

**Pembroke Planning Board  
Approved Minutes of Meeting  
Tuesday, July 10, 2007**

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

**ALTERNATES PRESENT:** Daniel Crean, Kevin Krebs, Kathy Cruson

**EXCUSED:**

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

Chairman Lemoine opened the meeting at 7:02 p.m.

**Conceptual Consultation**

- Map 634 Lot 48-3, Case #06-105 (Pembroke Crossing): Review and Discuss Proposed Modifications to Approved Site Plan for The Meathouse signs

Jason Parent from The Meathouse and Dan Hutchins of NH Signs were present.

Mr. Hutchins asked that the Planning Board approve the proposed change of location and size of the signage on their approved site plan. The Meathouse has been approved for a 60 sq. ft. sign on the North side, a 16 sq. ft. sign and a 60 sq. ft sign on South side of the building, totaling 136 sq. ft. After a review of the building's position in relation to Routes 3 and 106, they found the sign to be inadequately visible. They are requesting approval of 120 sq. ft. of signage. Drawings were circulated among the Board members for review.

Chairman Lemoine asked if there will be two tenants in the building. Mr. Hutchins answered yes. Mr. Parent said that the anticipated second tenant ("On the Way Gourmet") has changed its mind. The other side of the building is vacant.

Mr. Hutchins stated that on the previous plans, they were allowed 2 signs on one wall and one sign on another wall. They want to place one sign on 3 separate walls. A small sign will be located on the wall which rests below the embankment. They want to focus on the Route 3 side of the building. The sign on the North side of the building will be visible from the entry. The signs will be illuminated as approved in the prior plans.

Mr. Hutchins pointed out to Selectman's Rep. Lewis the photo which represented the building entrance.

Alternate Member Crean asked if the front of the building, above the entrance, would have the logo. Mr. Hutchins answered yes and the West side (facing Route 3) will also have the logo and that a 24 sq. ft. sign will be on the back of the building. No sign will face Route 106. The 72 sq. ft. sign facing Route 3 (West side) will be on the roof.

Selectmen's Rep. Lewis asked how the sign change would affect the future second tenant.

Ms. Scott said that the second tenant can still put up the signage that they were approved for. Since The Meathouse is looking for approval for 16 sq. ft. less signage, the second tenant could return to the Board to request approval of 16 sq. ft. more signage if they desired. In essence, if the Planning Board approves The Meathouse signage change, it will not affect the second tenant's present signage approval.

Selectmen's Rep. Lewis asked if the request for outside dining was related to The Meathouse? Mr. Hutchins answered no.

Member Zydel asked for clarification of the size of the previously approved signs. Mr. Hutchins said the Board approved a 60 sq. ft. sign on 2 walls and a 16 sq. ft. sign on one wall totaling 136 sq. ft. The applicant is presently requesting 2 24-sq. ft. signs and one 72-sq. ft. sign, each to be located on a different side of the building, totaling 120 sq. ft.

**MOTION:** Selectmen's Rep. Lewis moved to approve the reduction of the signage from 136 sq. ft. to 120 sq. ft. and the change in location from 2 sides of the building to 3 sides of the building based on the submitted ABC elevations. Member Terrien seconded.

Vice Chairman Bourque asked if the second tenant would also be allowed to place a sign on the roof. Ms. Scott answered that since they were not approved for roof signage, they would have to come to the Board for approval.

**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 APPROVE THE REDUCTION OF THE SIGNAGE FROM 136 SQ. FT. TO 120 SQ. FT. AND THE CHANGE IN LOCATION FROM 2 SIDES OF THE BUILDING TO 3 SIDES OF THE BUILDING BASED ON THE SUBMITTED ABC ELEVATIONS PASSED ON A 6-0 VOTE WITH ONE ABSTENTION.**

Ms. Scott asked Mr. Hutchins to submit a full set of plans with signage for the files.

After thanking the Board, Mr. Parent mentioned that the cooler collapsed because of all the water from the previous night's rainfall.

### **Economic Development Committee Discussion**

2008 Town Meeting ideas for possible re-zoning for commercial development

Ms. Scott introduced John Payne as the Chairman of the Pembroke Economic Development Committee (EDC).

Mr. Payne explained that EDC has focused on selecting Town businesses for a monthly acknowledgement award known as the "Prosper in Pembroke" award, has focused on the trees in Suncook village, and flowers and shrubs at the "Welcome to Pembroke" sign on the corner of Routes 3/106.

It was brought to Mr. Payne's attention that Troy Brown suggested studying future commercial property locations for possible re-zoning. Mr. Payne and the Committee agreed that a re-zoning study would be an interesting project. He noted that, although the sewer capacity is presently limited, the project would set the ground work for future expansion of the commercial zone. He asked if the Planning Board would be in favor of the project and if a few members of the Planning Board would like to join a subcommittee. He would also like to have a Water Commissioner and other members of Town departments on the subcommittee.

Chairman Lemoine stated that the expansion of the Commercial Zone is mentioned in the Master Plan.

Selectmen's Rep. Lewis said that the main focus EDC is proposing for rezoning is the two large sandpits located on the northwest portion of Town. It is thought that growth would occur at those locations once the sandpits have closed.

Alternate Member Crean was concerned about ingress/egress from the sandpit location. He felt that the focus would have be the rebuilding of the bridge. He suggests that the subcommittee examine grant funds and possibly congressional support to replace the bridge along with widening and reconstructing the road.

Selectmen's Rep. Lewis said that the Town of Pembroke has made an agreement with Concord and the State. The State will pay 80% and Concord and Pembroke will each pay 10% to replace the bridge decks in order to handle the necessary weight load but not for widening the road.

Alternate Member Crean said that Concord has not expressed any interest in improving the road because it has no benefit to them. This is an opportunity for Pembroke to build on other funds that might be available. He stated that to restore the bridge to its prior capacity without doing the associated roadwork such as widening the road, could result in access problems and further deterioration of North Pembroke Road in an easterly direction. He supports the subcommittee but feels the committee should also focus on the necessary road and bridge improvements.

Member Zydel said that there are grant monies available for infrastructure development to spur economic development.

Mr. Payne said that EDC will meet on July 19<sup>th</sup> and would appreciate an answer by that time so that he may discuss it with the Committee.

Chairman Lemoine said that the subcommittee would be a Planning Board committee and he would discuss the topic with the members.

After an inquiry by Alternate Member Cruson regarding the location of the sand pit area, Mr. Payne displayed a tax map of the area under discussion.

Alternate Member Krebs asked if the sandpits are presently being used. Chairman Lemoine answered yes.

Member Topliff stated that the subcommittee should be sensitive to the aquifer district located along Route 106 and North Pembroke Road and should also consider sewer possibility and road access.

Mr. Payne pointed out that the subcommittee would be formed to set the ground work for the future expansion of the commercial zone and that all the topics would need to be addressed at that time.

Selectmen's Rep. Lewis stated that it could be assumed that if the area was presently zoned commercial that the developers would install wells and septic systems. The Town has other parcels that could have access to sewer if there was the capacity.

Mr. Payne also said that a new category such as a C2 zone could be established to promote clean uses. Ms. Scott suggested that the new zone could be "all-green" development. There could be low impact requirements and less infiltration. This is a great opportunity to start fresh. The Town has a great deal of land in that area that is presently zoned residential.

Chairman Lemoine thanked Mr. Payne for coming and said that the Planning Board would discuss the matter and get back to him.

Mr. Payne left the meeting.

Ms. Scott reiterated that EDC would like the Planning Board to partner with them in this project and are hoping for an answer prior to their July 19<sup>th</sup> meeting. Chairman Lemoine said that EDC would have to work with the Planning Board on this project. Ms. Scott clarified that if the Planning Board did not want to promote a subcommittee, EDC could draft zoning and present it themselves. She encouraged the Board to discuss it immediately so that EDC would have their answer as soon as possible.

Alternate Member Cruson thought it was an interesting concept that has many positive aspects. She would be willing to volunteer for the subcommittee.

Member Foss said that, since he is the Planning Board Rep for EDC, he would be interested in being on the subcommittee. Alternate Member Crean also volunteered.

Chairman Lemoine said the Committee would be called the "Commercial Zoning Subcommittee".

Ms. Scott will inform EDC.

### **June 12<sup>th</sup> Community Forum Follow-up Discussion**

Ms. Scott wanted to give the Planning Board an opportunity to discuss the past forum.

Member Topliff said there were two points that he felt had significance: (1) the commercial re-zoning project which was addressed tonight; and (2) the promotion of Suncook Village. He wondered if there was a significant rehabilitation project that could promote Suncook Village in such a way that may attract stores, restaurants, condominiums, and people to the area.

Chairman Lemoine said that buildings should be taken down to increase parking in the area.

Alternate Member Crean stated the people will walk four times farther in a mall than anywhere you could walk downtown. The problem is that there is no reason to go there. There needs to be an

attraction that will bring people to the Village. At the present time, it is the area for affordable housing. Since there is no open space to create a development, existing space would need to be converted and affordable housing alternatives would have to be considered.

Ms. Scott said that some of the property owners have wanted to convert their upper floors but are not able to because of the lack of sewer capacity. She stated that the owner of the land for phase 2 of the Mill Falls Condominium wanted to build but could not because of the sewer capacity issue.

Chairman Lemoine reminisced about the Village's more prominent time and the stores that were located there. He noted that when the parking along Main Street was changed to parallel parking in order to enlarge the sidewalks, it heavily impacted the small businesses along Main Street.

Vice Chairman Bourque said that the owners of some of the buildings downtown have no desire to spend the money to renovate their upper floors.

Alternate Member Crean noted that he has seen the same thing in Concord -- the 1<sup>st</sup> floor of a building would be very nice but the 2<sup>nd</sup> floor would not be rentable. Concord's building codes make it commercially unfeasible to renovate upper floors. Although he is not in favor of disposing of safety codes, he did say that some of the safety requirements are unrealistic. Making codes less stringent alone would not create economic development. It would merely create low income housing.

Member Cruson said that approximately 12 years ago she took part in a study of restorative uses of existing mill buildings in Massachusetts. The conclusion, at that time, was that it was unfeasible to use the mills because of the amount of capital necessary for their renovation.

Alternate Member Crean suggested the possible study of Memorial Field and the construction of a concert shell for a summer music series. He suggested hiring commercial acts but said that a study would need to be done to find ways to transport people to the concert i.e. shuttle busses, trolleys, etc. He used Manchester as an example of an area that spurred economic growth to their main street area by the construction of the Verizon Arena and the FisherCat Ball Park. He concluded that there would need to be something to draw people to the Village, such as a summer concert series or a farmers' market.

Ms. Scott noted that Henniker built a simple gazebo which hosts Thursday night concerts and attracts anywhere from 40 to 200 people depending on the act.

Member Topliff suggested that the Planning Board encourage EDC to look into ways to encourage economic development in the Village.

Alternate Member Crean suggested that EDC hold a community forum on economic development.

At Selectmen's Rep. Lewis' encouragement, Recording Secretary Carlucci pointed out that the Meet Me In Suncook Committee talked about a summer concert series to be held downtown but, with the price of bands and the lack of manpower to put it all together, it never materialized.

Alternate Member Crean said that the Town needs a few things: (1) a facility to house a sizable crowd; (2) someone who has connections to organize the project; and (3) funding. It would give the community a sense of life and a reason to stay in town.

Member Cruson said that we would need to look at large contributors who want to promote their image by participating in community funding. It has been her experience that the arts do not sell in this area. Sports sell. Even free concerts in Concord are not well attended.

Alternate Member Crean stated that a partnership between a facility (such as a golf course or a place to house a large number of people) and a promoter is the first step.

### **Subdivision Cul-de-sac Draft Regulations – Review and Discuss**

Ms. Scott said that in April the Board reviewed the proposed subdivision regulations changes for cul-de-sacs and dead-ends.. Suggestions were made at that time. The items on Ms. Scott's memo dated July 3, 2007 entitled "Draft Subdivision Regulation Changes" that are bolded and underlined are the proposed changes per the Board's last discussions and recommendations.

She pointed out that rather than differentiating between dead-ends and cul-de-sacs, they are all considered "cul-de-sac/dead-end street" since a cul-de-sac is a dead-end street. She attempted to come up with different standards that the Board discussed such as radius of the cul-de-sac, etc. None of the proposed changes have been reviewed by any other Town committees but she encouraged the Board to do so before holding any public hearings on the changes.

Chairman Lemoine said that anytime changes are sent to the other boards and departments, they always come back "no comment".

Ms. Scott said that at least they were given the chance to input.

Selectmen's Rep. Lewis noted that the Beacon Hill project will have a decision next week. She noted that Police have difficulty knowing which direction to turn when arriving at a cul-de-sac when looking for a house number.

Chairman Lemoine asked if there was any way that the Town could get rid of cul-de-sacs. Ms. Scott said that the Board could simply not allow them and then require that the road connect to another street. That would cause developers to ask for waivers and question if they could develop their land. She has never seen a town that does not allow cul-de-sacs. She said the Town would have to justify why they wouldn't want cul-de-sacs.

Member Topliff pointed to page 4, 205-41 E (8) entitled: Cul-de-Sac/Dead-End Streets (Temporary), Paragraph f). He questioned if, noting that the intent is to be a temporary dead-end street, it would be better off to encourage L or T turnarounds rather than a loop?

Ms. Scott said that she would agree, but it was not what the Board wanted at the last meeting. Her notes state that the "temporary" was suppose to be a T or an L and the preference was always a cul-de-sac and that a temporary T or L turnaround was at the discretion of the Planning Board. The question was the definition of "temporary".

Chairman Lemoine asked if it could read "no temporary cul-de-sacs are allowed."

Selectmen's Rep. Lewis said that her recollection is that they wanted the loop, they did not want the small round cul-de-sacs.

Ms. Scott said yes, but the Board wanted more discussion as to the length, narrowness, and definitions. At the end of the discussion, her notes indicate that the Board wanted the U's (with an exit and entrance) but never discussed it further.

Alternate Member Cruson said that she was not in favor of cul-de-sacs or Ls, or Ts. She felt it was better to have through streets but when looking at parcels of land in Pembroke, there are a very low percentage of parcels that have the space to construct a loop road. Do safety vehicles prefer cul-de-sacs or Ls and Ts?

Vice Chairman Bourque said that there was a past discussion of safety vehicle preferences and that the Board began with a 60' radius to facilitate the trucks' turning and widening the road from 20 to 25 ft. to get through with the snowplows. The Board needed to check with Public Works to see if those measurements worked for them.

Selectmen's Rep. Lewis said Public Works does not want any cul-de-sacs.

Vice Chairman Bourque said that if the Town can come closer to a loop, it would be preferable.

Selectmen's Rep. Lewis said that Public Works wants a loop, they do not want more cul-de-sacs. Their second choice would be a hammerhead. Police prefer a cul-de-sac to a loop because it is confusing to find a residence. Safety (fire and ambulance) prefers the loop because there is less of a possibility of not being able to get into it (2-ways to get in).

Alternate Member Crean stated that the concern with the cul-de-sac is the ability to get to the residence if there is a problem in the road.

Member Zydel said that the Roads Committee should make determination of radius since that is their expertise.

Chairman Lemoine said that the residents do not want the Town to tell them what they can do with their land. Alternate Member Crean pointed out that with regard to roads, it may start off as the residents' land, but it eventually becomes the Town's land. They are creating a burden to the taxpayers. The Board must decide what is best for taxpayers in Pembroke while allowing a reasonable level of development and not imposing a hardship on the Town.

Selectmen's Rep. Lewis said that a developer prefers cul-de-sacs because that is what the market wants, therefore, unless the Board tells the developers otherwise, Pembroke will get cul-de-sacs.

Member Topliff said that while thinking along the lines of providing an economic incentive for the loop road, maybe the Board should consider a regulation that a home built on a loop road would not be required to have a fire suppression system while every home along a dead-end street is required to have a fire suppression systems.

Alternate Member Crean said that it still does not address access for non-fire emergency vehicles or the problem that arises if a tree is blocking the only road to a home. He suggested that rather than

limiting the length of the cul-de-sac, possibly limiting the number of lots on a cul-de-sac should be considered.

Member Cruson asked how the Board would justify that. Alternate Member Crean said that it would simply be considered a reasonable judgment. A Town Planning Board is entitled to have some preferences on how they would like to see things designed. It would be the applicant's burden to challenge the unreasonable basis to do it.

Alternate Member Cruson questioned that if the road is long enough for 8 houses and the Board recommends 4 houses, would it be the Board's reasoning that 4 is less of a safety risk than 8? Alternate Member Crean said yes and it would be nice to have some statistics that would justify that.

Selectmen's Rep. Lewis said that the bulk of the past subdivisions that have been built could have had some form of a loop road. Typically the developer subdivides off the front lots and leaves one access point. If we change our regulations, the developer would then make provisions for two access points.

Alternate Member Crean noted that the objective of the developer is to maximize return. He said that the Board must look at the cost of long-term maintenance of the road.

Member Topliff asked an applicant could challenge the Town's regulations if they required a loop road or a road similar to Peasley Drive? Ms. Scott said that the applicant could ask for a waiver. Because the requirement would be in the subdivision regulations, they could not go to the Zoning Board for a variance. The Planning Board would be the only one that could grant the waiver. If the Board denies the waiver and the applicant wishes to challenge it, they would have to go directly to court.

Member Topliff suggested that somehow the Board identify the reasons for their decisions (it would best be in the zoning regulations) because in the future, when the Board members have all changed, there will be no one to remember what the reasons were for the decision unless they are listed somewhere.

Alternate Member Cruson said that the Board must consider what Pembroke looks like now and what we would like it to look like in the future while preserving its history, building, and architecture.

Alternate Member Krebs asked why the Board would allow a 500' driveway when they limit the length of a cul-de-sac to 1,000 ft or 600 ft. with a fire suppression system because of concern of fire trucks getting to the resident? Wouldn't they have the same problem?

Vice Chairman Bourque said that it is the responsibility of the landowner with the 500' driveway. The Board is trying to prevent cul-de-sacs because they are so restrictive and are considering other variations.

Alternate Member Crean said that his concern is more for the person who is buying a home in a Town-approved subdivision as opposed to someone who just wants to build a home in as private a location as they can (i.e. with a 500' driveway), because that is their own personal choice.

Alternate Member Crean said that the Board needs to establish a standard and then decide what type of variation it will allow from the standard.

Vice Chairman Bourque said that he would think that the Board would have to come up with more than one design. The developer should have more than one choice.

Ms. Scott said that the choices should be based on a criteria. The question is how does the Board make a developer do something that they physically do not have the land for? Is the Board going to give the developer the choice of which type of road they can create based on criteria such as 2 forms of access, or based on the number of lots? Is the Board going to state, for example, that if the developer has the possibility of 2 forms of access within a minimum of 250' and a good line of sight, than they must build a U. They have to have the waiver based on the Board's criteria otherwise there is no waiver. She has put a request out to towns who have a hierarchy of criteria but have not received any replies.

Selectmen's Rep. Lewis said that what the Board is really concerned about is the number of dead-ends that they are creating. The Board discussed Chickering Meadows and the successful configuration of their cul-de-sac and loop road.

Alternate Member Crean said that the Board needs to decide on a standard and than to decide on language and what exceptions will be allowed, if any.

Alternate Member Krebs noted that the only issue might be whether to use the term "permanent" or "temporary".

Alternate Member Crean said there was no such thing as temporary.

Selectmen's Rep. Lewis said the Board could ask for a loop and allow a connection into another project because it allows more options for travel. She said that the Board must decide whether they will allow for a temporary roadway.

Member Topliff asked if it would be possible to have Laura research other communities in hopes that similar language to what the Board is discussing could be used as a guide.

Selectmen's Rep. Lewis said that in the regulations the Board should also consider the cul-de-sacs that are already existing off of dead-end roads.

Ms. Scott said that the way the proposed regulations are drafted, there cannot be a cul-de-sac off a cul-de-sac. It is based on the way it is measured (page 5, 205-41D (9) b).

Alternate Member Crean said that the Board should come up with an entirely new concept.

Chairman Lemoine reiterated that the Board needs to establish standards and the circumstances under which exceptions will be allowed and used. He instructed Ms. Scott to look into the standards and said that he would also do so and would inform her of what he has found.

Vice Chairman Bourque suggested that she also consider communities outside New Hampshire. Ms. Scott said that she has looked at a few state websites and has put a request out to New Hampshire planners and Planning Boards. Chairman Lemoine said that Arizona had nice regulations.

Chairman Lemoine also said that this project should take priority while it is fresh in their minds. Ms. Scott noted that the Board has deadlines associated with town meeting warrant articles that should also

be considered priority. Chairman Lemoine said that the cul-de-sac regulations were more important and would rather have her work on that than the town warrant articles.

Vice Chairman Bourque reminded Chairman Lemoine that as of 2008 there will no longer be a growth ordinance and developers with large parcels of land may approach the Board.

Chairman Lemoine pointed out that even though “sunsets” is on Town meeting day, that does not mean that there cannot be large developments with septic systems.

Vice Chairman Bourque asked what it would take to keep the growth ordinance and wondered if it was working?

Chairman Lemoine said that they had to look at findings of facts, school enrollment, services (fire, highway, police) impacts to justify keeping the growth ordinance.

Alternate Member Crean said he would like the Town to get away from numerical limits and to study growth control. The concern is the location of developable land (the westerly portion of Town) that may require elementary schools, and other services. The Board should be thinking about impact fees for development in those areas such as recreational facilities (Memorial Field will be irrelevant in that area), and other amenities. He does not feel that limiting building permits controls development.

Selectmen’s Rep. Lewis said that the real reason why the growth ordinance works is not the building permit numbers because Pembroke only allows 5 lots, but because developers are allowed to do phasing, up to 20, but still only allowed 5 lots per year.

Alternate Member Crean said that all that means is that there will be little subdivisions that lack amenities. He feels that it eliminates the ability to do a large subdivision that includes significant recreational facilities, etc. It is important to look at creating developments that are favorable to the Town. It will take work, study and a lengthy process but, in the end, is best for the Town.

Chairman Lemoine restated that there are two priorities: (1) to work on the cul-de-sac regulation and (2) to look into CTAP funds for professional guidance to develop a growth plan.

Alternate Member Cruson asked how impact fees are justified. Ms. Scott said that impact fees are based on future capacity needed because of the Town’s growth.

Alternate Member Crean stated that impact fees do not recoup past expenses, but rather is for future expenses. The Town must show that it is doing it’s fair share with regard to building infrastructure, etc. It has to come up with what is a reasonable estimate for what the Town’s expenses will be within a certain period of time.

Ms. Scott said that the Town has an impact fee ordinance in place and there are a number of examples of impact fee schedules can be found on the OEP website.

## **Member Updates**

- Board of Selectmen

Selectmen's Rep. Lewis said that the Board of Selectmen will be interviewing two candidates for the Code Enforcement position on Wednesday, July 11, 2007. She said that they will be reviewing the Third Range Road/Beacon Hill project and is hoping that information regarding the bridge will be available at the next Selectmen's meeting.

- Conservation Commission

Member Terrien said that the Conservation Commission accepted the easement which was later approved by the Planning Board for Ames Brook. They walked the Associated Grocers and White Sands conservation properties. They held a White Sands cleanup day, and are looking at conservation parcels.

Ms. Scott said that the Commission is looking at river front parcels, large lots over 25 acres, and lots that are abutting current conservation land for future conservation land.

- Economic Development Committee

Member Foss said that EDC has planted flower beds below the "Welcome to Pembroke" sign at the intersection of Routes 3/106 and are looking into planting bushes to camouflage the pump station at that same location. They are also researching 18-24" tall rod iron tree guards for the Main Street trees to protect them from dog feces, etc. The proposed guards will complement the light poles. They continue to issue monthly "Prosper in Pembroke" awards to local businesses.

- Roads Committee

Member Zydel said that there is \$400,000 worth of shim and overlay being done on a number of roads in Town such as Bricket Hill Road, Dearborn Road, etc. Chairman Lemoine said that some of the money was from last year's encumbered money. He said that this will provide a good base for when the Town decides to redo the roads.

- Capital Improvement Plan

Chairman Lemoine said that CIP had a meeting with the Fire Department, the Solid Waste Committee, and the Public Works regarding the salt shed site. They also discussed different styles of trash pickup for solid waste which will give the same quality of service at the same cost. They are looking at a system that will require one person and one truck. It will be fully automated. All residents would be given a wheeled container the first year for regular trash. They are investigating offloading the trucks at one location. He visited Goffstown to see how they conduct trash pickup – they pickup for 18,000 residents in 36 hours. Pembroke spends 4 days with 3 people. One fully automated vehicle would cost as much as the packer. They could do it for the same cost that Pembroke presently spends but in less time. The following year, the hope is to save enough money to be able to progress to recycling containers. The goal is to eliminate 2 people (hourly wage and benefits) and save money without cutting services. CIP will meet every Monday.

Chairman Lemoine said that they will keep the transfer station open for residents to bring things down.

Chairman Lemoine also noted that the gross tonnage can be changed every year so the more that Pembroke recycles the lower the tonnage figures will be and will save money.

- Route 3 Corridor Study

Member Foss reported being sworn in.

Chairman Lemoine said that he heard a rumor that the proposed roundabout was dead.

Ms. Scott said that there was a ¼ page ad in the paper for a public hearing to be held at Pembroke Academy in August.

- Site Plan and Subdivision Regulation Subcommittee

Alternate Member Crean reported that they are making progress. There was a meeting before the Planning Board meeting. They will need 2 or 3 more meetings.

### **Miscellaneous**

- 6/29/07 Budget Report

Ms. Scott said that the budget was included in the Member packets.

- 7/19/07 Water Commission meeting reminder

Ms. Scott reminded the Board that they will be receiving a packet from the Water Department. Paul Whitmore and Ms. Scott have been working on the agenda. The meeting will be held next Thursday, July 19, 2007, at 7 p.m. at Town Hall. The Water Commissioners will meet at 6 p.m. and the Planning Board will join them at 7 p.m. The Paulsen Room has been reserved.

With regard to The Meathouse, Alternate Member Crean suggested that in the future when an applicant meets with the Board to present changes to their pre-approved site plan, that the Board receive all the pertinent material relating to the past approval along with the changes in the Member packets. He found it very difficult to assess the situation without being better prepared. In the future, he would like to see the plans along with a table indicating that their request complies with the regulations so that the Board does not have to rely strictly on verbal reports.

In her defense, Ms. Scott said that the applicant was aware of the deadline and sent the information on time, but unfortunately sent it to Elaine's attention via fax. Elaine was on vacation and no one looked at the fax. Ms. Scott received the information after the member packets were mailed. Since the applicant had complied with the proper steps, Ms. Scott did not want to make them wait for 2 additional weeks because of a miscommunication or misfiling in the Town office. She felt that the signage was a minor issue considering that the applicant was asking for less square footage than was previously approved.

Vice Chairman Bourque asked why the Board voted on the signage issue since it was presented as a conceptual. He said that the applicant should have prepared the information that Alternate Member Crean suggested and then come back to the Board for approval.

Ms. Scott said that the applicant followed the same steps that the Board used to approve Art Rose's request at their last meeting.

Vice Chairman Bourque reiterated that the Board should not be voting on a conceptual until all plans have been properly submitted. Chairman Lemoine agreed. Vice Chairman Bourque also said that he did not care for the roof signage because it was similar to a billboard.

Member Topliff said he had a question with regard to Pembroke 600. Ms. Scott stated that although she is not the planner for this application, she recommended that he and the Planning Board not discuss anything substantial with regard to the topic without it being on the agenda and the applicant being notified. She noted that their attorney came in to see her today.

Member Topliff went on to ask if the Board could have a discussion, in general terms, on what the Board's legal rights might be. He said that, based on a comment that was previously made indicating that the applicant hired an attorney would suggest to him that the applicant is anticipating the Board not granting the December 31<sup>st</sup> extension. Is it appropriate for the Board to have some conversation about the deliverables that we would expect to see as a timeframe in order to accept an extension?

Chairman Lemoine stated that they were already given specifics and that the applicant would be approaching the Board to discuss them.

Alternate Member Crean said he was contacted by their attorney to discuss the matter and he told him that he was not authorized to speak on behalf of the Board and suggested that he speak to Troy. Their attorney spoke on the same points that the Board heard at their last meeting, namely that they have spent a great deal of money designing the road that the town wanted and they are building a case in anticipation of not being granted an extension.

Member Topliff asked if the Board has guidelines or language that would dictate when they would or would not grant an extension?

Alternate Member Crean stated that the applicant had a deadline to act on and that the Town is under no obligation to extend the deadline. He said that the applicant has to prove that the Board's action to not grant the extension is contrary to law and the burden is on him to prove that the Board is unreasonable.

Chairman Lemoine indicated that when they return to the Board, the Board will listen to their comments.

Alternate Members Krebs stated that the Amoskeag Rowing Club previously asked for a year extension and was granted a 6-month extension and Pembroke 600 asked for a six-month extension and was given only a few months. Is their criteria used for granting extensions?

Alternate Member Crean said that there was a significant difference in the two projects. The Rowing Club had no sewer capacity issue and was not holding up other development but Pembroke 600 is

holding up other development. The question will be “Can they justify the need for an extension?” He also said that a Sewer Commissioner was at the meeting and indicated that they have turned down applications because of the unavailability of sewer capacity.

Vice Chairman Bourque summarized that what Member Topliff was asking is whether the Board should speak with legal counsel regarding the Board’s options.

Member Topliff said that he is feeling uncomfortable because he does not want to make a poor decision that the Board cannot defend and it would be nice to have guidelines as to the Board’s rights and what they should be looking for.

Chairman Lemoine said that the Board should listen to the applicant first. Vice Chairman Bourque agreed and further pointed out that the Board does not have to render a decision at that time.

Alternate Member Crean noted that the problem is that the temporary extension expires July 24<sup>th</sup>. The Board could grant a temporary extension, or an extension, as requested, to the end of the year. The concern is if the Board lets things go until the end of the year and the applicant returns at that time and asks for more time without issuing progress reports or justifying due diligence.

Vice Chairman Bourque clarified that after the applicant has been heard, the Board can develop questions for town counsel.

Chairman Lemoine said that the applicant has already spoken to Troy and, therefore, is aware of what is expected.

Ms. Scott said she received a letter from the Town of Raymond regarding the erection of a cell tower. The Board asked her to thank them for informing Pembroke but they will not attend the meeting.

**MOTION:** Vice Chairman Bourque moved to adjourn. Selectmen’s Rep Lewis seconded.

Vote was unanimous in favor of the Motion.

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Jocelyn D. Carlucci  
Recording Secretary