

PEMBROKE PLANNING BOARD
(Draft)
MINUTES OF MEETING
Tuesday, June 12, 2007

MEMBERS PRESENT: Roland Lemoine, Chairman; Robert Bourque, Vice Chairman; Cindy Lewis, Selectman's Representative; Alan Topliff; Kevin Foss; Mark Zydel; and Todd Terrien

ALTERNATES PRESENT: Daniel Crean, Kevin Krebs

EXCUSED: Alternate Kathy Cruson

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

Chairman Lemoine opened the public forum at 7:03 p.m.

Community Forum

A slide show presentation by Chairman Lemoine began with the introduction of the Board members followed by an explanation of the role and goals of the Planning Board. Member Topliff discussed the continuing education programs available to the Board members.

Connie Catanese, 214 B Cardigan Road, asked if there was a copy of the Master Plan at the Library and if the zoning regulations were on the Town website.

Ms. Scott answered that a copy of the Master Plan was at the Library and on the Town website, but the zoning regulations were not on the Town website.

Chairman Lemoine stated that one of the Planning Board's goals is to encourage communication between the Planning Board and Town residents and business owners.

Member Topliff explained that, although the Planning Board process may seem onerous at times, it is the same process in other communities. The most important thing the Town can do is help new businesses understand the application process and the zoning rules in order to make it less intimidating.

Ms. Catanese asked if the last adopted zoning ordinance changes made it easier for businesses to come to Pembroke. Ms. Scott replied that the changes expanded the area where agricultural businesses were allowed and relaxed the rules for them to create or expand business. The second change affected childcare/daycare businesses and made it easier for those types of businesses to locate and expand in Pembroke. The changes were made in response to public comments on the difficulty associated with establishing or expanding these types of businesses.

Diane Shuette, Pembroke Street, asked if the Town newsletter could more fully explain the reasons why ordinance changes are proposed and how they will affect the Town.

Chairman Lemoine explained that the Planning Board holds a number of public sessions to discuss any proposed ordinance changes so the public can discuss and comment on them. The Board

agreed that it might be advantageous to explain the zoning changes in the newsletter for those residents who are not apt to attend the public hearings.

Marilyn Ross, Grand View Road, expressed that she would like to see more revitalization efforts and enthusiasm for the village district.

Dana Carlucci, Prospect Street, stated that the Economic Development Committee and the Meet Me In Suncook Committee have been focusing on the village district to encourage activities in the area. He also noted that the Planning Board, in the last few years, has encouraged multiple uses of the large buildings located downtown for something other than residential apartments such as offices which would benefit the daytime businesses.

Chairman Lemoine also pointed out that the Masonic Lodge is planning to refurbish the Masonic Hall building located on Main Street.

Barbara Lewis, Bow Lane, noted limited parking in the village. Chairman Lemoine said that the Town is trying to encourage walking trade.

Mr. Carlucci stated that the Economic Development Committee has been working on a parking study to identify those properties that have potential for additional downtown parking, whether by leasing sites to area apartment residents or allowing business parking

Ms. Scott pointed out that for those residents that are interested, the agendas for the Zoning Board, Planning Board, and Conservation Committee are posted one week in advance at the Town Hall and other Town municipal buildings. She noted that if anyone has questions about a particular development or topic on the agendas, to call or e-mail her at Town Hall. She would also be happy to sit down with anyone to discuss any topic.

Ms. Shuette asked why so many new churches are allowed that don't produce any tax revenue.

Chairman Lemoine referred her to the Board of Selectmen.

Member Crean suggested that people talk to their congressional delegation because they enacted "RELUPA" (Religious Land Use And Institutionalized Persons Act) which limited the Town's ability to control the locations of religious institutions through zoning and land use.

Ms. Scott pointed out that charter schools have nothing to do with our zoning or our Town regulations. State law requires that charter schools be treated the same as other schools.

Troy Brown, Town Administrator, suggested that the Planning Board explore the zoning that currently exists on the small portion of North Pembroke Road and Route 106 near the bridge. He thought that it was presently zoned Residential 3, and asked that the Planning Board consider changing it to a commercial zone?

Selectmen's Rep. Lewis indicated that that area is intended for commercial growth but there is no water or sewer there.

Mr. Brown said his fear is that when the gravel pit is terminated that the area would be used for housing.

Chairman Lemoine said that it is the intent of the Board to look at that.

Mr. Brown asked that the Board also look at the feasibility of running a parallel road from North Pembroke Road to Clough Mill Road.

Chairman Lemoine closed the public forum at 7:45 p.m.

Chairman Lemoine called the meeting to order at 7:50 pm.

Laura Scott recused herself as Director of Planning for the next case. Troy Brown stepped in as Acting Director of Planning.

**Request for Extension of Conditional Site Plan Approval
Map 634, Lot 45, Case #04-13 (Pembroke 600)**

Mr. Brown stated that he was given permission to speak on Pembroke 600's behalf. He said the Board approved the subdivision with conditions on September 28, 2006 and allowed 9 months to meet those conditions. Pembroke 600 has not, to date, been able to meet their 5 conditions because everything is contingent on DOT's approval of the intersection. Once that is resolved, everything else will come together but stated that Pembroke 600 still has several months of coordination with the Town and NH DOT. Pembroke 600 originally wanted a 3-month extension. Mr. Brown recommended that they ask for an extension to December 31, 2007, when their sewer capacity permit will expire.

Vice Chairman Bourque asked if the application would be void after December 31, at which time sewer capacity would no longer be available?

Harold Thompson, Sewer Commissioner, said that, although the sewer capacity could be used in other places, it would not be impossible to extend the permit if they showed progress.

Alternate Member Crean expressed his concern that the Town has turned away other commercial development because of the lack of sewer capacity while Pembroke 600 has been unable to fulfill their requirements. He asked Mr. Brown if Pembroke 600 has given any indication that there is a viable entity coming onto their site once they have DOT approval?

Mr. Brown said that Dan Scott of Pembroke 600 has not given any indication that he has anything in progress.

Alternate Member Crean said that he is disappointed that Mr. Scott is not present to talk to the Board as there are a number of unresolved issues, such as the gas line, that must be dealt with after DOT's approval. Alternate Member Crean did not feel that there is justification for the extension to December 31st.

Member Topliff asked if the commercial inquiries have been from serious inquiries.

Ms. Scott responded that Hodges Development, who was prepared to do the next phase of their development, has no sewer for their new phase. She said that once other businesses are told that there is no sewer capacity, they look elsewhere. Business inquiries averaged once a day and, now that word has circulated that Pembroke has no sewer capacity, calls have dropped to approximately 3 times per week.

Selectman's Rep. Lewis pointed out that the Riverwood project, just approved, would have gone onto sewer if there had been capacity.

Vice Chairman Bourque said that he would approve the extension if Pembroke 600 had clients ready to leap onto this project as soon as they had their approvals, but if their intention is to begin marketing the project once they receive DOT approval, then he felt that the Board might be wasting valuable time. He would like to hear from Dan Scott.

Alternate Member Crean asked what type of economic development could be created if Pembroke 600's sewer capacity became available.

Sewer Commissioner Thompson said it would depend on the type of business, number of employees, and what they are processing. There is 35,000 gallons per day that is allotted to Pembroke 600.

Ms. Scott, 10 Mill Falls, indicated that there would be no guarantee that any available sewer would be used for commercial rather than residential. It is based on a "first come, first serve" basis.

Mr. Carlucci asked if Associated Grocers' expansion was contingent on the loop road that Pembroke 600 is involved with?

Ms. Scott said that Associated Grocers would need to get a new DOT permit for Phase 2. Their existing permit was only for Phase I. It doesn't mean that they need the loop road, but they do have to go back to DOT for re-assessment.

Mr. Brown said that his conversation with Mr. Bergoine indicated that he believes that if expansion were to occur and they could continue to use the existing entrance, he would need approval by DOT.

Selectman's Rep. Lewis said that the reason why Associate Grocers present entrance works is based on the timing of their off-peak traffic.

Fred Kline, Church Road, asked what would happen if the Planning Board did not grant the extension, but the extension from the Sewer Department sewer already exists until December 31, 2007?

Alternate Member Crean said that he would have no more approved development.

Sewer Commissioner Thompson said that if Pembroke 600 does not receive an extension, they would lose the sewer capacity and the Sewer Department would refund its money.

Alternate Member Crean suggested that if there is consideration of an extension, he feels that the shorter the extension the better accompanied by a bi-weekly progress report indicating what he has done so the Board has the right to discontinue the extension if Dan Scott does not show adequate progress.

Member Topliff asked that consideration be tabled to June 26, 2007 when Pembroke 600 could come and offer insight to the Board as to their progress and thoughts.

MOTION: Vice Chairman Bourque moved to grant an extension to July 24, 2007 with the following condition: Provide a written progress report to the Board at the June 26, 2007 and July 24, 2007 meetings stating: (A) Progress on final signoff of Tennessee Gas; (B) Progress on final sign-off of DOT; (C) General progress to date; (D) What remains to be done; (E) What is the timetable for completion; (F) Progress on marketing and/or already appointed tenants for the development. Member Topliff seconded.

VOTE: Alan T. – Y Cindy L. – Y Roland L. – Abstained Robert B. – Y
Mark Z – Y Kevin F – N Todd T. – N

THE MOTION TO GRANT AN EXTENSION TO JULY 24, 2007 WITH THE FOLLOWING CONDITION: PROVIDE A WRITTEN PROGRESS REPORT TO THE PLANNING BOARD AT THEIR JUNE 26, 2007 AND JULY 24, 2007 MEETINGS STATING: (A) PROGRESS ON FINAL SIGNOFF OF TENNESSEE GAS; (B) PROGRESS ON FINAL SIGN-OFF OF DOT; (C) GENERAL PROGRESS TO DATE; (D) WHAT REMAINS TO BE DONE; (E) WHAT IS THE TIMETABLE FOR COMPLETION; (F) PROGRESS ON MARKETING AND/OR ALREADY APPOINTED TENANTS FOR THE DEVELOPMENT PASSED ON A 4-2 VOTE WITH ONE ABSTENTION.

Laura Scott returned to the Board as Planning Director.

I-93 Community Technical Assistance Program

- *Discussion of Year 1 Discretionary Grant application/project*

Ms. Scott indicated that Mr. Kline is the Town representative for CTAP. At the Board's request, Ms. Scott provided the Board with a copy of the survey along with a copy of the recommendations. She also included the Year I Program Summaries, a copy of the CTAP Discretionary Fund Grant application written by Mr. Kline, and a copy of the Corridor News.

Mr. Kline indicated that Ms. Scott is the Alternate Rep to CTAP.

Member Topliff wanted clarification on the fifth question on page 3 of the survey: "What is the community's Class VI road policy . . ." The answer should read that "Need to have frontage on Class V or no permit."

Vice Chairman Bourque clarified that the Regional Planning Commission answered most of the questions on the survey and those that they were uncertain about they asked Ms. Scott to answer.

Mr. Kline explained that CTAP is a Theoretical Assistance Program to help the affected communities along the I-93 corridor for future expansion. A group of towns have been identified as being impacted by the expansion. (He shared a map with the Board.)

Chairman Lemoine asked if the reason we are involved is to get available grant money? And if so, how do we spend it?

Mr. Kline explained that the Discretionary Grant is not the only funding that will be coming from the CTAP (\$3.5 million over 3 years) There will be money and/or support that will come to Pembroke.

Member Zydel pointed out that there are some educational information that is also part of CTAP.

Mr. Kline said that he had not submitted the CTAP Discretionary Fund Grant application yet.

Member Topliff stated that since it is assumed that there will be growth impact as a result of the I-93 project, and the Board has already began to work on the Town cluster subdivision ordinance to improve it, he would suggest that the Town use the Grant money to hire a planning professional to look at our current ordinance to improve on it.

Mr. Kline said that ordinance writing is already a structured part of CTAP. He clarified that the discretionary fund should be used for something that is not already identified in the CTAP list.

Alternate Member Crean pointed out that there is a website called “rebuilding93.com” for further information on the project and CTAP. There is a steering committee that is responsible for recommending where the monetary support will be used. DOT has control of money, the Steering Committee can only make recommendations. He agrees with the idea of getting assistance to revise some ordinances but wants to get away from cluster development notation because he feels it has bad connotations for the Town. He would like to see a mixed development – mixed uses within a development where people could walk to services. He feels that this type of program would be attractive to CTAP. He does not feel that utilizing range roads would help improve traffic flow but rather would merely open up the range roads for residential development which would then increase traffic on the range roads and will not decrease other traffic.

Alternate Member Crean suggested convincing CTAP to build a development around a transportation hub which could provide public transportation into Concord. He feels that CTAP money should be spend on economic development in the state.

Mr. Kline said that the transportation aspect of the funds and support will be available under the topic of transportation. There is a corridor traffic study that is presently taking place from Hooksett to Concord to look at alternate routes other than Route 3. This concept gave birth to Mr. Kline’s Discretionary Fund application study that focuses on Pembroke alternate routes to Route 3.

Mr. Kline said that he would like the application to be reviewed by as many Town Boards as possible so it will be looked at seriously by CTAP.

Alternate Member Crean suggested that Pembroke look at an internal Pembroke travel alternative to single family vehicles which could be eventually connected to Concord’s transportation service. For example, one suggestion was to tie Suncook Village to a transportation HUB to get people in and out of the area easily which will aid in its redevelopment and revitalization.

Member Topliff said that if we can do something to enhance the residential and commercial viability of the Village area, that that, in and of itself, would help to reduce traffic flow since people would walk to some of the businesses. He would like to focus on asking for discretionary grant money to hire someone to study Suncook Village and the economic redevelopment of that area.

Ms. Scott stated that there have been regional studies for bicycles and pedestrian plans, and walking trails in Pembroke. There was also a bus service study done four years ago which focused on creating a bus service from Concord through Pembroke and Allenstown. The routes have already been mapped out for buses, bicycles, pedestrian and walking trails.

Mr. Carlucci said that approximate one year ago, the Economic Development Committee invited CAT (Concord Area Transit) to give an estimate on public transportation. It was estimated approximately \$111,000 per year to provide public transportation to link the CAT with Manchester.

Ms. Scott pointed out that the money that transportation would take in through bus fares would reduce the cost from \$111,000.

Mr. Carlucci pointed out that in Napperville, Illinois residents use the school buses to get to the subways on the off-times.

Mr. Kline pointed out the Appendix I: CTAP Year-One Program Summaries for the Board's review.

Ms. Scott clarified that \$15,000 is earmarked for each town, but the money will not be released to the town unless an application is submitted and that is why Mr. Kline brought the Board the application for their review.

MOTION: Vice Chairman Bourque moved to accept the Local Government Funding Request from CTAP Discretionary Fund application as proposed by Mr. Kline. Member Terrien seconded.

Alternate Member Crean asked that the motion be expanded as follows: Question 1, "Project Description" to read: "... local roads and other travel options ... " and on Question #2, "What does the community hope to achieve ... " to omit "automotive travel" and to read "... in order to facilitate travel options within the town ... "

MOTION: Vice Chairman Bourque moved to accept the Local Government Funding Request from CTAP Discretionary Fund application as amended. Member Terrien seconded.

VOTE: Alan T. – Y Cindy L. – Y Roland L. – Abstained Robert B. – Y
Mark Z – Y Kevin F – Y Todd T. – Y

THE MOTION TO ACCEPT THE LOCAL GOVERNMENT FUNDING REQUEST FROM CTAP DISCRETIONARY FUND APPLICATION WITH THE FOLLOWING CHANGES: (A) QUESTION 1, PROJECT DESCRIPTION TO READ: "STUDY OF LOCAL (PEMBROKE) ALTERNATE ROUTES TO RT. 3. I.E. LOCAL ROADS AND OTHER TRAVEL OPTIONS FOR PEMBROKE TO PEMBROKE TRIPS ... " AND (B) QUESTION 2 "WHAT DOES THE COMMUNITY HOPE TO ACHIEVE ... " TO READ: TO PROVIDE BETTER INTERNAL (PEMBROKE) ROAD STRUCTURE IN ORDER TO FACILITATE TRAVEL OPTIONS WITHIN THE TOWN. ... " PASSED ON A 6-0 VOTE WITH ONE ABSTENTION.

- *Review of CNHRPC/CTAP Survey*

Ms. Scott reiterated the Board's desire to change Question 5, Page 3 of the Survey to include the frontage on Class V roads.

- ***Review of CNHRPC/CTAP Pembroke Recommendations***

Selectman's Rep. Lewis suggests that the Board not eliminate the word "range road" on the "Key Recommendations

The Board agreed to change Bullet 3 on "Key Recommendations for Pembroke" and Bullet 3 on Theme A to read: "Evaluate use of range roads to improve traffic flow".

Ms. Scott will submit the changes to the Regional Planning Commission.

Dirt Doctors/ENPRO Site Plan Approvals – Board Member Research Findings

Ms. Scott directed the Board to the Memo received from Kevin Foss, Todd Terrien, and Bob Bourque to Laura Scott dated May 30, 2007 regarding Summary of Sub Committee File Review for Keith Ave Monitoring Wells. At Member Topliff's request, Chairman Lemoine read the last paragraph of the Memo aloud.

Ms. Scott noted that she will send a copy of the Memo to the Pembroke Water Works.

Alternate Member Crean suggested that the subcommittee's recommendation be placed in the Town's regulations.

Selectman's Rep. Lewis clarified that once the recommendation is placed in the Town regulations, there will be no possibility that the Board would forget to add the monitoring payment and the frequency of testing as part of the approval.

Miscellaneous

- **Local Advisory Working Group US Rt. 3 Corridor Study – Appointment**

Ms. Scott referred to the letter from Troy Brown to the Planning Board regarding the US Rt. 3 Corridor Study. The Board of Selectmen would like someone from the Planning Board to represent Pembroke on the Advisory Group.

Member Foss volunteered to represent Pembroke. The Board agreed.

- **Code Enforcement/Building Inspector Search Committee Update**

Chairman Lemoine indicated that on Thursday afternoon a committee consisting of Troy Brown, Harold Paulsen, Bill Bonney, and Chairman Lemoine will be reviewing applicants for the code

enforcement/building inspector position. The committee will make their recommendations to the Board of Selectmen.

- **Scheduling a Joint Meeting with Water Works Commissioners**

Ms. Scott said that the Pembroke Water Works would like to have a joint meeting with the Planning Board to focus on water issues. The Commissioners asked that the meeting be held on July 19th, at 7 p.m. at Town Hall. A majority of the Board members are available.

- **“When Does Zoning Apply to Governmental Use of Land?” LGC May 2007**

Ms. Scott has included an article entitled “When Does Zoning Apply to Governmental Use of Land?” for the Board’s information. She also enclosed the Planning Board Audio Tape Policy and the new member list for their binders.

Ms. Scott also said that she received a hearing notification from the Town of Bow regarding a warehouse and related permits for PSNH at 97 River Road (the Power Plant’s new warehouse). The hearing will be held on Thursday.

Chairman Lemoine suggested that Ms. Scott send a thank you to Bow for the notification and state that the Board has no comments.

Adjournment

MOTION: Member Terrien moved to adjourn. Member Topliff seconded.

Vote was unanimous in favor of the Motion.

The meeting adjourned at 9:40 p.m.

Respectfully submitted,

Jocelyn D. Carlucci
Recording Secretary