

**Pembroke Planning Board  
Minutes of Meeting  
(Adopted)  
March 17, 2009**

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

**ALTERNATE PRESENT:** Brian Seaworth

**EXCUSED:** Stephanie Alexander, Interim Town Planner; Robert Bourque, Chairman; Mark Zydel

**STAFF PRESENT:** David Jodoin, Town Administrator, and Jocelyn Carlucci, Recording Secretary

Present: Jeff White

Selectmen's Rep. Lewis opened the meeting at 6:30 p.m.

**Guests**

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

**Phased Development**

Mr. Whitman said that other communities in the area that had phasing triggered at 20 units, also had some form of a Growth Management Ordinance in place.

Alternate Member Seaworth suggested requiring applicants who would like to build a subdivision of more than 10 units to come up with a phasing plan.

Mr. Whitman suggested that for those developments that are large, the Board may have to increase the phasing timeline. This would eliminate the example of a 200 unit subdivision being phased over 5 years which would allow 40 units per year.

Mr. Whitman will look for examples of phasing years and building thresholds as a way to lessen the infrastructure impact.

The Board also agreed that they would like the power to exempt those projects that would not be logical to phase such as large apartment or condominium projects.

Mr. Whitman will send the Board and the Conservation Commission a copy of a document which lists different towns and their phasing ordinance.

**Open Space Development**

Member Krebs read a letter from Ammy Heiser, Chairman of the Conservation Commission. The letter suggests that it may be "worthwhile to set a larger percentage of land set aside for

conservation in the area of Town designated as conservation zones and less in the denser R1 and LO zones.”

Mr. Whitman said that having the 150’ buffer area from the road keeps the rural feel of the road, which is a good reason to keep 50% of the buildable land above and beyond the nonbuildable area. Although a portion of the land would be used as a buffer, the land would be combined as one large parcel.

The consensus of the Board was to keep the language: “50% of the buildable area” and “50% of the total area of the parcel” on Page 4, VI, A.

The designated open space can be protected and controlled by one or more methods: (1) transfer to municipality as open space with public access or permanent deed restrictions or conservation easement; (2) transfer with permanent deed restrictions or conservation easement to a land trust or other recognized conservation organization; or (3) ownership by 1 or more private individuals, association, etc. For open space areas of less than 50 acres, ownership by one or more private individuals or legal entity may be desirable.

Suggested conditions of approval: (1) the applicant cannot subdivide the open space area; (2) specify the use of the open space land; (3) require a forestry management plan if the applicant wanted to continue to actively forest the property; and (4) the care and monitoring of the open space – whether by deed restriction which carries forward as a responsibility of the homeowner’s association or, if it was part of a larger parcel of land (i.e. adjacent to another parcel of conservation land) responsibility may be carried to a local or regional land trust.

Mr. Whitman suggested that the Board review the options that are listed in the proposed subdivision regulations.

The consensus of the Board is to draft the ordinance to encourage private ownership of the open space land which would require the owner to be responsible for maintenance and monitoring of the land. If the land offered special characteristics or value as conservation land, the Conservation Commission and Planning Board would have the option to consider a conservation easement.

Member Krebs read the remainder of the letter from Conservation Chairman Heiser.

The Board agreed to change No. 8, Page 4 of the proposed Open Space Development Ordinance in such a way as to allow the Board the flexibility to vary from the requirements of No. 6 by the use of a Conditional Use Permit.

Member Cruson asked how a landowner could separate and sell a small portion of a larger parcel of land without subdividing the entire parcel. Mr. Whitman said that it would be considered a minor subdivision. Mr. Whitman said that Gilford has addressed this topic and their ordinance would be of interest to the Board.

Mr. Whitman suggested that the Board encourage developers to create a loop road or to connect roads as opposed to creating dead-ends and cul-de-sacs. He suggested revisiting the road requirements in the Subdivision Regulations and Site Plan Regulations in order to make sure that it was clear that a loop road or connecting option is preferred and that a cul-de-sac is a last resort. He also suggested that road preferences be addressed in all subdivisions not merely open space subdivisions. He will include it in the draft.

Page 4, No. 5 of the proposed Open Space Development Ordinance states:

Building envelopes shall be delineated to ensure that no structures shall be less than 15 feet from the edge of pavement of the roadway.

After a brief discussion, Mr. Whitman suggested that the Board allow the character of the development dictate the space from the edge of the road and to use a conditional use permit as necessary. In an open space development which clustered the houses in small pods or a traditional neighborhood design, such as a village development, where being close to the sidewalk or having a porch on the front of the houses is desirable, 15 feet may be appropriate. It is important to have flexibility in the ordinance. The Planning Board could advise the applicant that 15 feet is not acceptable for parking but may be acceptable in other circumstances.

Member Krebs suggested changing the language to “no less than 25 feet . . .” and allow the use of a conditional use permit for less than 25 feet.

Mr. Whitman will: (1) add the scenic buffering specifications to the drawings on the back of the proposed Open Space Development Ordinance; (2) revise the Open Space Development Ordinance as discussed; (3) revise the Phasing Ordinance; (4) ask Ms. Alexander to send the Board and Conservation Commission a copy of the proposed Subdivision Regulations; (4) flag the 4-step design process and the design standards for Open Space Development review; and (5) will create a master definition section from the definitions in the Zoning Ordinance, Site Plan Regulations, and Subdivision Regulations.

**Next meeting:** Mr. Whitman will contact Ms. Alexander to establish the next meeting date.

### **Adjournment**

**MOTION:** Vice Chairman Topliff moved to adjourn. Seconded by Alternate Member Seaworth.

The vote was unanimous in favor of the Motion.

The meeting adjourned at 8:18 p.m.

Respectfully submitted,  
Jocelyn D. Carlucci, Recording Secretary