

PEMBROKE PLANNING BOARD
Minutes of Meeting
(Adopted)
Tuesday, November 13, 2007

MEMBERS PRESENT: Roland Lemoine, Chairman; Robert Bourque, Vice Chairman; Cindy Lewis, Selectmen's Representative; Kevin Foss; Mark Zydel

ALTERNATES PRESENT: Kathy Cruson; Kevin Krebs

EXCUSED: Todd Terrien; Alan Topliff

STAFF PRESENT: Stephanie Alexander, Interim Planner and Jocelyn Carlucci, Recording Secretary

Chairman Lemoine opened the meeting at 7:02 p.m. and appointed Alternate Member Krebs to vote in Member Topliff's absence, and Alternate Member Cruson to vote in Member Terrien's absence.

Review and Approve October 23, 2007 Meeting Minutes

MOTION: Vice Chairman Bourque moved to accept the minutes of October 23, 2007 as amended. Seconded by Member Zydel.

VOTE: Robert B. – Y Mark Z. – Y Cindy L. – Y
 Kevin K. – Y Kathy C. – Y Kevin F. - Y
 Roland L. - Abstained

MOTION TO ACCEPT THE MINUTES OF OCTOBER 23, 2007 AS AMENDED PASSED ON A 6-0 VOTE WITH ONE ABSTENTION.

Review 2008 Town Meeting Calendar - Establish deadlines for completion

Chairman Lemoine read aloud the Calendar of Important Zoning Dates for the 2008 Town Meeting (included in the Member packets).

Interim Planner Stephanie Alexander reviewed her November 13, 2007 memo to the Planning Board regarding Zoning Ordinance Public Hearing Schedule (included in Member packets).

Ms. Alexander suggested that the Board consider holding two public hearings on the zoning ordinance changes, January 8, 2008 and January 22, 2008, in case there is a change which would require the Board to hold a public hearing on February 5, 2008. Ms. Alexander noted that if all ordinance revisions were completed by December 11, 2007, she would need to submit the articles to Town Counsel on December 12, 2007 for review which would only leave Counsel until December 20, 2007 to reply.

Ms. Alexander recommended finalizing the ordinances this evening or at the November 27th meeting in order to give Town Counsel more time to respond. Also, she explained that if it was

decided to hold two public sessions (January 8, 2008 and January 22, 2008), she could post the articles on December 26, 2007. She continued to say that if there were substantial corrections from the second public hearing on January 22, 2008, a last public hearing could be held on February 5, 2008. The Board agreed to follow the recommended schedule.

CTAP Review

Chairman Lemoine said that Pembroke needs an alternate member for the CTAP Committee. Selectman Fred Kline noted that the CTAP committee meets approximately once a month.

Member Zydel explained that he, along with past Alternate Member Crean, attended a conference presentation given by Bill Clemens of Bow and a professor at Northeastern University. Their focus was municipal economic development. For a cost of \$5,000 they would focus on Pembroke economic development. Member Zydel will e-mail the presenter's website to the Board members for their review.

Chairman Lemoine noted that part of the \$15,000 CTAP grant could also be used for subdivision regulation review.

Selectman's Rep. Lewis stated that the Board was also considering using a portion of the money to work on the aquifer.

Selectman Kline said he would speak to the Economic Development Committee at their next meeting. He also noted that the documentation associated with the CTAP grant is not extensive.

Member Zydel volunteered for the CTAP alternate member position.

Selectman Kline clarified that Pembroke is not required to be a member of Central New Hampshire Regional Planning in order to participate. He also noted that money is presently in the budget to join Central New Hampshire Regional Planning. Interim Town Administrator, Geoff Ruggles, said that it costs Pembroke \$10 more an hour to hire Ms. Alexander because Pembroke is not presently a member.

Selectman's Rep. Lewis stated that Pembroke Water Works will be sending language and a state map to Ms. Alexander that will be referred to in the aquifer ordinance so that Pembroke will be following the state minimum standards. Selectman's Rep. Lewis explained that the language and the new "wellhead protection map" will be in addition to the present aquifer ordinance and outlines the wellhead protection area around Pembroke's wellhead.

Planner Position - Update

Mr. Ruggles explained that the job description for the planning position has been revised (included in member packet). He explained that the Board of Selectmen reviewed the current planning director position vs. a planning technician position and hiring outside consultants on planning issues. It was found that by down-grading the position, Pembroke loses much of its in-house planning expertise and only resulted in allowing for approximately 6-10 hours a week of

outside planning service (approximately \$24,000). He explained that any special projects, such as the cluster ordinance, would use approximately 1/3 of the \$24,000. Therefore, the Board of Selectmen decided to slightly downgrade the position to a Town Planner (taking the Director responsibility out of the position). It will be a hands-on position which will include some clerical work such as maintaining files, etc. although there would be some basic clerical support from Elaine.

Mr. Ruggles said that he would advertise the position in the newspapers this week. He said it will be a non-exempt position. He explained that the Town is budgeting \$5,000 less for the position and combining it with \$2,500 that was previously in the Planning Department budget contractor services allows \$7,500 to be used for consulting services. He said this was the result of downgrading.

Chairman Lemoine asked that multilingual requirement (French/English) be added to the description.

Mr. Ruggles said that the salary is approximately \$18-\$24/hr. (\$42,000-\$51,000 annually). He stated that the salary is in the middle of the range for the planner positions in 6 surrounding towns. Mr. Ruggles stated that the more advanced planning responsibilities were removed and the Board of Selectmen felt that a person qualified to perform the advanced responsibilities would typically not want to do the clerical work. Mr. Ruggles said that there is \$2,000-\$2,500 in the planning budget for training and education but Pembroke does not have continuing education as a requirement for salary advancement.

Member Zydel asked Ms. Alexander if she felt that the salary range and experience level was in line with planning positions overall. She replied yes and that many communities also require a master's degree for a higher level of salary.

Finalize List of Potential 2008 Town Meeting Items

1. Home Businesses – Bob Bourque

Vice Chairman Bourque noted that all members received a revised draft of the Home Business article dated 11-07-07. After discussion, it was concluded that the following changes should be made to the revised draft:

- a) §143.30 **MAJOR** Home Business”, should be changed to “§143.29 **MAJOR** Home Business”
- b) Add an * to all Permitted notations in the chart entitled §143-19 TABLE OF USE REGULATIONS, 23 Minor Home Business” with an associated footnote that reads “*Must obtain Certificate of Occupancy from Code Enforcement Officer.”
- c) §143-28, J “Nontransferability: Home occupation approvals . . . specific home occupation and site.” to read “Nontransferability: Home business approvals . . . specific home business and site”

- d) §143-29, C “. . . must be screened from abutting . . .” to read “. . . must be screened from abutting . . .”
- e) §143-29, L “Nontransferability: Home occupation approvals . . . home occupation and site.” to read “Nontransferability: Home business approvals . . . home business and site.”

Vice Chairman Bourque will make the changes and resubmit the article for approval.

Guest - Sharon Wason, Central NH Regional Planning Commission, to Discuss Benefits of CNHRPC membership

Sharon Wason of Central NH Regional Planning Commission stated that a in-depth letter was prepared last year detailing the work of the Commission along with benefits that they provide to towns. She said that they: (1) continue to work on the regional plan to evaluate DRIs; (2) apply for regional grants; and (3) continue to plan various meetings and seminars that are of interest to planning boards and boards of selectmen. This year they have put in a large amount of effort into CTAP (I-93 Impact Study).

Ms. Wason stated that it is difficult to place a price tag on the value of membership but it does provide Pembroke a voice in what is occurring in the surrounding towns. She said that the voice of Pembroke has been missed in the decisions that have been made for the other twenty communities in the Commission. She said that the dues will not increase this year and she encouraged Pembroke to rejoin.

Selectman Kline pointed out that the Commission helped Pembroke with its master plan in 2004 which cost the town less because of its membership. He said that the \$7,500 previously discussed for outside consulting services might go further if the Town was a part of the Central NH Regional Planning Commission.

Member Foss said that he was not impressed with the people from Central NH Regional Planning Commission who have been working with him on the corridor study. Although they presented many colorful maps, it was difficult for the presenters to answer questions regarding the map information. Member Foss said that the meetings are during the day which requires him to take time off from work to attend. He said that he had not yet seen the results of the information that was gathered at the last CTAP meeting recently held at Pembroke Town Hall.

Ms. Wason said that part of the problem is the methodology, known as content-sensitive solutions, that DOT recommends the Commission follow. She explained that content-sensitive solutions means that there is an effort to identify the data sources and issues and not to rush to answers or solutions. Sometimes the process of identifying the issues and gathering the data appears as if very little is being accomplished.

Member Foss explained that at the last meeting there was a map noting a letter grade at each signalized intersection. No one could explain how the letter grade was arrived at. He also pointed out that at every meeting the attendees have been told that a large amount of data has

been collected on the study but none of the data has been presented from any of the developments that have occurred south of Hooksett.

Ms. Wason said that Pembroke and Allenstown are part of the Central Commission, and Hooksett is part of the Southern Commission which may explain why there may be a breakdown in the shared information.

Member Foss suggested that: (1) all maps have keys which could help volunteers understand the data, and (2) have a presenter from the Southern Commission explain their portion of the study and a person from the Central Commission explain his portion of the study rather than one presenter attempting to learn all the data.

Ms. Wason said that the Commission meets four times a year (February, June, September, and November), usually the second Thursday at their office.

She said that 25% of their budget comes from the towns. They received approximately \$25,000 from OEP, \$25,000 from DES, \$138,000 from DOT (approximately 40% is used for development programs such as helping to create master plans, corridor plans, and other local issues), \$120,000 from CTAP and they also apply for grants. The Commission's total budget is approximately \$600,000.

Member Zydel asked Selectman Kline why Pembroke discontinued its membership in the Commission. Selectman Kline answered that the Board of Selectmen felt that the benefits were less than perfect and the town planner suggested that the services that came with the dues were not needed and that the services Pembroke needed had to purchase a la carte, therefore it was felt that the Town would not continue membership.

Member Zydel said that in the "field", not being a member of the Commission is viewed as a negative because Pembroke is being helped by the Corridor Study yet are not helping by paying dues.

Selectman Kline complimented Member Foss on his presentations to the Economic Development Committee on the Corridor Study.

Chairman Lemoine thanked Ms. Wason for speaking with the Planning Board.

Selectman Kline said that Ms. Wason of the Central NH Regional Planning Commission has helped him stay focused on the CTAP issue by contacting him even though Pembroke is not a member. He said that, although Pembroke volunteers run with an issue's details, the Central NH Regional Planning Commission brings organization to the issue.

Continue Revisions to Application Process Outline

- Continue discussion from 10/9 to modify application process outline
- Discuss future acceptance/notification/public hearing procedure

Mr. Ruggles said that he referred to the minutes of the last five meetings in order to define the sections called Pre-Application Process, Application Process, Application Forms, Procedures Template, and Other.

Mr. Ruggles agreed to make copies of former Alternate Member Crean's notes for Member Zydel, Vice Chairman Bourque, and Selectman's Rep. Lewis. They will review the material and comment at a later date.

Finalize List of Potential 2008 Town Meeting Items – (Continued)

2. §143-42 Commercial Kennels – Roland Lemoine

After discussion, it was concluded that the following changes should be made to the 9/25/07 draft:

- a) §143-8 DEFINITIONS **COMMERCIAL KENNEL** – delete the phrase “or who derives 40 percent or more of gross annual income from the sale or transfer of dogs.”
- b) §143-42, A “. . . minor home business, home business, or major home business;” should read “. . . minor home business or major home business;”

Chairman Lemoine will: (1) review information regarding animal boarding vs. commercial kennels and the difference between them; (2) explore if commercial kennels are strictly for the breeding of dogs or if it includes boarding of dogs and other animals; (3) reference the appropriate State RSAs in the ordinance; (4) consider the expansion of the Commercial Kennel definition to include boarding and/or breeding; (5) clarify if a site plan review is required or if it is prohibited by the RSAs.

Ms. Alexander will place this article on the November 27, 2007 agenda.

The Board agreed that if an application is not complete, the applicant should be notified and should not come before the Board. Vice Chairman Bourque stated that that would depend on what was missing. For example, a driveway permit from DOT could be placed as a contingency, therefore not delaying the project.

Ms. Alexander stated that there are two applications scheduled for next meeting but are incomplete, based on the Board's checklist. She explained that normally a public hearing notice is sent with a detailed explanation of what is missing. Can the applicant submit the missing document the day of the hearing? The Board said no, it must be 15 days prior to the meeting. Ms. Alexander stated that the applicant could submit the data at a later date to avoid renoticing if the Board voted to continue until the Board determined that the application is complete.

Mr. Ruggles said that his understanding of what former Alternate Member Crean told the Board is that the Board could not continue the meeting because the application had not been accepted. The Board has to either accept or not accept the application and give reasons why the application is not accepted.

Ms. Alexander referred to RSA §676:4, (d) Administrative & Enforcement Procedures, page 479 (included in Member packet):

“If notice of public hearing has been included in the notice of submission or any prior notice, additional notice of that hearing is not required nor shall additional notice be required of an adjourned session of a hearing with proper notice if the date, time, and place of the adjourned session was made known at the prior hearing.”

Ms. Alexander explained that there is no need to renote if the application was stated to be continued at the meeting.

The Board agreed that it is unfair to the abutters if a meeting is continued and the abutters are not made aware of the next meeting. The consensus of the Board is that if the application is not complete and not accepted, then a public hearing cannot be held. Ms. Alexander said that the notice of public hearing can be done prior to the acceptance of the application so that the abutters come to the first meeting, and hear that the application is incomplete and what is required of the applicant to complete the application. The abutters, at that time, will also hear the date that the application is continued to and the Board can decide to place the application on all subsequent agendas until it is accepted. She noted that the problem is that it places the onus on the public and eventually, they become frustrated because they cannot speak in favor or in opposition of the project until the Board accepts the application.

Mr. Ruggles said that he is still waiting to hear from Keach Nordstrom regarding Chickering Meadows. Vice Chairman Bourque said that the Board voted to have Chickering Meadows, once his application was complete, renote abutters because the Board did not continue the meeting or accept their application.

Ms. Alexander recommended that the Board make a subdivision regulation change to be adopted as policy.

Selectmen’s Rep. Lewis stated that, with regard to Academy Condominium, their application had to be in approximately one month prior to the meeting. They then have two weeks to submit additional information. Mr. Ruggles clarified the proper steps regarding an incomplete application: (1) inform the applicant; and (2) allow the applicant to decide whether to have the public notices sent. At that point, the applicant has two weeks to complete the application in time for the hearing.

Ms. Alexander asked if she should call Academy Condominium and tell them that their application is incomplete and ask them if they want to renotify. Chairman Lemoine said yes.

Vice Chairman Bourque asked if the two pending applications (Heiser and Academy Condominiums) were lacking significant documentation. Ms. Alexander said yes. One was missing a special use permit for a shared driveway and the appropriate deeds for town counsel review. Vice Chairman Bourque asked her to notify the applicants and give them the option to

be on the agenda. Ms. Alexander said she will tell the applicant that they will renote this time and when the application is completed if they want to appear on the November 27th agenda.

Selectman's Rep. Lewis stated that the planner has to consider that, according to the checklist, signatures and stamps are required on plans, but in the preliminary stages it is not necessary although it is necessary at the final stage of planning.

2. Article VIII, Signs – Kevin Foss, Cindy Lewis

The Board concluded that it would be impossible to complete the sign ordinance this year, therefore agreed to review it next year.

3. Article VIIIA, Telecommunications Facility & Antenna Criteria – Alan Topliff

The Board agreed to discuss this ordinance upon Member Topliff's return.

4. §143-67 Architectural Design District – Cindy Lewis

Selectman's Rep. Lewis stated that she did not make copies of the article for inclusion in the Member packet because she had a number of questions. She explained that, in the past, the concern was that the nice older homes on Route 3 could be changed significantly causing Route 3 to lose its character – the result was the creation of an Overlay District from the Suncook River to the Soucook River, 500 ft. from either side of the center line.

Selectman's Rep. Lewis read aloud rules that were required in the Overlay District.

Former Town Administrator Troy Brown felt that Pembroke should have an architectural historic ordinance. She asked the Board for input.

Alternate Member Cruson asked if research should be done on the difference between an Historic District vs. an Architectural Design District. She agreed to investigate the issue in order to maintain the character of Route 3. Selectman's Rep. Lewis will create a draft and e-mail it to Alternate Member Cruson. Selectman's Rep. Lewis said that the ordinance could state that the intent is to retain the character of the older homes and not allow the use to detract from the exterior elevation. She also suggested the Board consider a demolition clause.

Ms. Alexander will place this article on the November 27, 2007 agenda. She asked that all articles be e-mailed to her by 4 p.m. Tuesday, November 20, 2007 or to Mr. Ruggles who will then send it to her.

5. Article X, Cluster Subdivision Provisions – Kevin Krebs, Mark Zydel, Todd Terrien

Member Krebs will make recommendations on the following topics in the Cluster Subdivision: (1) minimum lot sizes; (2) contiguous frontage; (3) encouraging non-cul-de-sac development by permitting smaller lot sizes on other road designs (lollipop, or U-shaped road) or by reducing the cul-de-sac lengths.

Ms. Alexander will place this article on the November 27, 2007 agenda.

6. Article XVII, Growth Management Ordinance – Not discussed.
7. Water Protection Items – Not discussed.
 - a. §143-71 Shoreland Protection District - (*next year?*)
 - b. §143-69 Floodplain Development District
8. Article XV, Enforcement and Penalties – Not discussed.
9. Article XIV, Zoning Board of Adjustment, Variances, and Special Exceptions – Not discussed.

Ms. Alexander announced that the Central NH Regional Planning Commission is sponsoring two workshops for CTAP endeavors: (1) Thursday, November 15, 2007 regarding changes to the comprehensive shoreland protection act effective April 2008; and (2) Monday, December 3, 2007 which is a four-hour workshop featuring Randall Arendt with an optional hands-on hour-long session regarding open space conservation issues. The session is between 4-8 p.m. and the optional session will be from 8-9 p.m. Members can register by calling the Central NH Regional Planning Commission. The workshops will be held at Public Service of New Hampshire Energy Park.

Mr. Ruggles announced that the Zoning Board of Adjustment will meet on November 26, 2007 to discuss their zoning recommendations.

MOTION: Selectman's Rep. Lewis moved to adjourn. Vice Chairman Bourque seconded.

The vote was unanimous in favor of the Motion.

The meeting adjourned at 10:07 p.m.

Respectfully submitted,

Jocelyn D. Carlucci
Recording Secretary