

**Pembroke Planning Board
Minutes of Meeting
(Adopted)
Tuesday, March 3, 2009**

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

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 6:40 p.m.

Present: Ammy Heiser, Chairman and Carol Bertsimas, Vice Chairman of the Conservation Commission.

Guests

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

Phasing

Mr. Whitman asked for comments regarding §205:28 of the Subdivision Regulations which emphasizes phasing subdivisions that exceeds 25 dwelling units.

The Board agreed that they wanted to:

- (1) address issues pertaining to subdivisions that are approved without phasing requirements and construction beginning years after approval;
- (2) discuss establishing completion dates for the entire subdivision in order to prevent a project from lingering for many years.
- (3) stipulate a certain number of years within which each phase of a project must be completed.

Selectmen's Rep. Lewis indicated that presently the Town will grant approval for a large subdivision but the developer can only build 5 units per year.

Mr. Whitman suggested that the Board could: (1) cite the authority under innovative zoning; (2) define a clearer purpose statement explaining why Pembroke has phasing (i.e. to prepare for infrastructure costs associated with development which would prevent the total cost from being incurred in one year).

Some situations that the Board may want to have provisions to waive phasing would be: (1) in commercial applications; (2) for a multi-unit building (depending on the number of units).

Mr. Whitman will:

- Inquire which towns have ordinances for less than 25 units and see how the ordinance is used.
- Draft a waiver provision.
- Draft language that will apply to the Subdivision and Site Plan Regulations.
- Distribute the drafts to the Board prior to the next meeting.

Open Space Development Ordinance

Mr. Whitman asked if the Board wanted to eliminate OSD-1 and OSD-2 language which was previously drafted. He said that if there were open space developments allowed in R1, LO, and R3, without calling them “rural cluster” or “planned residential”, then the smaller sites located near the village or developed areas would most probably be more of a “village style” since they would conform with the existing lots, and the rural site would lend itself to the existing sites. This would lessen the restriction on the developers. Mr. Whitman also pointed out that it would lessen the burden of having to explain the different types of provisions.

Selectmen’s Rep. Lewis said that she would prefer to leave “cluster open space development” and allow the Board to set the development up based on the districts. Mr. Whitman said that the zones will distinguish what the minimum lot size will be, based on the available infrastructure which, in his opinion, would make the OSD-1 and OSD-2 language less necessary. He suggested that the regulations could say that open space development would be allowed in certain districts doing away with the word “cluster”.

Mr. Whitman suggested 2 approaches to calculating density: (1) Calculation of Buildable (Useable) Land; and (2) Yield Plan Approach. He eliminated the Formula Approach.

Mr. Whitman said he would attempt to improve the language of “contiguous buildable area” and suggested playing with a case study example at the next meeting.

Mr. Whitman asked the Board if there was any interest in leaving options for incentives for conservation land, public access, permanent protection, or other elements of the subdivision?

Member Cruson said that if someone was willing to open their land for public use, the Town should be willing to work with them. She suggested: (1) allowing the option of reducing the open space area if it could be used by the public; (2) possibly allowing the reduction in open space area if the property was of a certain number of acreage.

Mr. Whitman suggested that the Board state a few goals such as permanent protection, use of land by the public, being adjacent to other protected land, agriculture, forestry, along with any priorities for Pembroke that are based on the Master Plan, which may be an incentive to allowing 5% additional density.

Selectmen’s Rep. Lewis said that originally it was felt that the incentive to a developer creating an open space development is the decrease in road costs.

Mr. Whitman said an advantage to open space is that the Town receives half of the property set aside for permanent conservation land without having to purchase it. Although it is taxed at a lower level because of a conservation easement, it is permanently protected and the Board is able to control where development density occurs.

Alternate Member Seaworth pointed out that if the open space is adjacent to already established conservation land then the use of the open space for trails, for example, could seamlessly extend to conservation land without the Town losing tax revenue.

Ms. Heiser said that the Town should look at priority lands such as those pieces that would protect Pembroke's aquifer and water ways. Protecting land along the Soucouk River, farmland, and agricultural land, should be a priority.

Ms. Heiser agreed that fragmented pieces of land (meaning it is not adjacent to a waterway, conservation land, or land that is currently open to the public) has less value to the public and the Town. The goal is to protect unfragmented land and trail systems that presently exist. Protecting larger pieces of land and our waterways/aquifer are the Conservation Commission's primary goal. Selectmen's Rep. Lewis pointed out that the Town incurs the liability on conservation land.

Mr. Whitman concluded that (1) several members feel that open space development is incentive enough; and (2) the language should note that it is at the discretion of the Planning Board and the Conservation Commission to give a density bonus to a developer if he offers the Town something that they feel is of significant benefit to Pembroke.

The Board suggested that Dimensional Requirements, No. 2, Minimum Lot Size, should read:

- A. Average Minimum Lot Size in R1 and LO Districts with town water and sewer = 25,000 sq. ft.
- B. Average Minimum Lot Size in R1 and LO Districts with town water only = 30,000 sq. ft.
- C. Average Minimum Lot Size in R1 and LO Districts without town sewer and water, and the R3 District = 40,000.

Mr. Whitman will flag the section for further discussions at the next meeting.

It was agreed that: (1) the center of a cul-de-sac should belong to the property owners so that they bear the tax burden; (2) radius of the cul-de-sac should take into account snow removal equipment and the placement of snow; (3) cul-de-sacs should be discouraged.

Member Krebs suggested that one way to discourage cul-de-sacs, would be to allow an extra 5% density if the developer creates a loop road.

Mr. Whitman explained that a conditional use permit allows the Board the flexibility to allow a developer to deviate from the standard regulations. The conditional use permit standards can be very clear to prevent an applicant from arguing that the Board has set a precedent.

Mr. Whitman will: (1) review language for roads, stormwater, and other changes that were suggested in the audit; (2) draft language for conditional use permits; (3) check to see if condominium associations can change their bylaws pertaining to the use of the open space if all association members agree.

The Board discussed specifications of minimum separation distances between building envelopes. Although Mr. Whitman has agreed to flag the 30 ft. minimum separation in the R3 for further discussion, Ms. Heiser pointed out that in some circumstances, such as elderly housing, the 30 ft. separation between building envelopes may be appropriate if the objective to the development is to create a feel of community within a development and provide a greater open space. Selectmen's Rep. Lewis reminded the Board that their past discussions included the desire to preserve the rural feel of districts such as North Pembroke Road and Fourth Range Road by not seeing the development from the main road. She also said that the more room placed between building envelopes, the less open space will be left. The Board agreed that the heading should read: "Minimum Separation Distance Between Building Envelopes for New Lots" rather than ". . . Average Separation . . ."

When discussing Dimensional Standards, the board discussed increasing the minimum space that a structure is allowed from the edge of the pavement of the roadway in order to take into account snow banks, ditches, sidewalks, and parking (possibly increase to 20 feet). The Board thought "conditional use" may be appropriate in this circumstance. Mr. Whitman will draft language to take into account the Board's suggestions.

When discussing the minimum building envelope setback of 50 ft. from wetlands and shorelands, the Board expressed concern that not all wetlands are "wet" and 50 ft. may be too large. Mr. Whitman said that the goal of open space development is to attempt to preserve the critical habitat on the key parts of the parcel by keeping the structures and hard surfaces that shed stormwater away from the wetlands, to minimize the impact. Some development designs may be more difficult than others to achieve the goal. Mr. Whitman will research other options pertaining to minimum sizes for wetlands.

Next meeting: March 17, 2009, 6:30-8:30 p.m. Mr. Whitman and the Board will also hold March 31st open for a possible work session. Ms. Alexander will be unable to attend the meeting of March 17, 2009.

Ms. Alexander announced that the CTAP Program has an open space plan available for Pembroke at no charge. The deadline for the application is Friday, March 6, 2009. The Conservation Commission is interested in the plan in order to learn about establishing priority parcels for conservation. Once the application is submitted, a contract will be sent to Pembroke and, at that time, the Board can decide whether to take advantage of the plan. A few members of the Board agreed to sign the application.

Member Cruson asked the Board to carefully review the Preliminary Review of the Revisions to Subdivision Regulations and Application Procedures prior to the March 17, 2009 meeting.

Adjournment

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

The vote was unanimous in favor of the Motion.

The meeting adjourned at 8:26 p.m.

Respectfully submitted,
Jocelyn D. Carlucci, Recording Secretary