

PEMBROKE PLANNING BOARD

(Draft)

Minutes of Meeting

Tuesday, January 22, 2008

MEMBERS PRESENT: Robert Bourque, Vice Chairman; Cindy Lewis, Selectmen's Representative; Alan Topliff; Mark Zydel; Todd Terrien

ALTERNATES PRESENT: Kathy Cruson; Kevin Krebs

EXCUSED: Roland Lemoine, Chairman; Kevin Foss

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

In Chairman Lemoine's absence, Vice Chairman Bourque served as Acting Chairman and opened the meeting at 7:05 p.m. He appointed Alternate Member Krebs to vote in place of Member Foss, and Alternate Member Cruson to vote in place of Chairman Lemoine.

1. Review and Approve Meeting Minutes of January 8, 2008

Acting Chairman Bourque announced that the review of the January 8, 2008 minutes will be moved to the end of the meeting.

Old Business

- 2. Pembroke 600.** Table discussion until February 12, 2008 to have a joint meeting with the Sewer Commission to review the status and progress of the project and to discuss the extension requested by the applicant.

Acting Chairman Bourque announced that the topic of Pembroke 600 has been tabled to February 12, 2008.

MOTION: Acting Chairman Bourque moved to extend Pembroke 600's date of extension from January 22, 2008 to February 12, 2008. Seconded by Member Topliff.

VOTE: Robert B. – Y Mark Z. – Y Todd T. – Y Cindy L. - Y
Kevin K. – Y Kathy C. – Y Alan T. - Y

MOTION TO EXTEND PEMBROKE 600'S DATE OF EXTENSION FROM JANUARY 22, 2008 TO FEBRUARY 12, 2008 PASSED ON A 7-0 VOTE.

3. Zoning Ordinance Public Hearings

Amendment 1. §143-28, Minor Home Occupation

Acting Chairman Bourque read aloud the intent of the amendment and opened the public hearing at 7:08 p.m.

There being no questions or comments, Acting Chairman Bourque closed the public hearing at 7:09 p.m.

MOTION: Selectmen's Rep. Lewis moved to send Amendment 1. §143-28, Minor Home Occupation to Town Meeting. Seconded by Acting Chairman Bourque.

VOTE: Robert B. – Y Mark Z. – Y Todd T. – Y Cindy L. - Y
 Kevin K. – Y Kathy C. – Y Alan T. - Y

MOTION TO SEND AMENDMENT 1. §143-28, MINOR HOME OCCUPATION TO TOWN MEETING PASSED ON A 7-0 VOTE.

- Amendment 2. §143-42, Commercial Kennels

Acting Chairman Bourque read aloud the intent of the amendment and opened the public hearing at 7:09 p.m.

There being no questions or comments, Acting Chairman Bourque closed the public hearing at 7:10 p.m.

MOTION: Member Terrien moved to send Amendment 2. §143-42, Commercial Kennels to Town Meeting. Seconded by Member Zydel.

VOTE: Robert B. – Y Mark Z. – Y Todd T. – Y Cindy L. - Y
 Kevin K. – Y Kathy C. – Y Alan T. - Y

MOTION TO SEND AMENDMENT 2. §143-42, COMMERCIAL KENNELS TO TOWN MEETING PASSED ON A 7-0 VOTE.

- Amendment 3. Article VIIIA, Telecommunications Facility & Antenna Criteria

Acting Chairman Bourque read aloud the intent of the amendment and opened the public hearing at 7:10 p.m.

There being no questions or comments, Acting Chairman Bourque closed the public hearing at 7:11 p.m.

MOTION: Member Topliff moved to send Amendment 3. Article VIIIA, Telecommunications Facility & Antenna Criteria to Town Meeting. Seconded by Member Terrien.

VOTE: Robert B. – Y Mark Z. – Y Todd T. – Y Cindy L. - Y
 Kevin K. – Y Kathy C. – Y Alan T. - Y

MOTION TO SEND AMENDMENT 3. ARTICLE VIIIA, TELECOMMUNICATIONS FACILITY & ANTENNA CRITERIA TO TOWN MEETING PASSED ON A 7-0 VOTE.

- Amendment 5. Article X, Cluster Subdivision Provisions

Acting Chairman Bourque read aloud the intent of the amendment and opened the public hearing at 7:12 p.m.

Dana Carlucci, 8 Prospect Street asked how this ordinance would change the existing open space cluster subdivision.

Acting Chairman Bourque said that it increased the road frontage and reduced the number of homes in a cluster development.

Alternate Member Krebs explained that, because of the calculation associated with cluster development, there could possibly be more houses built in a cluster development than in a conventional development.

Selectmen's Rep. Lewis said it was contiguous land vs. non-usable land.

Member Zydel said the open space requirement has not changed.

Mr. Carlucci asked if, because of restrictions, the change would discourage a developer from a cluster development.

Alternate Member Krebs said that if a builder was able to place 10 houses in a conventional development and place the same 10 houses in a cluster development, the builder would most likely build a cluster development because it would require less roads and less development costs.

Jim Kowalik, 425 North Pembroke Road, asked if the amendment still allowed special exceptions to be heard on a case-by-case basis by the Zoning Board to be followed by the Planning Board.

Acting Chairman Bourque said yes.

Mr. Carlucci said that the ZBA looks at whether a cluster subdivision is in the best interest of the public not how the lots are laid out or square footages – that job belongs to the Planning Board.

Mr. Kowalik asked if the criteria of the Zoning Board have changed at all. Acting Chairman Bourque said no.

There being no further questions or comments, Acting Chairman Bourque closed the public hearing at 7:18 p.m.

MOTION: Member Zydel moved to send Amendment 5. Article X, Cluster Subdivision Provisions to Town Meeting. Seconded by Alternate Member Krebs.

VOTE: Robert B. – Y Mark Z. – Y Todd T. – Y Cindy L. - Y
Kevin K. – Y Kathy C. – Y Alan T. - Y

MOTION TO SEND AMENDMENT 5. ARTICLE X, CLUSTER SUBDIVISION PROVISIONS TO TOWN MEETING PASSED ON A 7-0 VOTE.

- Amendment 6. Article XIV, Zoning Board of Adjustment, Variances, and Special Exception

Acting Chairman Bourque read aloud the intent of the amendment and opened the public hearing at 7:20 p.m.

Mr. Kowalik asked if the waiver of dimensional requirement was still related to after-the-fact items. Acting Chairman Bourque said yes and explained that if, after due diligence, dimensions were found to be off, the ZBA would have the power to grant a waiver.

Mr. Carlucci stated that the language was taken directly from the Planning and Land Use Guide for standardization purposes.

There being no further questions or comments, Acting Chairman Bourque closed the public hearing at 7:21 p.m.

MOTION: Member Terrien moved to send Amendment 6. Article XIV, Zoning Board of Adjustment, Variances, and Special Exception to Town Meeting. Seconded by Member Krebs.

VOTE: Robert B. – Y Mark Z. – Y Todd T. – Y Cindy L. - Y
Kevin K. – Y Kathy C. – Y Alan T. - Y

MOTION TO SEND AMENDMENT 6. ARTICLE XIV, ZONING BOARD OF ADJUSTMENT, VARIANCES, AND SPECIAL EXCEPTION TO TOWN MEETING PASSED ON A 7-0 VOTE.

- Amendment 7. Article XVII, Growth Management Ordinance

Acting Chairman Bourque read aloud the intent of the amendment and opened the public hearing at 7:22 p.m.

Mr. Kowalik asked Selectman’s Rep. Lewis if there were any unresolved issues pertaining to the calculations of population and schools. Selectman’s Rep. Lewis said that they received all the updated figures from the schools and entered them into the calculations. She said that figures for

2007/2008 on page 5 of the Pembroke Growth Management Ordinance Status Report through December 31, 2007 are correct.

There being no further questions or comments, Acting Chairman Bourque closed the public hearing at 7: 24 p.m.

MOTION: Member Topliff moved to send Amendment 7. Article XVII, Growth Management Ordinance to Town Meeting. Seconded by Member Zydel.

VOTE: Robert B. – Y Mark Z. – Y Todd T. – Y Cindy L. - Y
 Kevin K. – Y Kathy C. – Y Alan T. - Y

MOTION TO SEND AMENDMENT 7. ARTICLE XVII, GROWTH MANAGEMENT ORDINANCE TO TOWN MEETING PASSED ON A 7-0 VOTE.

New Business

4. Growth Management Report Approval

Acting Chairman Bourque explained that every year the Planning Board is required to provide a document to the Board of Selectmen with information pertaining to the Growth Management Ordinance. Each member received the 01/22/08 Growth Management Ordinance Status of Growth in Pembroke December 31, 2007 in their member packet. He said that the Board has recommended continuing the GMO until March 2009 with the intent to review and make changes to the GMO during 2008.

Ms. Alexander said that she verified the figures in the chart labeled “New Residential Lots Created Through Subdivisions”.

Member Topliff explained that the Board decided, at the January 8, 2008 meeting, to include the topic of the GMO on the agenda in order to give those members who were not present at the last meeting a chance to express their concerns. Member Topliff said that the Board recommended extending the GMO to March 2009 in order to give the Board an opportunity to review its ordinances and make changes that would allow the GMO to sunset and have permanent zoning ordinances in place that would provide necessary safeguards.

Selectmen’s Rep. Lewis said that Town Counsel confirmed that if a developer was approved for a 3-phase project and only built 2 phases, the developer could build the third phase 10 years later if he so desired. Selectmen’s Rep. Lewis said that the Board cannot approve one phase at a time.

Ms. Alexander confirmed that Town Counsel said that the Town cannot register one phase at a time. Ms. Alexander will send a copy of Town Counsel’s response to the Board’s inquiries to Acting Chairman Bourque.

Selectman's Rep. Lewis said that she will have information regarding the Planning Board budget at the next meeting.

The Board discussed having Ms. Alexander at the March 11, 2008 voting location from 3-7 p.m. in order to answer any questions from the public. The Board agreed that the Planning Board meeting scheduled for March 11, 2008 should begin at 7:30 p.m. Ms. Alexander will speak to Geoff Ruggles.

MOTION: Member Zydel moved to approve the 01/22/08 Growth Management Ordinance Status of Growth in Pembroke December 31, 2007 and submit the Report to the Board of Selectmen. Seconded by Member Terrien.

VOTE: Robert B. – Y Mark Z. – Y Todd T. – Y Cindy L. - Y
Kevin K. – Y Kathy C. – Y Alan T. - Y

MOTION TO APPROVE THE 01/22/08 GROWTH MANAGEMENT ORDINANCE STATUS OF GROWTH IN PEMBROKE DECEMBER 31, 2007 AND SUBMIT THE REPORT TO THE BOARD OF SELECTMEN PASSED ON A 7-0 VOTE.

Review and Approve Meeting Minutes of January 8, 2008

MOTION: Member Terrien moved to approve the minutes of January 8, 2008 as amended. Seconded by Alternate Member Cruson.

VOTE: Robert B. – Y Mark Z. – Y Todd T. – Y Cindy L. - Y
Kevin K. – Y Kathy C. – Y Alan T. - Y

MOTION TO APPROVE THE MINUTES OF JANUARY 8, 2008 AS AMENDED PASSED ON A 7-0 VOTE.

Other Business

- Planning Board Vacancies

Acting Chairman Bourque said that the Board currently has 2 vacancies. He proposed moving Alternate Members Krebs and Cruson to full-member status replacing Chairman Lemoine and Member Foss.

MOTION: Member Topliff moved to have Acting Chairman Bourque send a letter to the Board of Selectmen recommending the appointment of Kevin Krebs and Kathy Cruson to full members of the Planning Board. The Board unanimously approved.

MOTION TO HAVE ACTING CHAIRMAN BOURQUE SEND A LETTER TO THE BOARD OF SELECTMEN RECOMMENDING THE APPOINTMENT OF KEVIN KREBS AND KATHY CRUSON TO FULL MEMBERS OF THE PLANNING BOARD WAS UNANIMOUSLY PASSED.

Ms. Alexander was directed to prepare the appointment letter to the Board of Selectmen for Acting Chairman Bourque's signature.

Selectmen's Rep. Lewis indicated that a representative of the Planning Board should be designated to the Economic Development Committee in place of former Member Foss.

- Correspondence

The Planning Board summary prepared by Member Topliff was approved for placement in the Town newsletter.

Ms. Alexander noted the following correspondence which would be placed in a folder for interested members:

- Letter dated January 16, 2008 regarding a public hearing with the Hooksett Planning Board on January 28, 2008 at 7 p.m. at the Hooksett Public Library concerning a major subdivision plan for 430 units. The requested materials are in the planning office.
- A workshop to be held at the PSNH Energy Park on January 23, 2008 from 6:30 p.m. to 8 p.m. regarding the NH Housing and Conservation Planning Program, and the Inclusionary Zoning Implementation Program.
- Letter from PSNH regarding transmission line easements and survey requirements
- NH Business Review
- UNH Storm Water Center 2007 annual report
- OEP Conference on Saturday, April 26, 2008.

Acting Chairman Bourque read aloud the resignation letter from Chairman Lemoine.

The Board agreed to appoint a new Chairman and Vice Chairman until the April 2008 election.

MOTION: Member Topliff moved to nominate Acting Chairman Bourque to serve as Chairman of the Planning Board for the remainder of the term. Seconded by Alternate Member Cruson.

VOTE: Robert B. – Y Mark Z. – Y Todd T. – Y Cindy L. - Y
 Kevin K. – Y Kathy C. – Y Alan T. - Y

MOTION TO NOMINATE ACTING CHAIRMAN BOURQUE TO SERVE AS CHAIRMAN OF THE PLANNING BOARD FOR THE REMAINDER OF THE TERM PASSED ON A 7-0 VOTE.

MOTION: Member Terrien moved to nominate Member Topliff to serve as Vice Chairman of the Planning Board for the remainder of the term. Seconded by Acting Chairman Bourque.

VOTE: Robert B. – Y Mark Z. – Y Todd T. – Y Cindy L. - Y
 Kevin K. – Y Kathy C. – Y Alan T. - Y

MOTION TO NOMINATE MEMBER TOPLIFF TO SERVE AS VICE CHAIRMAN OF THE PLANNING BOARD FOR THE REMAINDER OF THE TERM PASSED ON A 7-0 VOTE.

Ms. Alexander said that Geoff Ruggles is working on the Planning Board report for the Town’s newsletter.

Ms. Alexander was directed to prepare a letter from the Planning Board thanking the Zoning Board for working on the zoning changes.

Selectmen’s Rep. Lewis agreed to speak to the Board of Selectmen regarding the hiring of a consultant to help the Planning Board with the open space ordinance.

At the February 12, 2008 work session, following Pembroke 600, the Board agreed that it should begin discussing the following topics: (1) impact fees, (2) zoning district changes, (3) whether to rewrite the open space ordinance, and (4) topics on the Master Plan priority list that were not accomplished.

Ms. Alexander said that she will locate the Pembroke 600 Notices of Decision and will contact Attorney Gartrell, either by letter or telephone, to find out what has been completed and to discuss submission deadlines. Acting Chairman Bourque suggested foregoing the typical 15 day deadline for Attorney Gartrell since the Board is pushing the meeting date up to a work session. Ms. Alexander will note this in her letter to Attorney Gartrell.

Acting Chairman Bourque directed Ms. Alexander to prepare a letter to former Chairman Lemoine and former Member Foss, thanking them for their service on the Planning Board. It was suggested that Ms. Alexander speak to Mr. Ruggles if she does not have time to write the letters.

Ms. Alexander noted that the Heiser subdivision application will be on the agenda for February 19, 2008.

Member Krebs updated the Board regarding the Conservation Commission. He said that there is currently 2% of land in conservation. The Commission would like the Planning Board’s opinion on the Commission’s possible purchase of a few pieces of land.

Member Krebs said that the Commission has a land protection criteria rating sheet but questioned the basis for the rating scores. He also said that the Commission is looking at creating a conservation corridor.

Acting Chairman Bourque said that he would be concerned if the percentage of conservation land became too high because it would mean less tax dollars.

Selectmen's Rep. Lewis said that there are tax and liability issues associated with conservation land. She also said that the land that the Conservation Commission has received has not always been accessible.

Alternate Member Cruson agreed with the concern of taking land off the tax list unless there is a specified intent as to how the land will be used. She said that recreation land vs. conservation land should be considered. If conservation land is used for recreational purposes, it has a benefit to the Town, but if it is not for recreational use, it may have less benefit to the Town.

Alternate Member Krebs said that, if the Conservation Commission has too much land to manage, they would likely to assign a person to manage certain pieces of land. Depending on the future amount of land that the Commission holds, they may consider hiring someone to manage them.

Member Topliff said that the Planning Board looks to the Conservation Commission for feedback as to the value of a piece of land that is being proposed as open space in a subdivision. It would be helpful if the Conservation Commission had a mechanism to judge and grade a piece of land to base their recommendation to the Planning Board as to its value to the Town.

Selectmen's Rep. Lewis stated that the technical review checklist should continue to be worked on.

Acting Chairman Bourque asked if anyone from the Board was interested in joining the Economic Development Committee. He also welcomed anyone who might be interested in joining the Planning Board to come forward.

MOTION: Member Terrien moved to adjourn. Member Topliff seconded.

The vote was unanimous in favor of the Motion.

The meeting adjourned at 8:32 p.m.

Respectfully submitted,

Jocelyn D. Carlucci
Recording Secretary