of their list of conservation properties (Ms. Scott will include this list in the Planning Board member binders she is compiling.) Vice Chair Bourque noted that developers are not under any obligation to donate land for conservation purposes. He also noted that the Planning Board may be interested in seeing a map showing the location of the property proposed for development, in addition to the rating sheet and the Conservation Commission’s opinion of the property offered.

In the Funding Sources category, the Planning Board suggested that clarification be included on whether there is a funding offset, such as a grant available, a donation, or a bargain price in relation to property value.

Vice Chair Bourque thanked the Conservation Commission members for their time and presentation.

There will be a public hearing on the Land Protection Criteria Rating Sheet on 6/12/06 at the Conservation Commission meeting.

Vice Chair Bourque postponed the Public Hearing on Planning Board Rules of Procedure to after the site plan discussions.

### **Approved Site Plan Application Discussions**

- 1) Pembroke Crossing, Major Site Plan Application, Map 634-Lot 48-3 (Case #05-102), A request has been made by the applicant for a 6 month extension for the Conditional Approval, which will expire on May 22, 2006. David Still, P.E., CLD Engineering explained that the applicant is very close to completing the conditions of approval, but will not have them all complete by 5/22/06.

Ms. Scott confirmed that condition 1a) on the letter has been met.

The applicant has applied to NH DOT for a driveway permit.

David Still, P.E., CLD Engineering explained that the original conditional approval was for six months, and the applicant is requesting an additional 6 months to complete the items.

It was discussed that there is a condition of approval for a maintenance agreement for Sand Road; however, there are concerns about the legality of having someone doing maintenance on a town road.

NH DOT will not agree on removal of the existing light at the intersection of NH Route 3 and Sand Road at this time, which is a condition of approval. Mr. Still expects the applicant will be back in before the Planning Board in July 2006 to discuss these two items.

**Motion:** Mr. Lemoine moved to grant a 6 month extension to meet the conditions of Case #05-102 at Map 634 Lot 48-3 to November 22, 2006 as requested by the applicant. Mr. Andrews seconded.

**VOTE:** ROLAND - Y CINDY- Y JOHN- Y BOB- Y  
LARRY - Y ALAN Y PAUL - Y

6-MONTH EXTENSION TO CONDITIONAL APPROVAL OF CASE #05-102 TO NOVEMBER 22,  
GRANTED ON A 7-0 VOTE

- 2) Grace Capital Church, Minor Site Plan Approval, Map 634, Lot 41-1 (Case #05-06). A request has been made to reconfigure the new driveway to allow a left-hand turn lane exiting the site. David Still, P.E., explained that the applicant would like to modify the approved driveway by adding a left turn lane. This will mimic the current driveway and provide for easier exiting from the site when Cooperative Way is fully connected to Route 106 via the Loop Road. It was discussed that there would not be much use for a left hand turn until the loop road is completed. Mr. Still noted that because work is being done now on Cooperative Way, allowing for a left hand turn lane would require a shift of the guard rail by 10 feet. The Planning Board asked that the applicant not mark the left turn until the Loop Road is operational.

**Motion:** Mr. Lemoine moved to allow both a right and left hand turn lane onto Cooperative Way, however, the left lane turn will not be marked at this time and a revised copy of the plan will be provided for the file. Mr. Harrington seconded.

**VOTE:** ROLAND - Y CINDY- Y JOHN- Y BOB- Y  
LARRY - Y ALAN Y PAUL - Y

LEFT AND RIGHT TURN AT NEW DRIVEWAY ONTO COOPERATIVE WAY ALLOWED, WITH  
LEFT TURN NOT MARKED UNTIL THE LOOP ROAD IS COMPLETE APPROVED ON A 7-0  
VOTE

### **Public Hearing**

Public hearing on the **Planning Board Rules of Procedure (4-26-06 draft)**, which was last updated on May 23, 1995. Ms. Scott provided legal counsel review of the proposed rules.

Ms. Scott noted that the procedure for appointing alternates to vote (by rotation) and procedure for moving alternates to regular Planning Board member (by seniority) were not in the proposed rules. The Planning Board has used the rotation method of assigning alternates to vote in the past and will continue to do so. The exception to this is once an alternate is assigned to an ongoing case, he/she will continue to be assigned to that case until conclusion. If the senior alternate declines to be moved up to regular member, the Chair would then go to the next alternate by seniority to fill the full member position.

Vice Chair Bourque opened the public hearing at 7:59 p.m.

There being no further input, Vice Chair Bourque closed the public hearing at 8:00 p.m.

**Motion:** Mr. Andrews moved to add procedure for appointing alternates to vote (by rotation), for allowing alternates to continue voting on an application if it is ongoing, and procedure for moving alternates to regular Planning Board member (by seniority) to the 4/26/06 draft Planning Board Rules of Procedure. Mr. Lemoine seconded.

**VOTE:** ROLAND - NO CINDY- Y JOHN- Y BOB- Y  
LARRY - Y ALAN Y PAUL - Y

PLANNING BOARD RULES OF PROCEDURE DRAFT AMENDED AS DISCUSSED ON A 7-0 VOTE

Mr. Topliff brought up several edits and points of discussion. On page 4, section 5.7 delete the extra “to”. On page 5, section 6.4 A) should be open public hearing and G) should be close public hearing. On page 6, section 6.7 corrections to formerly approved minutes was discussed. On page 7, section 7.3 procedure on a tie vote. Any member can recuse themselves or abstain. “Abstain” means ‘I’m not going to vote’. If a member has a conflict, he/she should recuse themselves.

The Chair can vote at his/her option. The Chair can create a tie vote. A tie vote is no action. The Board discussed whether language giving guidance on what to do in the case of a tie vote. The Board can go back into deliberations, take another vote, determine why each dissenting member has a concern about the conditions or the motion, determine what the issues are and resolve them. The Planning Board could also table the matter, pending more material from the applicant. The Planning Board has 65 days from the date the application is accepted in as complete to make a decision.

On page 10, section 9.6 Ex Parte Communication, the process should be that any research should be requested through the Planner, who will then send a copy to all members and keep a copy in the file.

**Motion:** Mr. Andrews moved to adopt the Planning Board Procedures as amended. Mr. Topliff seconded.

**VOTE:** ROLAND - NO CINDY- Y JOHN- Y BOB- Y  
LARRY - Y ALAN Y PAUL - Y

**PLANNING BOARD RULES OF PROCEDURE DRAFT AMENDED AS DISCUSSED ON A 6-1 VOTE**

Ms. Scott noted that the rules of procedure adopted were reviewed by Town Counsel and can now be used as a template for other boards in developing their rules of procedure.

### **Discussion Items**

1) 2006 Planning Board Priority List

Ms. Scott listed the Master Plan Implementation priority items by category – Zoning Changes, Subdivision/Site Plan Regulations, Other Regulations/Actions. She is looking for Planning Board input and approval to start working on items. Ms. Scott proposed two subcommittees, one for subdivision regulation and one for site plan regulations. The makeup of each subcommittee would be slightly different. Two Planning Board members would be needed on each subcommittee.

It was discussed that subcommittee members do not have to be residents. It was suggested that residential developers and local business owners invited to serve on sub-committees should be someone who has gone through the process of site plan or subdivision review in the Town of Pembroke recently.

A cluster development is the same as a ‘conservation development’.

2) Community Newsletter Article – Ms. Scott noted that the community newsletter article is due the end of the month. Ms. Scott plans to also place an article in the Hooksett Banner seeking persons who are interested in serving as subcommittee members. Ms. Scott plans to send a personal letter to every town board and committee, post the request at the library, water and sewer department and to every applicant who has gone through subdivision or site plan development review in the past two years. Ms. Scott will also post the subcommittee information on the town website. It was discussed that the website is outdated, zoning is not correct on the website and tax maps are not available on-line.

3) I-93 Bow-Concord Public Forum – NH DOT will hold a one-hour public comment session on the Bow-Concord I-93 Transportation Planning Study at Grace Capital Church, Thursday May 18, 2006 from 7-8:00 a.m. and from 8-9:00 a.m. There are also meetings in Concord and Bow.

### **General Correspondence**

Ms. Scott provided a Planning department budget report for period ending 4/30/06.

**Open Planning Board positions**

With the Boards concurrence, Vice Chair Bourque will submit Bill Faith’s name to the Board of Selectmen for appointment as the next regular Planning Board member.

**Planning Board Election**

Election of Chair and Vice-Chair for 2006-2007 term

**Motion:** Mr. Andrews moved to nominate Bob Bourque for Chair for the coming year. Mr. Topliff seconded.

**VOTE:**            ROLAND - Y            CINDY- Y            JOHN- Y            BOB- Y  
                      LARRY - Y            ALAN Y            PAUL - Y

**BOB BOURQUE ELECTED CHAIR FOR THE COMING YEAR ON A 7-0 VOTE**

**Motion:** Mr. Andrews moved to nominate Roland Lemoine for Vice-Chair for the coming year. Topliff seconded.

**VOTE:**            ROLAND - Y            CINDY- Y            JOHN- Y            BOB- Y  
                      LARRY - Y            ALAN Y            PAUL - Y

**ROLAND LEMOINE ELECTED VICE-CHAIR FOR THE COMING YEAR ON A 7-0 VOTE**

**Next Meeting** – Planning Board regular meeting 5/23/06.

**ADJOURNMENT**

At this point, Mr. Topliff made the following **MOTION: That the meeting is adjourned.** Mr. Andrews seconded the Motion and the Chair noted that the Board had **unanimously approved the Motion** by voice vote and he adjourned the meeting at 9:10 p.m.

Respectfully submitted,  
Susan P. Gifford  
Recording Secretary