

**Pembroke Planning Board
Minutes of Meeting
(Draft)
Tuesday, June 10, 2008**

MEMBERS PRESENT: Robert Bourque, Chairman; Kevin Krebs; Kathy Cruson; Todd Terrien; Cindy Lewis, Selectmen's Representative; Mark Zydel

EXCUSED: Alan Topliff, Vice Chairman

ALTERNATES PRESENT: Brian Seaworth

STAFF PRESENT: Geoff Ruggles, Town Administrator as Acting Interim Planner and Jocelyn Carlucci, Recording Secretary

Chairman Bourque opened the meeting at 7:00 p.m. Alternate Brian Seaworth will vote in place of Vice Chairman Topliff.

Discussion

1. Article X, Open Space Subdivision Provisions

- **What are the desired changes?**
- **Discuss interview questions for consultants (invite for July 8 meeting)**

After a brief discussion, it was the consensus of the Board that:

- The Board would like to avoid cul-de-sacs in new developments. Their preference would be a loop road with 2-ways of entering and exiting the development in the interest of providing safety services.
- A developer wishing to create conservation land or an open-space development should come before the Planning Board with an informal conceptual prior to meeting with the other Town Departments. This would provide the developer with suggestions from the Board and prevent him from spending time and money making corrections to existing plans. The Board would then direct the applicant to go before the Zoning Board or Conservation Commission if necessary.
- That the Zoning Board and Conservation Commission not accept a meeting with the applicant until the applicant has met with the Planning Board for a conceptual.

Member Zydel suggested that conservation land be placed throughout the development rather than placing the development on the front portion of the land and all the open space/conservation land at the rear of the property.

Chairman Bourque said he recalled the Board changing the regulations at Town meeting to show that land must be contiguous for development, but could not locate the language in the new subdivision regulations.

Member Krebs said that he would prefer seeing more of the 50% portion of conservation land be "buildable" land.

Chairman Bourque suggested that 25% of conservation land be located at the rear of the property and 25% be in the development, in order to provide a 50-50 mix.

Member Krebs noted that if the only access to conservation land is through private property, the public will not be able to use the land.

Acting Interim Planner, Geoff Ruggles, concluded that the Board would like ideas and guidance on how it could proceed with open space subdivisions and would like the consultants to include work references and examples of their completed work.

Member Terrien asked if Stephanie Alexander, Interim Planner, advises applicants of what the Board would like to see? Mr. Ruggles answered that Ms. Alexander is new and, although she reads the regulations and applies them to the plan, she probably does not have a feel for the intent behind some of the regulations. It was suggested that Ms. Alexander meet with the Board and discuss the changes that the Board may be considering.

Selectmen's Rep. Lewis stated that land put in conservation is taxed at a rate close to the current use tax rate. Member Krebs asked what the advantage was to having a conservation easement vs. open space other than paying less taxes? Mr. Ruggles said that a conservation easement would be more restrictive on a property than open space.

Chairman Bourque said that land could remain open space and belong to the subdivision or become conservation land and belong to the Town.

Mr. Ruggles said that the question of cluster vs. open space comes down to what the Board would or would not want done with the land associated with the development. With open space, the subdivision could maintain and use the land, but if it is conservation land, the land would need to stay more natural in order to preserve the wildlife environment.

Selectmen's Rep. Lewis pointed out that most conservation land is wetlands and, therefore, could not be developed. Her concern is that the Town takes on the liability when it acquires an easement and it costs tax dollars to maintain the land. She said that each lot should be considered individually.

Mr. Ruggles suggested meeting with the Conservation Commission to discuss the benefits on each proposed conservation piece to determine what is useful or unique about the property. It is important to work closely with Conservation Commission in order to determine acceptable guidelines between the Board and the Conservation Commission.

Member Krebs said that the Conservation Commission has a ratings criteria sheet to determine if land will be accepted.

Mr. Ruggles said that the Planner should have a feel for what the Planning Board is looking for in order to advise the applicant on ways to adjust their plans before meeting with the Board.

Selectmen's Rep. Lewis said that the more the Board can put into the subdivision and site plan regulations, the less variances will be needed and that the Board has the right to change or waive requirements. She said that there are things in the Zoning Ordinance that does not allow the Planning Board to make good decisions, and therefore, the Board should consider making changes to the Zoning Ordinance.

Selectmen's Rep. Lewis said that, in the past, a member of the Planning Board would attend the Zoning Board, but it was recently advised to discontinue that practice because the Planning Board member would have to recuse himself when the applicant came before the Planning Board. She feels that having a Planning Board member on the Zoning Board would be beneficial in clarifying the Planning Board's intentions when writing certain ordinances.

Chairman Bourque suggested that once an applicant has made his conceptual presentation to the Planning Board, a letter be sent to the Conservation Commission and the Zoning Board with the Planning Board's

recommendation that the applicant appear before the Conservation Commission and/or the Zoning Board. He suggested that an applicant provide a small one sheet rough drawing of what they are think about doing and list how they would like to accomplish the project. He does not want the applicant to invest a lot of money for the conceptual.

Chairman Bourque asked if the Board was in agreement with the concept that if final approval for a 12-house subdivision was granted, the applicant could only build 5 homes per year even though the entire project was approved. Selectmen's Rep. Lewis said yes, that the Board's point was to phase the project.

2. Article XVII, Growth Management

- **Discuss interview questions for consultants (invite for July 8 meeting)**

Mr. Ruggles suggested having the consultants discuss their opinion on the open space and growth management ordinances in hopes of finding a consultant that would be perfect for both topics.

Member Zydel said he would like to hear from the consultants on the legalities of growth management.

Mr. Ruggles said that the Growth Management Ordinance is meant to be a stop-gap measure and not a permanent ordinance. The other zoning or subdivision regulations should try and restrict the growth. Imposing impact fees is one way to compensate for growth spurts.

The consensus of the Board was to defer to the consultants for suggestions on growth management and its alternatives.

3. On-Site Inspections During Construction (Roads, Driveways, Drainage, etc)

- **Do you want Town inspections during on-site construction or require developer reports submitted? If yes, who will inspect and who will pay the cost? Do you want to develop a policy?**
- **For public or private roads, what inspection practices does the Public Works Director want? What about residential driveways?**

Mr. Ruggles said that the discussion of driveway regulations came out of the Heiser development. The amount of project oversight wanted by the Board on driveway and parking lot construction came from the Grace Capital Church project.

Selectmen's Rep. Lewis said that the developer usually pays for inspections but at times there is no quality consistency. It could become expensive to have an engineer regularly inspect a site, especially if they charge a minimum of 4 or 8 hours per day. She suggested that the Road Agent, Water Department, and Sewer Department inspect when possible.

The Board suggested that Mr. Ruggles speak with the Town Departments and inquire as to what they would feel comfortable doing with regard to project inspections.

Chairman Bourque asked if it would be appropriate to ask the Town Engineer to advise the Board when it would be necessary to have inspections required by licenses inspectors. Selectmen's Rep. Lewis said that the current building codes require a certain number of inspections performed by testing agencies and that the developer

pays for them. It is important not to duplicate the effort. The Board should clarify what tasks the Town engineer and the developer's engineer will do.

Chairman Bourque suggested having the applicant advise the Board on what inspections the Town engineer should be concerned with.

Upon review of Chapter 198: Driveway regulations (draft 5/13/08), The Board agreed to the following changes:

- 198-11, M should read "Driveways shall be a minimum of ten (10) feet in width with a desirable width of fifteen (15) feet."
- 198-11, E should read "Any culvert within the road . . . The bottom of the ditch must be at least twenty-seven (27) inches deep."
- 198-11, H should read "Any permanent driveway shall be paved from the edge . . ."
- 198-12,C should read "Temporary driveway permits . . . The Public Works Director may extend, at his discretion, that permit for additional six (6) month periods and may require a five (5) foot paved apron to protect the town roadway."

4. Active and Substantial Development Definition

- Discuss handout from April 8 meeting

Member Krebs said that RSA 674-39 as amended stated that if the subdivision regulations do not describe "active and substantial development", the 4-year exemption takes affect. Ms. Alexander provided Member Krebs with Henniker's definition of "active and substantial development" and he revised it as per the handout entitled "Proposed Amendment to Town of Pembroke Subdivision Regulations, April 17, 2008".

Chairman Bourque said that RSA 674-39 III can dictate the scope of work necessary.

Member Krebs said that Section 203:25 states that if no part of the project has been started within 12 months, site plan approval can be revoked. Approval can also be extended for one more year.

Selectmen's Rep. Lewis said that the Town's attorney encouraged the Board to allow at least one extension.

The Board agreed to include the proposed amendment in the site plan approval process.

Selectmen's Rep. Lewis suggested that "active and substantial progress" should be added onto the checklist of what the Planning Board requires.

Mr. Ruggles said that a public hearing will be necessary in order to adopt the changes into the regulations and to add them to the final approval checklist.

Chairman Bourque suggested making reference to RSA 674:39 III in the April 17, 2008 Proposed Amendment.

5. New Subdivision & Site Plan Fee Worksheets

Mr. Ruggles drafted two Planning Board Fee Worksheets for the purpose of establishing the applicant's required fees. He suggested adding the worksheets to the back of the application for the applicant to fill out.

Chairman Bourque suggested adding a fuel surcharge. After a short discussion on increasing the Newspaper Legal Ad fee, the Board agreed to not change the \$90 fee.

Chairman Bourque asked Mr. Ruggles to make spelling corrections to the worksheets.

Minutes

6. Review and Approve Meeting Minutes of May 27, 2008

MOTION: Chairman Bourque moved to accept the May 27, 2008 meeting minutes as amended. Seconded by Member Zydel.

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

MOTION TO ACCEPT THE MAY 27, 2008 MEETING MINUTES AS AMENDED PASSED ON A 7-0 VOTE.

Miscellaneous

7. Correspondence

Mr. Ruggles said that he received the application and plans from the Bow Zoning Board of Adjustment variances for the power plant updates. The site walk is scheduled for June 17, 2008 at 6 p.m. Anyone interested in attending should notify Mr. Ruggles.

He also received a notice from the Town of Londonderry about the design review application for a wireless communication facility.

The 2008 edition of “Knowing the Territory”, which is an overview of RSA’s for town government, arrived. A photo of the Pembroke Town Hall is on the front cover.

8. Committee Reports

Member Krebs stated that he did not receive an agenda for the Conservation Commission meeting and, therefore, did not attend.

He said that the Conservation Commission wanted feedback from the Board on: (1) whether or not the Commission should actively pursue purchasing conservation easements and; (2) placing restrictions on the property such as no hunting, no trespassing, etc.

Selectmen’s Rep. Lewis said that the Board of Selectmen agreed that they would not typically think it was a great idea but would never say “never” because there might be a rare species whose habitat the Conservation Commission would not want to disturb. It is their understanding that the NH RSAs require public access to all conservation land.

Chairman Bourque agreed that the Board should discuss the topics further. He felt that there should be something unique about each property that the Conservation Commission considers purchasing in order to justify spending the money.

Mr. Ruggles said that the Conservation Commission is charged with maintaining conservation land and being the body that evaluates whether certain properties should become conservation land. They are also in charge of managing the conservation funds.

The Board instructed Mr. Ruggles to invite the Conservation Commission to the August work session to discuss their thoughts with the Planning Board.

9. Other Business

Mr. Ruggles said that the Planning Board no longer has a representative to the CIP Committee. The Committee will begin their weekly meetings in mid-to-late July, on Wednesday evenings, for 6 to 8 weeks, until the end of September. The budget will be presented to the Board of Selectman with the CIP plan on the first Monday in October. He asked whomever would like to volunteer, to please contact him.

Mr. Ruggles said that Pembroke 600 is on the agenda for the Board's next meeting. Chairman Bourque said that he anticipates receiving something from the Sewer Department regarding Pembroke 600.

Adjournment

MOTION: Selectmen's Rep. Lewis moved to adjourn. Seconded by Chairman Bourque.

The vote was unanimous in favor of the Motion.

The meeting adjourned at 9:12 p.m.

Respectfully submitted,

Jocelyn D. Carlucci
Recording Secretary