

**Pembroke Planning Board  
(Adopted)  
Tuesday, February 10, 2009**

**MEMBERS PRESENT:** Robert Bourque, Chairman; Alan Topliff, Vice Chairman; Kevin Krebs; Kathy Cruson; Cindy Lewis, Selectmen's Representative; Todd Terrien

**ALTERNATE PRESENT:** Brian Seaworth

**EXCUSED:** Mark Zydel

**STAFF PRESENT:** Stephanie Alexander, Interim Town Planner, David Jodoin, Town Administrator, and Jocelyn Carlucci, Recording Secretary,

Chairman Bourque opened the meeting at 6:55 p.m. Alternate Member Seaworth will vote in place of Member Zydel.

**Old Business**

**1. Minor Subdivision Lot Line Adjustment Conditions of Approval Review and Action. Field et al. Case #08-08.** Map 565, Lots 10, 16, 17, 19, 20, and 21 at 322 Pembroke Street and 7, 9, 13, 15, and 17 Sherwood Meadows respectively in the Medium Density Residential (R1) District and Architectural Design District (AD) Overlay. The conditions of approval of the application approved on December 9, 2008 will be reviewed and action will be taken to revise or remove conditions as appropriate. *Board to consider removing condition of requiring "hatched area" to be resolved. Application was noticed as a Public Hearing.*

Present were: Don Duval, of Duval Survey, Inc. representing Mr. and Mrs. Field, and Mr. and Mrs. Field.

Ms. Alexander stated that Town Counsel advised the Board to consider removing Condition No. 2 of the December 9, 2008 Conditions of Approval which reads:

- 2) Submit a written agreement or deed stating that the hatched area on the Plan will become the property of the Field Trust.

since there were no lot conformity issues and it would not have any bearing on the lot line adjustment.

Mr. Duval stated that the parties would like to resolve the matter and sign the plan.

Chairman Bourque opened the public hearing at 7 p.m.

Mr. William Field, 322 Pembroke St., said that he would like to settle this matter with the association and would like Condition No. 2 removed.

There being no further questions or comments, Chairman Bourque closed the public hearing at 7:02 p.m.

**MOTION:** Vice Chairman Topliff moved to remove Condition No. 2 which reads: "2) Submit a written agreement or deed stating that the hatched area on the Plan will become the property of the Field Trust." from the December 9, 2008 Conditions of Approval. Seconded by Alternate Member Seaworth.

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

**MOTION TO REMOVE CONDITION NO. 2 WHICH READS: “2) SUBMIT A WRITTEN AGREEMENT OR DEED STATING THAT THE HATCHED AREA ON THE PLAN WILL BECOME THE PROPERTY OF THE FIELD TRUST.” FROM THE DECEMBER 9, 2008 CONDITIONS OF APPROVAL PASSED ON A 7-0 VOTE.**

**Guests**

**2. Steve Whitman, Jeffrey H. Taylor and Associates – Draft Open Space Development Ordinance**

Mr. Whitman distributed a document entitled “February 10, 2009 – Open Space Development Ordinance Comments” to all members of the Board and to Carol Bertsimas, Vice Chairman of the Conservation Commission.

Mr. Whitman stated that he used the DES Innovative Land Use Planning Techniques handbook as the foundation for his draft Ordinance.

He asked for the Board’s interpretation of the word “community facilities”. Vice Chairman Topliff suggested ball fields, recreational facilities, and municipal facilities. Mr. Whitman said that he originally interpreted “community facilities” to include police, fire, plowing, and other municipal services.

Mr. Whitman proposed:

- Creating the language for open space development in the Zoning Ordinance
- Placing design-related criteria in the Subdivision Regulations in order to facilitate future changes.
- Addressing roadways, sidewalks, curbing and drainage in the Subdivision Regulations since they probably would be addressed for all developments.
- Making the point that open space must be contiguous in the Intent Section and in Section 6 of the Zoning Ordinance in order to clarify that it is a priority.
- Creating a definition section to clarify all terms.
- Requiring all developers to attend an informal conceptual hearing at the beginning of the development process to: (1) clarify the intent of the project; and (2) allow the Board to make suggestions.
- That the Board decide if open space development would be allowed in all districts or based on exceptions outlined in Section III. B. Exemptions of the draft Open Space Development Ordinance.
- Considering alternatives to Section III. C. Authorization to issue Conditional Use Permits and the Board’s flexibility. The Board agreed that they would prefer to “allow” rather than “require” open space cluster development while encouraging it in certain zones.
- Allow cluster development as an option

Ms. Alexander stated that the Board also discussed revision of the Site Plan Regulations.

Mr. Whitman explained the two approaches that could be used to calculate density of a project – Formula approach and Yield Plan as outlined on pg. 3 of his draft Ordinance. He said that incentives for the developer to pursue open space development could be an option.

Mr. Whitman will redraft the ordinance and send it to Ms. Alexander for distribution to the Board. He asked that the Board review the draft and send comments to him prior to the next meeting. The Board agreed to meet at 6 p.m. on February 24, 2009.

Mr. Whitman will consider alternatives to phasing and will begin working on a master definition section. He will also review distances between buildings.

The March 10, 2009 work session will begin at 7:30 p.m.

Chairman Bourque asked that notices be sent to the Conservation Commission, Roads Committee, and other interested parties.

Chairman Bourque recessed at 8:11 p.m.

Chairman Bourque continued the meeting at 8:16 p.m.

### **3. Craig Tufts, Central NH Regional Planning Commission – CTAP Buildout Scenarios**

Mr. Tufts reviewed the 2/10/2009 Draft CTAP Buildout Report for Pembroke. He stated that wetlands, parcel boundaries, 100 year flood plains, and steep slopes were not used as buildable area in the buildout.

He suggested that this would be a good opportunity to test the result of the proposed open space development ordinance presently being revised. He also gave the Board a list of other test possibilities. All testing should be done prior to May 15, 2009 in order to qualify under the CTAP Year I funds.

### **Discussion**

#### **4. 2008-2010 CTAP Funding Round Project Options**

Ms. Alexander will review a list of CTAP fund projects and report to the Board. Member Cruson suggested outlining/mapping the lands used for sand and gravel. Vice Chairman Topliff suggested a study of alternative parcels suitable for extending Pembroke's commercial area.

### **Minutes**

#### **5. Review and Approve Meeting Minutes of January 27, 2009**

**MOTION:** Chairman Bourque moved to approve the minutes of January 27, 2009 as amended. Seconded by Member Terrien

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

**MOTION TO APPROVE THE MINUTES OF JANUARY 27, 2009 AS AMENDED PASSED ON A 7-0 VOTE.**

**Miscellaneous**

**6. Correspondence**

- Central NH Regional Planning Commission quarterly meeting will be held Thursday, February 12, 2009 at the Community Resource Center.
- Town of Bow, Abutter Notification of Final Approval - Phase 2 of Merrimack Station Clean Air Project, Thursday, February 19, 2009, 7 p.m.
- Ms. Alexander submitted a letter to the Board of Selectmen reappointing Chairman Bourque and Member Cruson to the Board.
- Workshop - Understanding Easements, held in Manchester, February 19, 2009.
- Workshop – Through Eminent Domain, held in Manchester, March 4, 2009.
- Letter from NH Arborist Association requesting citizens to submit awards for the 2008 NH Beautification Awards Program.
- Central NH Regional Planning Commission regarding Fiscal Year 2009-2018 Transportation Improvement Program (TIP). They are looking for new project proposals to be submitted by February 25, 2009.
- Variety of magazines are in the Planning Department.

**7. Committee Reports**

Member Krebs attended the last Conservation Commission meeting at which time the Commission received requests for comments regarding JBI Helicopter and the Open Space Development Ordinance. The requests were received too late for comment.

Alternative Member Seaworth said that the Roads Committee’s next meeting will be in April.

**Other Business**

After extensive research regarding workforce housing, Member Cruson came to the conclusion that there was no need to document any workforce housing information at this time. Pembroke appears to have an adequate amount of workforce housing, low income housing, and senior housing. She suggested tabling the subject for at least a year pending further specific information justifying the need to create such a report. The Board agreed that a report would not be necessary unless Pembroke was challenged.

Ms. Alexander will not contact Town Counsel regarding the parameters for workforce housing as previously requested.

a. Planner Items

Ms. Alexander stated that a number of projects presently have negative escrow balances. After a brief discussion, it was concluded that Town Administrator Jodoin will instruct the Finance and Building Departments to notify the appropriate developers to submit necessary escrow funds. No Certificates of Occupancy will be issued until the escrow money has been paid.

Ms. Alexander will provide the Board with current fees and suggested fees for development. She will also send Chairman Bourque a revised application for his review.

Ms. Alexander reported that the Heiser two-lot subdivision will expire at the end of March 2009. The applicant would like an extension.

b. Board Member Items

Member Krebs reported that he reviewed the website and noted all instances where “usable land” would be replaced with “buildable area”. He is proposing to also change the wording to “contiguous buildable area”.

The Board agreed that they should review, once again, the terms “buildable area”, “usable area”, and “contiguous buildable area” and how it is used within the ordinance and decide if the Board will withdraw its recommendation to change the ordinance at Town meeting.

Town Administrator Jodoin said that he has recommended that Pembroke and Allenstown work together on a proposal to use the stimulus money to upgrade the sewer plant.

Vice Chairman Topliff thanked Ms. Alexander for working with the applicants prior to their approaching the Board. Doing so facilitates the Board’s project review. The Board concurred that Ms. Alexander is an asset to Pembroke.

**Adjournment**

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

The vote was unanimous in favor of the Motion.

The meeting adjourned at 9:49 p.m.

Respectfully submitted,  
Jocelyn D. Carlucci, Recording Secretary