

Pembroke Planning Board
Minutes of Meeting
(Adopted)
Tuesday, October 9, 2007

MEMBERS PRESENT: Robert Bourque, Vice Chairman; Alan Topliff; Todd Terrien; Kevin Foss

ALTERNATES PRESENT: Kathy Cruson; Kevin Krebs

EXCUSED: Cindy Lewis, Selectmen's Representative; Roland Lemoine, Chairman; Dan Crean; Mark Zydel

STAFF PRESENT: Jocelyn Carlucci, Recording Secretary

In Chairman Lemoine's absence, Vice Chairman Bourque served as Acting Chairman. He opened the meeting at 7:00 p.m. and designated Alternate Member Cruson to vote in place of Chairman Lemoine and Alternate Member Krebs to vote in place of Member Zydel.

Joint Meeting with Zoning Board

Zoning Board of Adjustment (ZBA) Members Present: William Bonney, Chairman, Tom LoPizzo, Paul Paradise, and Dana Carlucci. Everett Hodges, Pembroke's Code Enforcement Officer/Building Inspector was also present.

- Discuss zoning regulation items for 2008 Town Meeting.

Mr. Bonney stated that the Zoning Board wanted to share proposed changes to the zoning ordinances with the Planning Board. He also said that the Zoning Board is very happy to have Mr. Hodges as the Code Enforcement Officer. At the present time the Zoning Board has 5 members and 3 alternates.

Acting Chairman Bourque asked if the ZBA had a procedure in place that would inform the ZBA of what the Planning Board has or has not agreed to for each applicant that comes before the ZBA? He was concerned that the plans that the ZBA is presented by an applicant may be different from those that come before the Planning Board. Acting Chairman Bourque was also concerned that an applicant may misrepresent the Planning Board's discussions regarding a plan before the ZBA.

Mr. Bonney stated that if the applicant said that they discussed certain items with the Planning Board, that discussion would not influence the ZBA's thoughts. He said that the ZBA does not rely on testimony on what the Planning Board has or has not approved.

In answer to Acting Chairman Bourque's inquiry, Mr. Bonney stated that the ZBA, in most cases, will attach conditions to the granting of special exceptions and variances. A standard example would be that the applicant must abide by all state and local ordinances. An example of a specific condition would be to require a buffer consisting of plantings along the property line for privacy or to specifically designate that the encroachment on a setback will be no more than a set distance.

Acting Chairman Bourque said that the last North Pembroke Road cluster subdivision received approval from the ZBA for lots that did not meet minimum square footage requirements and that the Planning Board could not change it because the ZBA had already approved it.

Dana Carlucci said that the ZBA did not grant a special exception on the cluster subdivision but rather granted a special exception to allow a cluster subdivision. The ZBA follows the specific conditions that a special exception needs to meet. He stated that, in his opinion, it is the Planning Board's job to look at the setbacks and square footage requirements. Mr. Carlucci said that the ZBA is under the assumption that the plans are then returned to the Planning Board for further review on specifics such as soil drainage or frontage requirements. He said that the ZBA's job is to grant the special exception based on the conditions set forth in the RSA's or the Planning and Land Use Guide for a cluster subdivision. He also said that the ZBA uses the Master Plan as a reference which encourages cluster subdivisions and alternative land use. Mr. Carlucci suggested that perhaps the Planning Board would like to reexamine the subject of cluster subdivisions.

Mr. Bonney stated that, in the North Pembroke Road example, from a conceptual standpoint, there was no reason that the applicant could not put a cluster subdivision at that location. Mr. Bonney said that the ZBA approves a concept but it is the Planning Board's job to make sure that the applicant abides by the specifics.

Acting Chairman Bourque said that the North Pembroke Road applicant was of the opinion that because the cluster subdivision was approved by the ZBA, that the layout was acceptable.

Mr. Bonney stated that the ZBA approved the concept of 14 units and two opened-space units with 130' of frontage, but the ZBA did not approve a layout or plan.

Acting Chairman Bourque said that he recused himself from the North Pembroke Road cluster subdivision case but realized, while in the audience, that the Planning Board found it very difficult to make appropriate changes to the plan.

Mr. Bonney reiterated that the ZBA does not approve plans, only the Planning Board does. He said that if the applicant, after the ZBA approved the cluster subdivision concept, could not configure the lots to meet the Planning Board's requirements, then it would be a whole different story.

Member Terrien asked what the outcome was on the Meathouse signage issue.

Acting Chairman Bourque clarified that the original signs met the requirement. The applicant wanted to enlarge the approved signs and, therefore, took square footage from the overall project in order to accomplish this. By doing so, the balance of the remaining signs was smaller. Dunkin Donuts then approached the Town for more signs. The Planning Board approved it, but was then overturned by the Code Enforcement Officer. The applicant went to the ZBA for a variance which was granted.

Paul Paradise clarified that the variance was granted for the quantity of signs not the physical signs.

Mr. Bonney said that the problem the ZBA was faced with was that the sign ordinance was not written for a multi-tenant project and that is why the applicant came to the ZBA for relief from the sign ordinance. The ZBA granted a maximum number of signs and, if they exceed it, they would have to return to the Planning Board.

Mr. Bonney said that, in a separate case, the ZBA approved a roof sign above the eaves but below the ridge line.

Mr. Carlucci asked if the sign ordinance was on the list of ordinances to be reviewed. Member Foss said that Laura Scott, former Planning Director, removed it from the list because she did not have time to redo the material.

Mr. Carlucci said that all signs are considered “signs” in the ordinance, including “exit” signs, “entrance” signs, “height” signs, “no-parking” signs, “open” signs, etc. There did not seem to be sufficient signage for the multi-use project and, therefore, the case addressed the number of signs on the parcel. He suggested that the ordinance clarify what a sign actually is by creating a specific definition and whether it includes a “no-parking” sign, or “open” sign.

Alternate Member Cruson stated that the sign ordinance is a handicap for businesses. Mr. Carlucci said that the ZBA considered driver safety and the possibility of a driver being distracted while driving north on Route 3 when they approved the Meathouse sign.

When reviewing the proposed ordinance changes, it was agreed that §143-113, C should read as follows:

- C. The requested use will not impair the integrity or character of the district and adjoining zones. The proposed use shall not create noise, dust, vibration, odor, smoke, glare, electrical interference, fire hazard, or nuisance to the neighborhood;

Acting Chairman Bourque asked if the ZBA had granted equitable waivers in the past. Mr. Bonney said yes. Mr. Carlucci gave examples of two situations which the ZBA granted an equitable waiver: (1) the ZBA felt that a porch that was previously built was not a detriment to the health and welfare of the area; and (2) the NH Tool sign, which was originally granted by the Code Enforcement Officer as an “on-premise” sign, was actually an “off-premise” sign located at the Merriam-Graves property. Considering the 600’ of frontage at Merriam-Graves, the ZBA felt that the sign did not create a hazard

Mr. Bonney said that the ZBA would review the proposed ordinance changes again and prepare a final draft for the next joint meeting.

Acting Chairman Bourque thanked the ZBA members for meeting with the Planning Board.

Approval of September 25, 2007 Minutes

- September 25, 2007 minutes were discussed and revised.

MOTION: Acting Chairman Bourque moved to accept the minutes of September 25, 2007 as amended. Seconded by Member Terrien. Unanimously approved.

VOTE:	Robert B. – Y	Todd T. – Y	Kathy C. – Y
	Alan T. – Y	Kevin F. – Abstained	Kevin K. – Y

THE MOTION TO ACCEPT THE MINUTES OF SEPTEMBER 25, 2007 AS AMENDED PASSED ON A 5-0 VOTE WITH ONE ABSTENTION.

Planner Position

Member Topliff asked if the Planning Board was going to rejoin the Central NH Regional Planning Commission. After a brief discussion, it was agreed that Acting Chairman Bourque would contact Interim Town Administrator Geoff Ruggles and ask him (1) if the Board of Selectmen is considering joining the Central NH Regional Planning Commission, and (2) if so, ask if the Planning Board may be present when the Commission makes their presentation to the Board of Selectmen.

Acting Chairman Bourque said that he discussed the planner position with Mr. Ruggles. He said that the Board of Selectmen directed Mr. Ruggles to hire an interim planner/administrator while the Board of Selectmen continued to look for someone long term. Mr. Ruggles will speak with MRI and the Central NH Regional Planning Commission.

Member Topliff said that, while at the CTAP conference, he met a woman who worked for the NH Department of Environmental Services and who had written a model open-space subdivision ordinance that could be tailored to individual communities. She had worked closely with the Office of Planning. She has been working with Hopkinton and would be willing to provide the service to Pembroke. Mr. Ruggles contacted her and she will give a presentation to the Planning Board on October 23, 2007.

Acting Chairman Bourque said that the more complicated ordinances, such as the Growth and Cluster Ordinances which are in need of revision, are best contracted to a professional.

Member Cruson asked if it was standard practice by most towns to periodically adjust ordinances to meet the changing needs of the community? Acting Chairman Bourque said yes. He also said that cul-de-sacs and cluster subdivision ordinances should be discussed with the entire Board.

Continue Review of List of Potential 2008 Town Meeting Items:

Article VIII A Telecommunications Facility & Antenna Criteria

Acting Chairman Bourque referred to page 2 §143-66.3 A and asked if it was in conflict with §143-66.3 D? Member Topliff clarifies that it refers only to antennas. The intent is that a special exception is not required to replace antennas as opposed to towers.

Member Topliff clarified that the regulation states that if the tower change exceeds 10% of the existing size, the tower owner must come to the Town.

Acting Chairman Bourque also questioned 143-66.4 B (2), (3) and C. Member Topliff said that (2) should read "Additional antennas . . . not later than June 1, 2008 . . ." He also clarified that the intent of (2) is to allow the tower owner to go before the ZBA for a special exception for approval of a set number of antennas to be installed as needed without coming back to the ZBA for each antenna. He also clarified that (3) is to allow a specific number of antennas to be installed even if time lapsed between the time of approval and the time of actual antenna installation. Member Topliff said that an engineer would determine the load that an antenna tower could hold.

After a discussion it was agreed that 143-66.4 B (1) should read: "(1) Additional antennas . . . under this Article VIII A."

Member Topliff recommended that Article VIIIA be placed on the next agenda for review by the entire Board.

Article VIII Signs

Member Topliff stated that the sign ordinance references signs in other articles and wondered if that was where the conflicts arose. He suggested that, if the sign ordinance was on the web, Member Foss could perform a word search for the word “sign” and note all the occurrences where it appears for future reference when revising the ordinance.

Member Cruson suggested that the sign ordinance be simplified. Acting Chairman Bourque suggested that other town sign ordinances be reviewed for Pembroke’s purposes.

Mr. Carlucci said that Mr. Hodges will be attending a meeting on signs on Saturday.

The Board noted that there are conflicts regarding rolling signs, temporary signs, and political signs in the ordinance.

§143-42 Commercial Kennels

Mr. Topliff suggested placing the Kennel Ordinance on the next agenda for Chairman Lemoine to present.

Water Protection Items

- a. **§143-71 Shoreland Protection District**
- b. **§143-69 Floodplain Development District**

Member Topliff stated the following concerns regarding Attachment 2 submitted by the Office of Energy and Planning: (1) Is the Board supposed to dispose of other parts of the Floodplain definition?; (2) The term “flooding” does not seem to be defined in the Article; (3) Is the Board suppose to replace the definition of manufacturing housing with the recommended definition of “manufactured home”?; (4) Where is the definition of FHBM.

The Board recommended that Acting Chairman Bourque ask Mr. Ruggles to invite Sandrine Thibault of the Office of Energy and Planning to the November 13, 2007 work session to explain the ordinance changes in Attachment 2.

Member Updates

- CTAP Workshop

Member Topliff attended the CTAP Workshop. He noted recommendations that were made:

1. With regard to ground water recharging and enhancing, create a strip of plantings in place of a concrete berm which would allow water to permeate the soil.
2. Use permeable asphalt that allows water to soak through (created by minimally rolling the pavement). The gravel under the asphalt would allow water to run to the subsurface soil.
3. Discourage developers from clear-cutting land or disturbing soils any more than necessary.
4. Encourage plantings.

5. As a way of reducing driving and traffic, encourage larger developments rather than small developments and encouraging developers to create community centers within the development which would bring about recreational facilities, banks, stores.
6. Develop streets in a square grid pattern where all streets interconnect. This solves the dead end street problem created by cul-de-sacs and is a more efficient use of traffic control.

Member Topliff touched briefly on road patterns and the advantage to city grid patterns vs. cul-de-sacs. Other suggestions were:

Member Foss said that the Route 3 Corridor Study Group met last month. Concord discussed the Manchester Street 3-lane road construction slated in the next few years and Hooksett discussed introducing 4-lanes past College Park Drive.

Member Foss asked what Pembroke's intention is regarding the "character" of Pembroke Street (Rt. 3). It was agreed that the "character" of Pembroke Street should not change.

Member Cruson suggested the use of alternative routes to Route 3 such as Fourth Range Road which would connect Buck Street, Route 28 and Route 106. She also suggested investigating the designation of Pembroke Street as a Historic District which might protect it from being widened for traffic's sake.

Member Foss said that Central NH Regional Planning has scheduled a public hearing on October 25, 2007 at 6:30 p.m. and the Route 3 Corridor Study Group will meet Thursday October 18, 2007 from 1-3 p.m. at Pembroke Town Hall.

Mr. Carlucci suggested that the Planning Board discuss historic designation with Joyce McKay or Jim Garvin.

With regard to the proposed roundabout at the base of Pembroke Hill, Member Topliff said that the Selectmen voted to send a letter to the State saying that they were not in favor of a roundabout but were in favor of looking at alternatives such as aligning Bow Lane with Pembroke Hill Road and to construct turning lanes.

Miscellaneous

Member Topliff noted the following documents which were placed at each member's seat: (1) a letter to Chairman Roland Lemoine from Michael Kostiew, Esquire of D'Amante Couser Steiner Pellerin, P.A. dated October 3, 2007, and (2) letter to the Planning Department from R. Jeffrey Burd, PE dated October 9, 2007.

With regard to Chickering Meadows, Acting Chairman Bourque said that the Planning Board did not accept the application and instructed the applicant to submit drainage calculations to the Board. The Board also voted to renotify all abutters.

MOTION: Member Topliff moved to deny R. Jeffrey Burd, P.E. the opportunity to discuss at the October 23, 2007 Planning Board meeting the re-notification decision made at the September 25, 2007 Planning Board meeting. Member Cruson seconded.

