

# **PEMBROKE PLANNING BOARD**

## **Minutes of Meeting**

**(Adopted)**

**Tuesday, October 23, 2007**

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

**ALTERNATES PRESENT:** Kathy Cruson; Kevin Krebs, Dan Crean

**EXCUSED:** Mark Zydel

**STAFF PRESENT:** Jocelyn Carlucci, Recording Secretary

Chairman Lemoine opened the meeting at 7:00 p.m. and designated Alternate Member Krebs to vote in place of Mark Zydel.

Chairman Lemoine apologized to the audience for not publicizing and placing the Community Forum on the agenda. Two residents were present for the Forum. Chairman Lemoine said that another Community Forum would be scheduled. He would personally e-mail a notice to the two residents that came this evening.

Chairman Lemoine and Selectman's Rep. Lewis stepped down. Selectman's Rep. Lewis appointed Alternate Member Crean to vote in her place. Vice Chairman Bourque served as Acting Chairman.

### **Conceptual Consultation**

Chickering Meadow (Map 266 Lot 58-3) requests clarification on re-notification requirement and revised drainage calculations.

Members received copies of (1) Memo dated September 27, 2007 from Laura Scott, Planning Director to Chickering Builders, LLC; (2) Letter dated October 9, 2007 from R. Jeffrey Burd, PE to Planning Department; (3) Letter dated August 27, 2007 from Eric Skoglund of the Department of Environmental Services to Starter Building & Development; (4) Letter dated October 10, 2007 from Brown Engineering to the Planning Director; (5) Supplemental Grading Plan dated October 5, 2007 from Brown Engineering; and (6) Sight Distance Plan dated October 5, 2007 from Brown Engineering.

R. Jeffrey Burd, P.E. of Starter Building and Development explained that he understood at the September 25, 2007 meeting that the application for Chickering Meadows would be continued to October 23, 2007. He asked for an explanation regarding the renotification and why this meeting was merely a conceptual.

Acting Chairman Bourque explained that the Board decided at the September 25, 2007 meeting that once the Board accepted the application, they would need to renotify. Acting Chairman Bourque also said that on September 25, 2007 the application was incomplete because new drainage calculations were not submitted to the Board and the Town's engineer.

Geoff Ruggles, Acting Town Administrator, said that, based on his conversation with Mr. Burd, it was his impression that Mr. Burd did not want to incur the cost of renotification for a public hearing without being sure that the application would be accepted, therefore, tonight's meeting was a conceptual meeting.

Acting Chairman Bourque said that the Board has not heard from Keach-Nordstrom regarding the drainage calculations. Mr. Ruggles concurred. Acting Chairman Bourque stated that the Board cannot accept the application without receiving an opinion from Keach-Nordstrom.

Member Topliff stated that the changes that were made at Chickering Meadows could possibly affect the drainage calculations and, therefore, the calculations are a key piece to evaluating the project. He also said that all public hearings must be renoticed.

Acting Chairman Bourque asked Mr. Ruggles to contact Keach-Nordstrom requesting comments on the drainage calculations and place the application on the agenda as soon as possible. He further clarified that when Mr. Ruggles receives the information from Keach-Nordstrom and verifies that all the information is present for public hearing, Mr. Ruggles will begin renotification. In the meantime, if there is a problem between the Town's engineer and Chickering Meadows' Engineer, it is up to the engineers to find a solution to resolve the issue.

Mr. Burd asked to be put on record that if renotification is necessary, he only wants to do it once. He said that the September 25, 2007 meeting minutes show that an abutter talked about the project after Mr. Burd left, and wanted to be sure that everything would be fair.

Mr. Ruggles said that he would be in touch with Keach-Nordstrom and will notify Mr. Burd and set the public meeting as soon as possible.

Chairman Lemoine and Selectman's Rep. Lewis rejoined the Board. Chairman Lemoine will preside over the remainder of the meeting.

### **Zoning Ordinance/Subdivision Regulation Revisions**

Review of proposal and timeline from consultant Carolyn Baker Russell to revise the Open Space/Conservation Subdivision ordinances and regulations.

Members received a copy of Carolyn Baker Russell's proposal outlining the Project, Proposed Scope of Work, and Fee.

Vice Chairman Bourque clarified that Members Zydel and Topliff attended the CTAP conference and met with Carolyn Baker Russell who created a model cluster subdivision regulation that can be tailored to different towns. The Board, at the October 9, 2007 meeting, requested that Mr. Ruggles invite Ms. Russell to attend this meeting and explain what she can do for Pembroke.

Ms. Russell explained that she works for the State of New Hampshire Department of Environmental Services on the promotion of land use with minimal impact. In the private sector,

she is working on subdivision regulations for another community and also works with the NH Regional Planning Commission.

Ms. Russell reviewed the proposal and suggested that, if she is hired, someone take her on a tour of the Town. She also recommended that, early in the process, there be conversations with the public in order to gain their input.

Alternate Member Crean asked if Ms. Russell could explain how open space subdivision differs from other subdivisions.

Ms. Russell explained that the conservation subdivision concept places open space on the forefront by looking to accommodate the same amount of homes but in a different fashion so that there is conservation land set aside. She said that there are technical questions that must be answered such as who retains ownership of the land, and who will oversee conservation easement violations, and how it will be implemented in the community. She recommends that the Planning Board look at a number of projects and decide what worked well and what did not. Ms. Russell said that if the Board was looking to propose something for this coming Town meeting, they would need additional work sessions.

Ms. Russell said if the Board reviewed the model in its current form and could gather information on 6-8 developments, she could begin conversations with the Board next month.

Vice Chairman Bourque said he felt it would be best for the Board to take their time and not rush through the ordinances for town meeting.

Alternate Member Crean suggested looking at all options, given the size of the expenditure. He would like additional proposals so that the Board could see what other consultants could offer the Town with regard to innovative zoning.

Member Topliff asked if there was money available for this project?

Mr. Ruggles said there is money currently available to hire an outside planner at \$65 per hour for approximately 3-4 days a week. If the Board is not in a hurry to complete this project, additional money can be placed in next year's budget.

Selectman's Rep. Lewis said that Town meeting would be a great time to get public input.

Alternate Member Crean that there are a number of subdivision designs other than open space conservation. He has not seen the model that Ms. Russell has prepared but said the Board should look at where development would occur in Town and the characteristics of the properties.

Vice Chairman Bourque stated that in the past the Board decided that the present cluster subdivision ordinance was not adequate. He said that the Board has an opportunity to look at the model now to see if it will work and how it can be tailored for Pembroke. He said that it does not mean that this is the only type of subdivision regulations or zoning that has to be reviewed.

He said that this is a model for conservation that can be looked at now and does not feel the Board should wait to begin reviewing it.

Member Topliff said that it would be helpful to explore the shortcomings of the present cluster subdivision ordinance and Ms. Russell could help with that process. He suggested looking at the model that is presently available in order for the Board to determine what portions of the model would be appropriate for Pembroke. He said it would create a foundation to work from.

Alternate Member Cruson said she would like to look at different options and did not want to rush into any particular venture until the Board had been able to talk about other options.

Member Terrien felt that the Board should look at the proposal for the developer's sake. He felt that the developers are unsure of what the Planning Board is looking for.

Member Foss said it would be best to gather the information needed and review the model sooner rather than later.

Ms. Russell agreed to send a copy of the model subdivision regulations to the Planning Board for review.

Chairman Lemoine thanked her for reviewing her proposal with the Board.

### **Pembroke 600**

Deadline extension from July 24, 2007 meeting.

Donald Gartrell, Attorney for Pembroke 600, explained that at the July 24, 2007 meeting, it was his intention to get everyone on the same page in order to get the necessary approval. During the course of examining the specifics relating to the plans, he concluded that the key to the project was to acquire state approval to the limited access right-of-way (ROW) from Rts. 3 and 106. He said that the request for that limited access ROW was initiated by Laura Scott in March 2006. (Each member was given a copy of Laura Scott's letter dated March 31, 2006 to NH Department of Transportation and a plan that was submitted to DOT by Ms. Scott.)

Attorney Gartrell pointed out that the request to approve the access to the 4<sup>th</sup> leg of the intersection was from the Town and that the Planning Board voted to approve the request because in order to get access for that project, the Town had to have the road that entered the State intersection. All the correspondence from DOT stated that a decision by DOT would be made in a few weeks since they received all the requested information. The decision was never made.

When the applicant met with their engineers, after July 24, 2007, the engineers were insistent that they could not finalize the plans until the access was established by the State.

Their engineers submitted detailed plans and Attorney Gartrell said he spoke with the District 5 Office and called William Janelle, Assistant Director of Project Development at DOT. Both conversations yielded the same answer – this could not be handled at the district level because it

is the jurisdiction of the State which would include the State Disposition Office of Land and Council.

Attorney Gartrell said that he was told that (1) the State would prepare a deed conditioned on the applicant dedicating the entrance road to the Town and (2) the applicant would have to give up two access points on the property. Attorney Gartrell said that, after receiving word late yesterday from DOT headquarters, that they could not have the deed prepared in time, the State gave the applicant a copy of a letter submitted to the Commissioner for his approval. (Letter to James A. Bouchard of Quantum Construction Consultants, LLC. from William Janelle P.E. dated approximately October 23, 2007.)

Attorney Gartrell pointed out that the letter states that Governor & Council approval is necessary. He said that the investment in engineering plans in order to fine tune each of the plans on the intersection and the development has been substantial. At this point, the applicant has two checklists that must be completed. One checklist consists of minor points on the plan that the State would like refined if they accept the general proposition. The second checklist is the Town's Engineer's checklist regarding drainage on the Town roadway.

Attorney Gartrell said that since Tennessee Gas does not want the pipeline to go across any State ROW, the applicant feels that they can place the gas pipeline across the Town's portion of the road. The applicant has been told that all accommodations can be made.

Attorney Gartrell said that as soon as the applicant receives Governor & Council approval, their engineers will prepare the final plans. The applicant will then meet with the Water and Sewer Departments and the Town Engineer for their final approval. Attorney Gartrell stated that, if they have approval by November 31, 2007, the applicant feels that it can be completed by the end of the year.

Attorney Gartrell acknowledged that the Pembroke 600 property is for sale which has always been the applicant's intention.

**MOTION:** Vice Chairman Bourque moved to extend the Pembroke 600 deadline to January 8, 2008. Alan Topliff seconded.

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

**MOTION TO EXTEND THE PEMBROKE 600 DEADLINE TO JANUARY 8, 2008  
PASSED ON A 6-0 VOTE WITH ONE ABSTENTION.**

Selectman's Rep. Lewis stated that the applicant cancelled two meetings with the Board of Selectmen and advised the applicant to get all the information to Mr. Ruggles as soon as possible and to adhere to the January 8, 2008 date.

### **Planner Position Update**

Discussion with Interim Town Administrator Geoff Ruggles on the status of temporary planner and responsibilities of the permanent position.

Mr. Ruggles said that the Board of Selectmen authorized him to contract services with the Central NH Regional Planning Commission for a temporary planner, namely Stephanie Alexander. Ms. Alexander will attend the hearing meetings and the work sessions if necessary. Mr. Ruggles said that Ms. Alexander is scheduled for approximately one day in the office per week plus evening meetings.

Selectman's Rep. Lewis suggested having Ms. Alexander work at Town Hall on the day that the Planning Board packets need to be prepared.

Mr. Ruggles said that he will review the job descriptions for Clerk and Planner positions from other towns and will report to the Planning Board on his findings. He is hoping to submit it for the Board of Selectmen's review on November 7, 2007 and the Planning Board's review on November 13, 2007.

The Board decided to review the following zoning ordinances on November 13, 2007: Home Businesses, Commercial Kennels, Architectural Design District.

Selectman's Rep. Lewis volunteered to help Member Foss with the sign ordinance. Mr. Ruggles suggested that Selectman's Rep. Lewis and Member Foss speak with the Building Inspector regarding the sign ordinance conference he recently attended.

### **Meeting Minutes – Review and Approve**

- October 9, 2007

**MOTION:** Vice Chairman Bourque moved to accept the minutes of October 9, 2007 as amended. Seconded by Member Topliff.

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

**MOTION TO ACCEPT THE MINUTES OF OCTOBER 9, 2007 AS AMENDED PASSED ON A 4-0 VOTE WITH THREE ABSTENTIONS.**

### **Miscellaneous**

Selectman's Rep. Lewis said that the Board of Selectmen sent a letter to the State stating that they were not in favor of a roundabout on Route 3 at the base of Pembroke Hill Road.

Alternate Member Crean explained that his schedule will no longer allow him to remain on the Planning Board and, therefore, submitted his resignation effective at the end of the meeting. He stated that he would not fulfill his commitments to the creation of a Planning Board application process and the review of the growth management ordinance. He will send Mr. Ruggles the

work that he has completed to date on the application process. The Board thanked him for his past service.

Vice Chairman Bourque said Mr. Ruggles has a letter to be sent to Laura Scott thanking her for her service to the Board as Planner.

The Board noted that because the Zoning Board of Adjustment approves the concept for a cluster subdivision development that the Planning Board is not required to accept the applicant's plan. The Planning Board can ask the applicant to redo their plan based on the Town regulations.

Mr. Ruggles will contact the Central NH Regional Planning Commission to schedule a joint meeting with the Planning Board and Board of Selectmen to discuss the services that they can provide the Town. He will aim for November 7, 2007.

Member Foss reminded the Board of the Route 3 Corridor Study public meeting scheduled for Thursday, October 25, 2007 at 6:30 p.m. at Town Hall.

Chairman Lemoine thanked Vice Chairman Bourque for presiding over the meetings in his absence.

**MOTION:** Vice Chairman Bourque moved to adjourn. Member Topliff seconded.

The vote was unanimous in favor of the Motion.

The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Jocelyn D. Carlucci  
Recording Secretary