

**Pembroke Planning Board
Tuesday, December 19, 2006
7pm Pembroke Town Hall**

ADOPTED MEETING MINUTES

PRESENT: Bob Bourque, Chair; Larry Young, Selectman; Mark Zydel, Alternate; Todd Terrien, Alternate; Kevin Foss, Alternate; Cindy Lewis, Alternate; Roland Lemoine, Member; Alan Topliff, Member; John Harrington, Member.

STAFF: Laura Scott, Planning Director; Catie Tirrell, Recording Secretary.

Bob Bourque opened the meeting at 7 pm.

Laura Scott stated at this time there are two full member positions available on the Board.

Bob Bourque appointed Kevin Foss and Mark Zydel to vote for the two vacant members.

Bob Bourque advised the Board that Bill Faith had resigned and also John Harrington has given his resignation effective mid-January.

Public Hearing - Major Subdivision Application.

Case #06-07. Map 937 Lot 7, located at 424 North Pembroke Road in the Rural/Agricultural Residential (R3) Zoning District. The applicant, Stephen Cormier, proposes to develop the parcel as an Open Space Subdivision with 11 single-family residential lots, a new cul-de-sac road, and 31.6 acres of open space. The house lots will be served by individual private septic systems and a private community water system.

This application has been postponed until January 23, 2007 meeting at the applicants request.

Public Hearing – 2007 Town Meeting Warrant Articles – Citizen Petition

§143-18.1 Accessory Dwelling Units

Add this section to allow by Special Exception one accessory attached dwelling unit per single family dwelling residence in the R1, R3, and B1 zoning districts. The accessory unit shall not exceed 675 sq ft in size; may not be a rental unit; will share the electric, water and sewer/septic with the primary residence; must be within or attached to the primary residence with an interior connecting door or access; have off street parking; and the exterior construction shall be uniform and compatible with the single-family dwelling unit.

Laura Scott explained that this is a petition warrant article and the language can not be changed. The Planning Board has to hold a public hearing and then the Board van vote to support it or not.

Bob Bourque asked if anyone one the Board wished to speak before he opened the public hearing.

Roland Lemoine questioned the set back requirements.

Laura Scott stated this would require all current set back requirements to be met but not as a duplex.

Bob Bourque opened public hearing at 7:08 pm

Bruce Kudrick, 217 Dearborn Road, is on the Zoning Board and requested this petition article. Mr. Kudrick stated the citizens of Pembroke are getting older and the way the economy it is now they want to convert basements and such into in-law apartments for family members. The people requesting this want their own separate corridors with their own kitchen and bath. Bruce Kudrick stated he felt it would give the Town some rules to go by.

Roland Lemoine asked if he went to the Zoning Board for an exception so that he could have someone else live there can that be overruled.

Bruce Kudrick answered that the intent is to prevent that from happening.

Jim Kowalik of 425 North Pembroke Road asked if the portion that reads may not be a rental unit means that a family member may not receive rent or money from a family member living in the house.

Bruce Kudrick stated that's between the owner and the family member. The person living or staying with the property owner may receive money from the family member occasionally to help with certain things but he commented that wouldn't necessarily be considered renting.

Jim Kowalik recommended removing the words; may not be a rental unit.

Bob Bourque stated that the Board does not have authority to change the wording of the document; the Board either supports the document or does not.

Alan Topliff stated there may be some word changing but it can be done at a later time. Alan Topliff was in support of the document.

Bob Bourque said he did not support the Article because it may change to an underground rental property and the Town may not be aware of it.

John Harrington stated he did not have an issue with the Article the way it is written because it could be rented without the Town knowing anyways.

Larry Young was in favor of the Article stating it is reality today.

Vote on §143-18.1 Accessory Dwelling Units

- Bob Bourque- N**
- John Harrington- Y**
- Alan Topliff- Y**
- Larry Young- Y**
- Roland Lemoine- Y**

Kevin Foss-Y
Mark Zydel-Y

Approved on a Vote 1-6 to support the petition warrant article

Public Hearing - 2007 Town Meeting Warrant Articles – Planning Board Proposed
§143-11(B) Zoning Map

Amend the ordinance to make the map reference consistent with what was adopted in the Aquifer Conservation District Ordinance at the 2006 Town Meeting

Laura Scott stated at the last Town meeting we failed to reference the new adopted Aquifer Conservation District.

Public hearing opened at 7:24pm

Public hearing closed at 7:24 pm

Vote 7-0 Unanimously approved

§143-35 (A) Automotive Repair and Service

Amendment is to fix a typo to say side lines instead of ride lines

Public hearing opened at 7:25 pm

Public hearing closed at 7:25 pm.

Vote 7-0 Unanimously approved

§143-39 (C) Temporary Office Trailer or Storage Trailer

Amend the Ordinance to read that if the request for a trailer is less than 12 months in duration, the special use permit can be issued by the Code Enforcement Officer.

Laura Scott stated if the total length of time is less than 12 months and can be issued by the Code Enforcement Officer. If it is more than 12 months they have to come to the Planning Board.

Opened public hearing at 7:26 pm

Public hearing closed at 7:26pm

Vote 7-0 Unanimously approved

Article IXA - Soucook River Development District

§143-72.7 Baseline Dimensional Requirements - amend the ordinance to make the minimum open space consistent with changes in the Aquifer Conservation District which was approved at 2006 Town Meeting

Laura Scott explained you would need a minimum open space of 30% in the Soucook River Development District which is consistent with the C1 zoning district.

Public Hearing opened at 7:28 pm

Public Hearing closed at 7:28 pm

Vote 7-0 Unanimously approved

§143-72.8(3) Open Space/Impervious Surface Requirements – amendment is to clarify amount of open space allowed.

Laura Scott the way it was written it contradicted itself. She took out the language for impervious surface. It basically says you can reduce open space to 10%.

Public Hearing opened at 7:30 pm

Public Hearing Closed 7:30 pm

Vote 7-0 Unanimously approved

§143-33 Manufactured Housing Subdivision

Amendment proposes to delete the entire section from the Zoning Ordinance

Public Hearing opened at 7:30 pm

Kevin Krebs of North Pembroke Road spoke from the public asking why they were proposing to get rid of the manufactured housing subdivision.

Laura Scott answered that they are trying to encourage manufactured housing parks and not manufactured housing subdivisions.

Jim Kowalik of 425 North Pembroke Road asked if there were currently any manufactured housing subdivisions.

Laura Scott stated not that she knew of currently they are all manufactured housing parks.

Public Hearing closed 7:32pm

Vote 7-0 Unanimously approved

§143-32 Manufactured Housing Park

Amendment removes the requirement that the parcel of land be at least 10 times the minimum lot size for the zoning district it is located in; remove the requirement that the site plan show the manufactured home sites; and requires that parks must contain a minimum of at least 3 homes sites and they must have frontage along park roadways.

Laura Scott stated the changes that are being proposed are to remove the illegal requirement that the lot size to be 10 times larger. It is a minimum of at least 3 home sites and making sure the homes face the internal park roadway so they are not a park along an existing Town road. Also, on the plans that are submitted they have to show the lease lines on the pad sites and not the actual homes.

Public Hearing opened at 7:36pm

Public Hearing closed at 7:36pm

Vote 6-1 Approved
Roland Lemoine- No

§143-68 Aquifer Conservation District

(D) Prohibited Uses - Amendment defines solid waste as NH RSA 149-M: 4, XXII; does not allow the outdoor unenclosed or uncovered storage of sand/salt mixtures; does not allow the dumping of snow containing de-icing chemicals if it is from off-site; does not allow the storage of hazardous waste, which is defined as NH RSA 147-A: 2, VII; and does not allow the storage of hazardous materials unless such material is pre-packaged for retail sale prior to storage on the site

(F) Special Exceptions (4) – Amendment requires Planning Board input only if subsequent action by the Planning Board is not required

Laura Scott advised the Board that this is an attempt to clarify how we define solid waste and hazardous waste. Also, catching the loop hole that we did not allow storage of salt use but it did not mention salt/sand mixtures. Laura Scott clarified (F) Special Exceptions stating if the Applicant has to come to the Planning Board for approval after receiving approval from the Zoning Board, then the Planning Board can not comment on the ZBA application.

Public hearing opened at 7:38 pm

Roland Lemoine asked if this is passed where the Town is going to store the sand / salt

Laura Scott stated the Town is exempt.

Closed public session 7:39

Vote 6-1 Approved
Roland Lemoine –No

§143-72 (D) Wetlands Protection District

Amendment would add a provision that no structure shall be located closer than 20' measured horizontally from any wetland and that wetlands buffer markers shall be placed every 75 feet along the perimeter of a delineated 20 foot wetland buffer

Laura Scott explained the 20' buffer was already in the Zoning but not under the Wetlands Ordinance the Applicants did not know how many wetlands markers they needed to put out or where to put them when they were requested by the Planning Board.

Jim Kowalik of 425 North Pembroke road asked if this is in addition to the other regulations. Mr. Kowalik asked what the reason for the marker were and if they were required by the State.

Laura Scott stated yes this in addition to the other regulations. This is just telling the Applicant where the buffer markers shall be placed and the wetlands buffer will remain the same.

Roland Lemoine stated he would like to see the markers every 25'.

Motion: Roland Lemoine motioned to require the buffer markers every 25'. Motion seconded by Mark Zydel.

Mark Zydel- Y
Kevin Foss- Y
Roland Lemoine- Y
Bob Bourque- Y
Larry Young- N
Alan Topliff- Y
John Harrington- N

Motion accepted at 5-2 vote.

Public Hearing Closed at 7:44 pm

Motion: Bob Bourque motioned to add this amended article to the public hearing to the January agenda. Mark Zydel seconded.

Unanimously approved.

143-21 (K) Dimensional and Density Regulations

Remove the provision that no structure shall be located closer than 20' measured from any wetland

Public Hearing opened at 7:44 pm

Jim Kowalik of 425 North Pembroke Road asked where it was being moved to.

Laura Scott answered it is being added into 143-72 (D) as it should be in the Wetlands Ordinance.

Public Hearing closed at 7:46 pm

Vote 7-0 Unanimously approved

§143-8 Definitions

Amend the definition for **Agriculture** to be NHRSA 21:34-a,II; amend the definition of **Farmers Market** to be NH RSA 21:34-a;V; amend the definition of **Farm** to be NH RSA 21:34-a,I; amend the definition of **Hazardous or Toxic Materials and Waste** to NH RSA 147-A:2,VII; amend **Common Area** to include the language “open space subdivision, manufactured housing park, and condominium development”; amend the definition of **solid waste** to include reference to NH RSA 149-M:4,XXII; add a definition for **commercial greenhouses**; and rename cluster residential subdivision to open space subdivision, replace “bulk” with “dimensional”, “active” with “passive”, and remove the reference to cluster subdivision

Bob Bourque stated that they are trying to clean up the definitions.

Public hearing opened at 7:52 pm

Jim Kowalik asked what definitions they were changing.

Laura Scott stated they now are just referencing the state RSA for some definitions to be compliant with state law.

David Seavey of 409 North Pembroke Rd. questioned the definition on commercial greenhouses.

Laura Scott stated that there is not a current definition for a commercial green house at this time. The one listed would be new.

Davis Seavey said he was involved in the work that was done to exempt temporary greenhouses from taxation. Mr. Seavey explained that there are different types of greenhouses and commercial greenhouses according to the use.

Laura Scott stated currently in the regulations there is no definition for a commercial greenhouses, yet we have regulations about them, and that the proposed definition had nothing to do with taxation.

Kevin Krebs of 425 North Pembroke road asked the reason in renaming a cluster subdivision into an open space subdivision.

Laura Scott replied that it is just naming the cluster subdivision to encourage open space through this type of subdivision. It is also to be consistent with the proposed Ordinance change.

Public session closed at 7:55 pm

Vote 7-0 Unanimously approved

§143-44 Agricultural Retail Outlets – (B) Farm Stand (Roadside Stand)

Amendment would remove the requirement for site plan review by the Planning Board and only require a Special Use Permit if they operate more than 4 months out of the year or they will be defined as a Temporary Agricultural Retail Outlet; changes the requirement that setbacks shall

be set back 15 feet, not 30 feet, from abutting ROW lines; remove the restriction on the average yearly dollar of products purchased and resold; and amend the restriction that over 35% of the products sold must be grown on site

Laura Scott stated 30 feet is currently the regulation the Board asked that it be 15 feet.

Public Hearing opened at 7:59 pm

David Seavey questioned definition # 5; Mr. Seavey stated if the Board is trying to follow the state statute that this did not make sense, majority would not be 35% of products. David Seavey asked that the word majority be taken out from the definition.

Public Session closed at 8:05 pm

Motion: John Harrington motioned to amend the proposed 143-44 Agricultural Retail Outlets to 35% or more of the product must be locally grown. Roland Lemoine seconded.

Vote 7-0 Unanimously approved

The Board agreed unanimously that there be another hearing next month.

§143-38 Private Day Care, Preschool, or Kindergarten

Amendment removes the distinction of Private day care from other forms of day care; adds preschool to the ordinance; removes the outside play area space requirement; removes the requirement for parking areas to be screened; removes the reference to accessory use or principal use of a structure by a day care or kindergarten; removes the provision for signage; and clarifies that accessory uses shall follow §143-18 and only require a special exception and that principal uses require site plan review.

Laura Scott stated there was a comment from Town Counsel, if you look at F it should say shall not require site plan review but shall comply with all other comments as well as the following provisions and for number 4 take out the word "only".

Public session opened at 8:07 pm

Public session closed at 8:07 pm

Motion: Alan Topliff motioned to accept as amended. John Harrington seconded.

Vote 7-0 Unanimously approved

The Board agreed unanimously that there be another hearing next month.

§143-19 Table of Dimensional Regulations

Community Facilities - Amendment removes from the Table of Dimensional Regulations (1) public parks, conservation area and open spaces, including areas for passive recreation and (2)

town buildings, fire stations, police stations, public libraries, and town equipment garages because it is not necessary

Laura Scott stated you do not need an area where these Town owned building can go they can go anywhere in Town.

Residential Use – Amendment removes (4) Planned Residential Development and (5) Rural Cluster Open Space Development from the Table of Dimensional Requirements and adds Open Space Subdivision as a permitted use in all districts except B2 and C1; adds (7) Manufactured Housing Parks as a permitted use in the R1 district; and (8) removes Manufactured Housing Subdivisions as an allowed use.

Laura Scott explained that the Board was deleting the Manufactured Housing Subdivisions so you want to delete it out of the table of uses. The manufactured housing parks the Board wanted to encourage so it would be allowed in two places so adding it in the R 1 zone

Agricultural - Amendment allows agricultural retail outlets to be a permitted use in all Zoning Districts except B2; removes temporary agricultural retail outlets from the table of dimensional regulations; and allows by right the raising and/or keeping of livestock, horses, poultry, sheep, swine, or other farm animals for personal use in all districts except B2 and C1

Laura Scott explained this would be deleting temporary agricultural retail outlets because these would require Hawkers, Peddlers license and the Board does not issue those; Allowing the personal use of livestock as a permitted use in all districts except B2 and C1.

Retail and Service – Amendment allow day care, preschools, and kindergarten as a permitted use, as opposed to a special exception, in all zoning districts except B1

Public hearing opened at 8:18 pm.

Jim Kowalik of 425 North Pembroke road asked the definition of Open Space Subdivision.

Laura Scott stated the definition is on the ordinance on the last page all the way at the bottom.

Laura Scott stated at the last public hearing the Planning Board had talked about ways to encourage this type of development in Town and one way to encourage this is to not require a special exception. She added conventional subdivisions do not require a special exception.

The Board and Jim Kowalik briefly discussed the open space subdivision verses the conventional subdivision.

Steven Fowler 443 North Pembroke road asked what it meant “by right the raising and/or keeping of livestock”. Mr. Fowler asked if you wanted to raise four or five cows for milk or beef if you would need a special exception permit.

Laura Scott stated you would not need special exception except in B2 and C1 districts.

Bob Bourque stated what is being said is that if you want to have farm animals for your personal use it is permissible.

Public session closed at 8:33 pm

Bob Bourque allowed David Seavey to speak out of public session.

After a brief discussion regarding livestock the Board opted to make the following change:

1. Commercial with the exception of #8 listed below

#8 should be #7 and should say except for Special Exception.

Motion: Bob Bourque motioned to have another public hearing on Table of Dimensions. Alan Topliff seconded.

Vote 7-0 Unanimously approved

§ 143-25 Licensing

Amendment gives authority to issue licenses to the Code Enforcement Officer instead of the Board of Selectmen; adds a licensing requirement to preschools and kindergarten; removes the basis for the fees; and requires an annual inspection to be done by the Code Enforcement Officer for life safety and fire code compliance prior to issuance of the license.

Laura Scott stated that Town Counsel said this should be deleted from the Zoning.

Larry Young asked if it was because of the title licensing, and asked if it would matter if it were called permitting.

Public Hearing opened at 8:45 pm

Alan Topliff voiced concern on eliminating licensing.

Roland Lemoine supported striking this.

Larry Young asked that the Town Planner write a letter to the Selectmen with the recommended wording for the licensing section for the Selectmen to discuss.

Motion: Bob Bourque motioned that the Board strike licensing from the zoning and hold a public hearing in January. Mark Zydel seconded.

Vote 7-0 Unanimously approved

Article X Cluster Subdivision

Proposal is to replace the current Article X Cluster Subdivision Provision with the proposed Article X Open Space Subdivision Ordinance. The following is a summary of provisions in the proposed Open Space Subdivision Ordinance.

- 1) Clearly define the purpose of the Ordinance
- 2) Does not allow for more residential units that would be allowed under a conventional development
- 3) Allows for flexibility on lot size, lot frontage, and front, side, and rear setbacks
- 4) Describes the requirements of the perimeter buffer and the conceptual long range development plan
- 5) Outlines the requirement for 40% of the parcel to be set aside for permanent open space, they type and location of the open space, and how it is to be managed.

Laura Scott stated this proposed Open Space Subdivision would entirely replace the Cluster Subdivision. Laura Scott advised the Board that Town Counsel had commented on 143-77B and thought that we should take out the word “**allow**” in addition counsel had questions regarding 143-81 & 143-82.

The Board discussed the Ordinance in regards to comments made from town counsel.

Public hearing opened at 9:10 pm.

Jim Kowalik voiced concern on the proposed purpose and the original purpose.

Alan Topliff shared information he learned at a seminar regarding storm water and the size of house lots. He went on to state that he agrees with Jim Kowalik but he thought it needs to be balanced also.

Steve Fowler spoke of the earlier days of strip developments verses cluster developments.

Jim Kowalik stated part of his issue is “usable land”

Jim Kowalik asked if this ordinance is in affect at this time.

Laura Scott said yes.

Jim Kowalik wanted to state he is against development in his area (R3); his concern is the character of that area.

Bruce Lackey of North Pembroke road stated one of the reasons he picked North Pembroke Road to live was for the wildlife. He asked what consideration the Board takes in the wildlife portion.

Alan Topliff clarified that the Board does not approve single family homes. The Board only sees site plans from applicants for multiple homes.

Public Session closed at 9:55 pm.

Motion: Alan Topliff motioned to adopt the Open Space Subdivision Ordinance.

The Board discussed several ideas as to keeping the ordinance as proposed and changing the language.

Mark Zydel voiced concern on the min. 10,000 sq. ft. Mr. Zydel stated he felt a minimum of 25,000sq. ft. would be more reasonable.

The Board discussed changing it by district.

Alan Topliff removed his motion

The Board made the following changes to the minimum lot size:

R1, B1, LO- 20,000 sq. ft

R3- 40,000 sq. ft

Motion: Bob Bourque motioned to accept the Open Space Subdivision Ordinance as amended. Alan Topliff seconded.

Vote 6-1

John Harrington- No

Growth Management Ordinance – Annual Review

Roland Lemoine recommended dropping the Growth Management Ordinance.

Cindy Lewis recommended that a public hearing be held to hear from the towns people.

Laura Scott stated that according to the Ordinance we have to tell the Selectmen by the end of the year if the Board wants to repeal it or not.

The general consensus of the Board was to send a letter to the BOS that they would like to repeal the Growth Management Ordinance which will provide an opportunity for the publics input.

November 28th Meeting Minutes

Motion: Roland Lemoine motioned to table the adoption of the minutes. Bob Bourque seconded. Unanimously approved.

Correspondence

Meeting adjourned at 10:18 pm

Respectfully submitted,
Catie Tirrell, Recording Secretary