

**Pembroke Planning Board
Minutes of Meeting
(Adopted)
Wednesday, April 22, 2009**

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

ALTERNATE PRESENT: Jeff White; Brian Seaworth

EXCUSED: Todd Terrien; Mark Zydel

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

Chairman Bourque opened the meeting at 6:30 p.m. He asked Vice Chairman Topliff to record the changes to all portions of the draft Open Space Development Ordinance material for submission to Ms. Alexander.

Discussion

1. Review Draft Open Space Development Ordinance

The Board agreed to the following changes:

1. Insert the word "private" to Section V. C. 3 to read: "3. Reductions to the above private roadway requirements . . ."
2. Add Subsection V. C. 3A stating that with regard to a public road, the Planning Board may be flexible on curbing and landscaping requirements.
3. Add Subsection V. C. 3B stating that with regard to a private road, the Planning Board may be flexible on sidewalks, road widths, and landscaping issues. The Board agreed that the minimum width of a private road will not be less than 24', exclusive of the shoulder widths.
4. Boldface type will be added to the words "buildable area" and "total area" in Section VI, A.: "At least 50 percent of the **buildable area** of the parcel shall be . . . In no case, shall the designated open space represent less than 50 percent of the **total area** of the parcel."
5. Add an example to Section VI, A. for clarification.

The Board concluded that 50% of the buildable area must, at a minimum, be designated open space, and 50% of the total area of the parcel shall also be open space with the provision that the Board may make minor reductions in the open space percentage with the use of a Conditional Use Permit in order to allow for road or other lot challenges.

Member Krebs stated that he agreed that 50% of the total lot has to be open space and that 50% of that land must be buildable. He does not want all of the nonbuildable land in open space. He is against the Board having the discretion to lower any of the percentages.

6. Remove Section VI. E.
7. Remove Section VI. F. 1., 2., and 3.
8. The following statement will be included in VI. D.: "Any proposed changes of use or character of the designated open space shall be presented to the town planner by the entity assuming responsibility for stewardship and management of the designated open space."
9. Renumber the following Sections as follows:

- a. VI. F. 4. as Section VI. E.;
 - b. VI. G. as VI. F.;
 - c. VI. H. as VI. G.
10. Question Mr. Whitman on accuracy of Figure 2, Step 3.
 11. Remove Definitions (pg. 9) and refer to the newly created Definition Section
 12. Add definitions for the following into the Definition Section: Deed Restriction and Covenant
 13. Change all references to "Sketch Plan" to "Conceptual Plan".

2. Review Open Space Language for Subdivision/Site Plan Review Regulations

The Board agreed that any open space subdivision should begin with the Planning Board Conceptual meeting prior to the applicant meeting with any other Town Board. This should be stated on the regulations and application.

The Board did not feel that it was necessary to include anything in the Member packet associated with a Conceptual meeting.

With regard to the document entitled Site Plan Review:

1. Remove all occurrences of "conceptual" from 203-15.
2. Under 4. "Conceptual Plan of Proposed Development" make the following changes:
The second paragraph should read: "A conceptual plan shall be a draft plan, which does not include engineering details, but is drawn to scale and may include the following, such as: . . ."
3. The following statement will be added: "Any proposed changes of use or character of the designated open space shall be presented to the town planner by the entity assuming responsibility for stewardship and management of the designated open space."
4. The following statement will be added: "The applicant must provide the board with a list of abutters prior to the Conceptual meeting." The Board agreed that a letter should be written to the abutters notifying them of a conceptual meeting. The letter would not be sent registered or certified mail and the applicant would pay a minimal cost for the mailing. No public input would be accepted at the Conceptual meeting.

The Board agreed that they would like to add Conceptual meetings in both Subdivision and Site Plan Reviews.

With regard to the document entitled Open Space Subdivision Design Process:

1. Include a statement that indicates that the process begins with the Planning Board
2. Step Three: Align Streets shall read "A network of streets necessary to access each house . . ."
3. Remove f. and relocate f. in the Conceptual Section.
4. Vice Chairman Topliff will create language to be added to Open Space Development Design Standards A. 2. regarding septic systems for common systems only.
5. Open Space Development Design Standards B. 6 d. should include the following statement: "Any proposed changes of use or character of the designated open space shall be presented to the town planner by the entity assuming responsibility for stewardship and management of the designated open space."

6. The following statement will be added: "The applicant must provide the board with a list of abutters prior to the Conceptual meeting." The Board agreed that a letter should be written to the abutters notifying them of a conceptual meeting. The letter would not be sent registered or certified mail and the applicant would pay a minimal cost for the mailing. No public input would be accepted at the Conceptual meeting.

3. Review Phasing (for Zoning)

The second paragraph labeled (a) should read: "For any development project . . . of more than nine dwelling units . . ."

4. Review Definitions

- Applicant: Create one definition: "Any person, agent, firm, association, partnership or corporation that makes application to the "Town Board" pursuant to the rules of these regulations."
- Application: Create one definition: "A written submission of information and plans as required."
- Board: Create one definition: "A Town Board for the Town of Pembroke".
- Calculated Buildable Area: "That area of a lot that excludes all soils identified as poorly and very poorly drained, all wetlands, floodplains, submerged areas, land set aside for open space or conservation purposes, slopes 15% or greater, and dedicated easements or rights-of-way. Setbacks and wetland buffers may be included when calculating buildable area. However, no construction is allowed in the setbacks and wetland buffers."
- Buildable Area: "That area of a lot that excludes all soils identified as poorly and very poorly drained, all wetlands, floodplains, submerged areas, land set aside for open space or conservation purposes, slopes 15% or greater, and dedicated easements or rights-of-way. Setbacks and wetland buffers may be included when calculating buildable area. However, no construction is allowed in the setbacks and wetland buffers. Areas of 15% or greater slopes may, in some cases, be built upon and thus are included in calculations of contiguous buildable areas."

The Board agreed that in all instances throughout the Open Space Subdivision Regulations, any reference to "buildable area" should be reviewed for possible replacement by the term "calculated buildable area".

- Add a definition for Certificate of Occupancy.
- Remove Completed Application.
- Contiguous Buildable Area: "A contiguous area which consists of buildable area on a single lot, unfragmented by non-buildable area."
- Add a definition for Covenant.
- Add a definition for Deed Restriction
- Development: Create one definition: "The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of a land. For floodplain management purposes this means any man-made change to improve real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials."

- Easement: Create one definition: “The authorization by a property owner for the use by another, and for a specific purpose, of any designated part of the property.”
- Financial Guarantee: Create one definition: “A form of security acceptable in an amount to the Planning Board and in a form acceptable to the Board of Selectmen.”
- Guy Wires: “A cable used to secure and steady a structure.”
- Hazardous Waste: Ask Mr. Whitman to review.
- Remove Home Business.
- Remove Home Occupation.
- Impact Fee: Create one definition: “A fee imposed on a development to help finance the cost of municipal improvements or services.”
- Lot Frontage: Create one definition: “The length of the front lot line measured at the street right-of-way line.”
- Lot of Record: Mr. Jodoin will review for a better definition.
- Manufactured Housing: “Shall be as defined in RSA 674:31, as amended. For floodplain management purposes ONLY the term “Manufactured Housing/Home” means a structure, transportable in one or more sections, which is built on a permanent foundation when attached to the required utilities and includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 days. This includes manufactured homes located in a manufactured home park or subdivision.”
- Remove Manufactured Housing, Home.
- Monopole: Create one definition: “Any tower consisting of a single pole, constructed without guy wires and that is entirely self-supporting.”
- Performance Zoning: “The specific provisions, standards, or criteria included in this article, which have been created for the purpose of accomplishing the stated intent of the article or any portion thereof.”
- Remove Performance Zoning Standards.
- Recreational Vehicle: Combine the two definitions into one definition.
- Remove Regulations.
- Regulatory Floodway: Create one definition: “Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without *cumulatively* increasing the water surface elevation more than a designated height.
- Remove Right of Way (ROW).
- Structure: Create one definition: “A combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, bin, fence, sign, flagpole or the like. For floodplain management purposes means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.”
- Subdivision Regulations: Create one definition: “The Subdivision Regulations of the Town of Pembroke. Editor’s Note: See Ch. 205, Subdivision of Land.”
- Usable Land: “See definition of buildable land.”

Alternate Member White agreed to be the Planning Board Rep. for the Conservation Commission in place of Member Krebs. Mr. Jodoin will prepare a letter to the Conservation Commission and to the Planner stating such.

Member Krebs will consider becoming a CTAP member.

The Board agreed to conduct a work session with Mr. Whitman on Tuesday, May 5, 2009 from 6:30-8:30 p.m.

The meeting adjourned at 9:14 p.m.

Respectfully submitted,
Jocelyn D. Carlucci, Recording Secretary