

**Pembroke Planning Board  
Minutes of Meeting/Work Session  
(Adopted)  
Tuesday, May 11, 2010**

**PLANNING BOARD ATTENDANCE:** Alan Topliff, Chairman; Brian Seaworth, Vice Chairman (arrived 7:35 p.m.); Kathy Cruson; Kevin Krebs; Cindy Lewis, Selectmen's Representative (arrived 8:00 p.m.), Larry Young, Sr; Ron Nowe, Alternate Planning Board member (arrived 7:50 p.m.)

**EXCUSED:** Robert Bourque

**STAFF PRESENT:** Jeff Gaeta, Town Planner; and Susan Gifford, Recording Secretary

Chairman Topliff called the meeting to order at 7:00 p.m. and noted that Member Bourque was excused.

**Discussion**

- 1. Final Fee Schedule Revisions** - At the last Planning Board meeting, Jeff Gaeta presented a proposed fee schedule with an arbitrary 50% increase in some fees, and designating fees where none had been charged before. Before taking action, the Planning Board asked the Town Planner to research how surrounding towns are handling their fees. Jeff Gaeta looked at 2 site plan fee schedules and 2 subdivision fee schedules from surrounding towns. He did a fee comparison chart, and a cost recovery analysis of the percent of actual costs covered by Pembroke Planning Board fees over the last three years. Jeff Gaeta noted that the Town of Chichester recently revised their Planning Board fees, almost entirely based on current Pembroke fees. Prior to that, Chichester fees had been much lower.

Jeff Gaeta based his cost recovery analysis on an average of 16 hours per application. He arrived at this figure by using 6-8 hours as the average major site plan review time spent by Town Planner, along with an additional 8 hours of administrative time to notify abutters, post notice, follow up with correspondence and notice of decision, etc. A smaller scale plan would take less time, and a large development would take more time. In 2009, the cost recovery was 115% of the Planner's time and in 2010 it was 102% of the Planner's time. This does not include any engineering review or legal counsel time. Escrow fees are established separately to cover Town Engineer and legal review.

Member Krebs asked if it was fair to state that, based on average planner time spent on applications, there is no need to raise Planning Board fees right now to recover all associated costs. Jeff Gaeta agreed, that is correct. The number and type of applications vary within each year but the current fees are in line with those charged by surrounding towns and result in 100% cost recovery of Town Planner time right now. Member Cruson stated that her concern is how developer fees compare to those charged to an individual or family parceling off one or two lots. Jeff Gaeta stated that the cost can be added up by element - \$175 per lot and \$350 application fee, certified abutter notice at \$40 per address, \$90 for public notice in the Concord Monitor, and currently, recording fee at \$50. The fees are level across the board. Board members are comfortable with current fees and want to consider imposing fees where none are now. For example, an application for a new wireless tower would be \$500 where no fee exists now. The fee would be borne by large business. Selectmen's Representative Lewis noted that the Town is considering returning the responsibility for recording the plan at Merrimack County Registry of Deeds to the applicant. Engineering and escrow fees were also being tweaked to cover the cost of town inspections by the Code Enforcement Officer. Where engineering and legal escrow fee was

\$500 up front, it would be \$100 minimum with actual engineering escrow fee determined by Town Engineer with money put into an interest bearing account, and returned to the applicant on approval of the plan. For a larger plan, more engineering fees would be required as the plan progresses. The intent is to more accurately reflect actual engineering fees. Jeff Gaeta stated that a plan won't move forward for Planning Board consideration until all the engineering fees are paid.

Chairman Topliff led the members through a line by line review of the three-page fee schedule to determine which fees will remain the same, which will change, and which will be added. New Wireless Tower application fee \$500, borne by profit making entity will be added. Maintain \$100 application fee for co-location on existing wireless tower. Administrative fees - change to \$10 per "address" not per "abutter" because some abutters own multiple parcels. Subdivision fees, keep at existing fees. Condominiums, keep at existing fees. Notice of hearing goes out to all abutters, architect, engineer, applicant. Notice of Decision is sent to owner and applicant. It is the *applicant's responsibility* to find the lot on the tax map and identify all current abutters.

**Discussion of Design Review fee** - With review of final language by Town Legal Counsel, Planning Board consensus was to charge 50% of applicable application fee for a "Design Review" and to apply a percentage of the design fee as a CREDIT toward a formal application fee within a specified time period. Jeff Gaeta noted that few towns have a written "design review" fee. Most have a conceptual process for a basic sketch. The Planning Board and town management feel that the more clear and concise Pembroke regulations are, the better.

The intent of "design review" is that the applicant arrives with a plan set that meets a specified checklist, that is roughly similar to what they intend to submit as a formal application. Member Cruson asked what happens if there is a substantial change from the initial plan to what is finally submitted as an application? Some members suggested the percent of the credit toward formal application be based on bonafide effort. Vice Chairman Seaworth asked if there is a point in "design review" where a plan would be ready to be accepted in for consideration by the Planning Board, a trigger. To qualify as being a good 'design review', the Planner would make the call and identify what the applicant is expected to provide for 'design review.' Again, consistency is best. To give the applicant and the Planning Board opportunity for in depth design review, there would have to be general agreement as to what requirements will be on the checklist. The Planner is able to discourage applicants from proceeding if they are missing significant Design Review Checklist items. A plan with insufficient information is not unlike a conceptual review. General agreement is not binding on either party. What if the Planning Board does not come to a consensus on a design review plan? The applicant makes the decision to proceed or not. Fifty percent of the design review fee paid will be **credited toward application fee at the time of formal application. This does not constitute, and will never be a 'refund.'** No amount of the design review fee will be refunded to the applicant.

Would a time limit for the applicant to make formal application be a disincentive to coming in for design review? Most Planning Board members feel some time limit is necessary. Consensus is that one year is not enough, two years may be adequate, 30 months is probably more than adequate if the plan is to go forward. Member Cruson would like the time limit to be generous enough that the

Planning Board is not dealing with extension requests. It was agreed that setting a longer block of time could be revisited by the Planning Board at any time if warranted. Member Krebs is certain there needs to be a time limit so that plans are not submitted 5-10 years after design review. Jeff Gaeta stated he does not feel a time limit is necessary. Member Nowe agrees that 30 months should be adequate to submit a formal plan after design review concludes. Selectmen's Representative Cindy Lewis stated if there is a dramatic change in the plan (a different lot), then prior design review is not applicable. Planning Board consensus is that allowing a credit on application fees within 2 and a half years is of value to the Planning Board to encourage use of design review process.

**MOTION:** Member Krebs moved to revise the Planning Board Site Plan Fees, Subdivision Fees and Design Review Fees as follows:

### **Town of Pembroke Site Plan Fees**

#### Application & Review Fees

- Multifamily – \$100 per new or redeveloped unit
- New commercial/business/industrial – \$100 per 1,000 sf gross floor area
- New developed area (no buildings) – \$25 per 1,000 sf gross developed area
- Reuse of existing commercial/business/industrial or developed area – \$150 flat fee
- Wireless co-location – \$100 per project
- New wireless tower – \$500 per project

#### Administration Fees

- Certified Notices of Hearing – \$10 per address
- Certified Notices of Decision – \$10 per address
- Recording Fee for Plans – \$50 per sheet
- Recording Fee for Plans (for each additional attempt) – \$25 per sheet
- Recording Fee for Documents – \$25 per document (includes Town easements, etc.)
- Newspaper Legal Notice – \$90 minimum per notice (subject to adjustment based upon actual cost via legal escrow)

#### Engineering & Legal Escrow Fees

- Minor Site Plan – \$100\* per project (\* Engineering estimate will determine remaining fee. Application will not be accepted as complete without entire fee).
- Major Site Plan – 500\* per project (\*Engineering estimate will determine remaining fee. Application will not be accepted as complete without entire fee).

State LCHIP Surcharge

Any Recorded Plan Sheet (make check out to Merrimack County Registry of Deeds) – \$25 per plan set

**Town of Pembroke Subdivision Fees**

Application & Review Fees

Subdivision – \$175 per lot

Lot Line Adjustment – \$200 per first two lots **plus** \$100 per each additional lot

Lot Merger per RSA 674:39 – \$25 per project

Condominium Fees

Conversion of Existing Development – \$300 per project **plus** \$50 per dwelling unit

New Condominium Declaration – \$300 per project **plus** \$100 per dwelling unit

Administration Fees

Certified Notices of Hearing – \$10 per address

Certified Notices of Decision – \$10 per address

Recording Fee for Plans – \$50 per sheet

Recording Fee for Plans (for each additional attempt) – \$25 per sheet

Recording Fee for Documents – \$25 per document (includes Town easements, etc.)

Newspaper Legal Notice – \$90 minimum per notice (subject to adjustment based upon actual cost via legal escrow)

Engineering & Legal Escrow Fees

Lot Line Adjustment – \$100\* per project (\* Engineering estimate will determine remaining fee. Application will not be accepted as complete without entire fee).

Minor Site Plan – \$300\* per project (\* Engineering estimate will determine remaining fee. Application will not be accepted as complete without entire fee).

Major Site Plan – 500\* per project (\*Engineering estimate will determine remaining fee. Application will not be accepted as complete without entire fee).

State LCHIP Surcharge

Any Recorded Plan Sheet (make check out to Merrimack County Registry of Deeds) – \$25

per plan set

### Town of Pembroke Design Review Fees

#### Application & Review Fees

Subdivision Plan – 50% of appropriate Application and Review Fee<sup>1)</sup>

Site Plan – 50% of appropriate Application and Review Fee<sup>1)</sup>

#### Administration Fees

Certified Notices of Hearing – \$10 per address

Newspaper Legal Notice – \$90 minimum per notice (subject to adjustment based upon actual cost via legal escrow)

#### Technical Review Committee Engineering Escrow Fees

Subdivision or Site Plan – \$500 flat fee to be placed into project escrow and to be returned to the applicant after 30 months of no use.

1) 50-percent of the design review fee will be credited toward Planning Board application fees at the time of formal application submittal if the formal application is submitted within 30 months. If the applicant chooses not to submit a formal application no amount of the design review fee will be refunded or credited to the applicant.

Fifty percent of the design review fee paid by the applicant will be **credited toward the application fees at the time of formal application submittal, within 30 months of conclusion of design review. This does not constitute, and will never be a 'refund.'** No amount of the design review fee will be refunded to the applicant.

Seconded by Member Cruson.

**Discussion:** If a \$500 flat fee is placed into project escrow, at what point is the balance refunded to the applicant?

**AMENDMENT TO MOTION:** Member Lewis moved to revise the Escrow fee section to ADD “balance of escrow fee to be refunded back to the applicant after 30 months of non-use.” Member Cruson seconded.

**VOTE :**           Cindy L. – Y           Alan T. – Y           Larry Y. – Y  
                      Kevin K. – Y           Brian S. – Y           Kathy C. – Y

**AMENDMENT PASSED ON 6-0 VOTE**

**VOTE ON MOTION WITH AMENDMENT:**

**VOTE :** Cindy L. – Y                      Alan T. – Y                      Larry Y. – Y  
                    Kevin K. – Y                      Brian S. – Y                      Kathy C. - Y

**MOTION TO REVISE THE SITE PLAN FEES, SUBDIVISION FEES AND DESIGN REVIEW FEES AS STATED EFFECTIVE MAY 11, 2010 PASSED ON A 6-0 VOTE**

Chairman Topliff designated Ron Nowe to vote for Member Bourque on any future vote.

**Minutes**

**2. Review and Approve Minutes of April 27, 2010**

**MOTION:** Selectmen’s Representative Lewis moved to approve the minutes of April 27, 2010 as corrected. Vice Chairman Seaworth seconded.

**VOTE :** Cindy L. – Y                      Alan T. – Y                      Larry Y. – Y                      Ron N. -Y  
                    Kevin K. – Y                      Brian S. – Y                      Kathy C. - Y

**MOTION TO APPROVE MINUTES OF APRIL 27, 2010 AS CORRECTED PASSED ON A 7-0 VOTE**

**Miscellaneous**

**3. Correspondence** - Jeff Gaeta listed correspondence received for the Planning Board since the last meeting, including a notice of a conference May 27, 2010 from 9 am to 12:30 pm, letter from City of Concord regarding Red Rock Real Estate with no comments but thanks for the opportunity, 2 abutter letters and a new business magazine. Members are welcome to read any of the correspondence.

**4. Committee Reports**

Member Seaworth reported that he attended a special Roads Committee meeting tonight before coming to Planning Board. The Public Works Department has been out to inspect Cross Country Road (top of the list for road work.) It was discovered that there are 12-13 culverts that need repair, rather than 2-3 as originally reported in the bid information. Cost of repair of more culverts cannot be the same, so the Roads Committee discussed a bid that will go out for culvert repair. The Committee will meet with the Board of Selectmen this coming week. The Committee and Board of Selectmen will mark up the existing conceptual design plans. To redo Broadway and the side streets around the school is a 3-year project. The Roads Committee decided it was beneficial to have the whole plan engineered and planned out.

Member Krebs reported that he attended a Conservation Commission meeting last night 5/10/10. CNHRP and CTAP have done some open space planning. This planning has provided “green infrastructure” information that maps areas in Pembroke where wildlife can travel without running into a house. These are undeveloped areas, mainly along 4<sup>th</sup> and 6<sup>th</sup> Range Roads. The planning intent is to situate development of houses so there is a corridor of open space maintained for wildlife. The Conservation Commission is setting up a presentation to the Planning Board to briefly discuss the wildlife corridors and to the Board of Selectmen to discuss the range roads.

There is a need for a Planning Board representative to the Capital Improvement Program (CIP). This involves meetings over a three month period, July, August and September prior to Budget Committee meetings. The CIP forecasts capital needs of town departments six years out. A volunteer is welcome.

## 5. Other Business

- a. May 25, 2010 Agenda - Jeff Gaeta noted that applications on the agenda include Old Business- Red Rock Investments (Red Rock Investments has not submitted a new plan, did meet with Water Works last Friday 5/7/10, and did set up a well monitoring plan.) Taylor Community Subdivision, New Business, has submitted a new plan. Kimball's Market Change-of-Use (New Business) submitted a plan. National Powersports Change -of-Use (New Business) has submitted a plan and will be on the May 25 agenda. Jim Bovona of Car Audio Installation Shop Change-of-Use (New Business) will not be on the May 25, 2010 agenda. Mr. Bovona is applying to the ZBA for a Special Exception for parking, and the case will be heard June 1, 2010.

### b.Planner Items –

Jeff Gaeta and David Jodoin met with representatives of Continental Paving. They will be submitting an application for an asphalt plant in the new expansion area.

Technical Review Committee met this morning, 5/11/10.

### c. Board Member Items-

Chairman Topliff reviewed the procedure for normal business meeting items. The Chairman will read the agenda item, ask the Town Planner to provide a quick overview of the application, highlighting specific or new information and status of case. The Chairman will ask the applicant if he/she has anything else to add, and the Planning Board will decide if the application is substantially complete and ready to be accepted in for consideration. All members were in agreement that in the future, **no stack of papers would be placed on the meeting table the night of the meeting.** All information submitted in time will be in the agenda packet mailed out to members prior to the meeting date. *No new applicant information will be accepted in at the meeting.* There is simply not enough time to read and consider new material on the night of the meeting.

The Board discussed the possibility of stopping the progress of applications if certain fees are not paid. It will be discussed at the next work session. It is not legal for the Planning Board to enforce the collection of fees for other unique town departments (water, sewer, taxes) as a condition to a Planning Board approval.

### d. Audience Items -

Discussion of new Trash pick up procedures - Member Krebs would like to discourage residents from leaving empty trash cans out by the road. In the ordinance, residents are not allowed to leave trash cans by the road once they are emptied. Mandatory recycling as voted by residents at 2009 Town Meeting began in Pembroke the week of May 3, 2010. Board members and audience members discussed the bugs experienced so far, including confusion over the requirement to place

both trash and recycle receptacles out for pick up, or neither. The reason is so that DPW can gauge the volume of trash and recyclables and schedule the route accordingly. There was no recycling pick up on Brickett Hill Road, but trash was emptied. On Fourth Range Road, neither was picked up as scheduled. Board members reported that covers were opened on barrels to see whether it was recycle or trash, and then they were left there. Alternate Member Nowe asked where it was written that both cans had be brought to the end of the driveway. Jeff Gaeta will find it in the Town Report. Selectmen's Representative Lewis stated the cost savings realized by the town from disposing of recyclables at \$10 versus \$60.10 per ton to burn them will be substantial.

Board members questioned whether it was allowable to build a small shed for covering for the trash receptacles during inclement weather, so they can be left at the end of long or dirt driveways. Member Krebs has devised a platform on his truck to transport the trash barrels to the end of the driveway. Audience questions included, can we still put recyclables in the compacter, then in the bin for recycle pick up?

**MOTION:** Member Krebs moved to adjourn. Seconded by Member Young.

The vote was unanimous in favor of the Motion.

The meeting adjourned at 9:05 p.m.

Respectfully submitted,  
Susan Gifford, Recording Secretary