

**Pembroke Planning Board
Minutes of Meeting
(Adopted)
Tuesday, May 12, 2009**

6:30 PM SITE WALK AT 245 PEMBROKE HILL ROAD

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

ALTERNATES PRESENT: Jeff White, Brian Seaworth

EXCUSED: Mark Zydel

STAFF PRESENT: Stephanie Alexander, Interim Town Planner; and Jocelyn Carlucci, Recording Secretary

Chairman Bourque officially began the site walk at 6:35 p.m.

1. **Major Subdivision. LTC Properties. Case #09-02.** Map 565, Lot 193-3 at 245 Pembroke Hill Road in the Medium-Density Residential (R1) District and the Wetlands Protection (WP) Overlay District. For a 5-lot subdivision with a new road and detention pond.
2. **Special Use Permit. LTC Properties. Case #09-SUP-8DW.** For a common driveway. Same location as above.
3. **Special Use Permit. LTC Properties. Case #09-SUP-6WP.** For construction of driveway within 20' of a wetland. Same location as above.

Present: Peter Holden and Jason Hill of Holden Engineering on behalf of LTC Properties, Inc. ; Paulette Malo, Pembroke Sewer Commissioner; Stetson Heiser, Pembroke Conservation Commission; James Boisvert, Director of Public Works

Walking through the site, Mr. Holden pointed out the stakes marking the location of the center of the first driveway, and the location of the cul-de-sac (a dirt pile on the westerly side of the property).

With site drawings in hand, Mr. Holden reviewed the possible road location if it connected to Belanger Drive rather than creating a cul-de-sac. He pointed out Belanger Drive beyond the tree line. The road will be located along the westerly side of the property.

Mr. Holden said that in order to mitigate the wetland impact, they would restore a portion of the wetland by removing the fill and pointed to the area which would be affected. In answer to Alternate Member White's question, Mr. Holden confirmed that the proposed road would help with drainage by intercepting the water on both sides of the road and directing it toward the detention area/storm drain.

Mr. Holden explained that if the proposed road to Belanger Drive was built, there would be five homes built, as originally proposed, and possibly a sixth to off-set the road cost.

Mr. Holden walked with Member Krebs to the wetland area behind the home located at 229 Pembroke Hill Road. A tree buffer will be planted along 229 Pembroke Hill Road.

Leslie Alcorn, 229 Pembroke Hill Road, inquired as to the road width (42' vs. 50'). Mr. Holden stated that in 1985 the property was surveyed and the road is definitely 50 ft. wide. He said that the stakes at Mrs. Alcorn's neighbor's property were erroneously placed and he would review the boundaries with the neighbors at a later date.

Mr. Holden said that the Conservation Commission asked him to consider creating a road that would connect to Belanger Drive. He quickly prepared a drawing showing that road (which he had in hand), and said that a through road may be less problematic to plow and it would establish a second access for Pembroke Hill School. He said that it was the same amount of road and wetland impact but eliminates the need for a driveway between two abutters. The longest driveway would be approximately 200 ft. long. Selectmen's Rep. Lewis asked Mr. Holden if he would be upgrading Belanger Drive. Mr. Holden said no.

The site walk terminated at 6:55 p.m.

WORK SESSION

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

ALTERNATES PRESENT: Jeff White; Brian Seaworth

EXCUSED:

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

Chairman Bourque called the meeting to order at 7:00 p.m. and noted that the full Board was present.

Chairman Bourque reminded the Board that members are allowed to update one another on an application by e-mail but there should not be any discussions relating to the case. Discussions about an application should be discussed only at a public meeting.

The Board agreed that the site walk was informative.

Discussion

1. Site Plan Review, Subdivision, Special Use Permit, and Other Fee Schedule Revisions

Subdivision and Site Plan Review Application

Ms. Alexander explained that the proposed language on the Application is double-underlined and bold.

She said that the proposed application serves for both the Major Site Plan and Minor Site Plan. Mr. Jodoin said that the application will eventually be placed on the website.

Subdivision Fees Review, May 2009

Chairman Bourque suggested that Administration Fees, Newspaper Legal Ad be changed to “per actual cost” since the cost of advertising continuously increases. Ms. Alexander said that the fee is collected prior to the drafting of the ad and the ad is based on the number of words contained in it. Chairman Bourque suggested that language be inserted that would allow the Town to adjust the cost of the ad if necessary i.e. “minimum of \$90 per ad (based on actual cost)”.

Chairman Bourque also suggested that the third paragraph at the base of the fee schedule which reads: “In the review of applications, the Planning Board may contract with consultants to review all . . . to perform these studies at the applicants expense.” also be placed at Part 6, Escrow Balances and Returns on the Subdivision and Site Plan Review Application. He would also like the paragraph to be added to all applications.

Mr. Jodoin said that the Subdivision Fees are financially cumbersome. Many times the Town does not collect an adequate amount of money in advance. Once the bills arrive, The Town is forced to ask the applicant for reimbursement. He will review the fees and return to the Board with suggestions.

Mr. Jodoin also noted that the project name and case numbers should be on all correspondence. For example, when engineering bills arrive, many time an unfamiliar case name appears on the bill which complicates matters. Mr. Jodoin suggested that when a fee schedule is submitted with a check, a copy of the fee schedule should be routed to the Finance Department with a copy to his office. This will ensure that when a bill arrives from an engineer, he will correctly track its payment. He will work with Ms. Alexander to standardize case names.

Selectmen’s Rep. Lewis said that, in the past, the Town would request an estimate from the engineer and the amount charged to the applicant. The money would be set in escrow in advance of the work, the engineer would perform the task, and the estimated amount would be billed to the Town which would then be paid out of the escrow account. The Board understood that this technique would not work in all cases, but it may eliminate the need for Mr. Jodoin to continually ask the Applicant for additional funds.

Member Zydell said that it may be difficult for KV Partners to estimate a lump sum project amount since they have no control as to the amount of comments that they may be asked to review on a project. The consensus of the Board was that a per-project estimate should be requested and any changes that are made will be the additional responsibility of the Applicant. Chairman Bourque asked Ms. Alexander to check with KV Partners to see if they are willing to provide per-project estimates on engineering escrow costs to the Town.

It was also agreed that legal fees would have to be handled separately. Mr. Jodoin also suggested that a disclaimer on the newspaper ads should be prepared indicating that the prices are based on a particular date and may fluctuate with actual costs.

Major and Minor Subdivision Review Checklists.

Ms. Alexander said created two Subdivision checklists from the original checklist. The Minor Subdivision Review Checklist was revised with lot line adjustments in mind. Chairman Bourque suggested that the title of the Minor Subdivision Review Checklist be entitled "Minor Subdivision and Lot Line Adjustment Checklist."

Chairman Bourque indicated that he had previously revised a series of checklists which were forwarded to Steve Whitman for his review. Chairman Bourque tabled the review of the checklists until such time as he forwards his previous versions to Ms. Alexander for review.

Suggested Changes:

- Part A, K to read: "The plat must show the location, size . . . within sixty (60) feet of its boundary lines."
- Part B – Construction Plan Submittal Information, F be created to read as follows: "Potential impact to abutting lots such as drainage, access, and traffic." The intent was to force applicants to consider the effects that their project may have on abutters which will, in turn, provide the Board with valuable information.

Site Plan Fees Review, May 2009

Chairman Bourque said that the statement discussed earlier pertaining to engineering and newspaper ad fees should be applied to the Site Plan Fees. Legal fees should be dealt with separately.

Selectmen's Rep. Lewis commented on the \$100 per 1,000 sq. ft. of floor area fee. She said that, in the past, the amount had been waived by the Board of Selectmen since the fee could hinder the expansion of a facility. It was agreed that the Board of Selectmen continue to have the prerogative to waive the fee, if desired. Mr. Jodoin will prepare an example of the fees associated with a 300,000 sq. ft. building for the Board's review.

Major Site Plan Review Checklist/Minor Site Plan Review Checklist

Vice Chairman Topliff suggested a statement be included that the applicant can request waivers.

- Part A – General Information, D should read: "Vehicle usage of area, state the daily total for 7 days."

- Part A – General Information, P should read: “That the applicant has . . . shall secure a statement from one or more agencies servicing . . . shall be responsible for submitting the applications.”
- Part B – Site Plan Information, B (3) should read: “The area of the parcel . . . (70%) contiguous buildable land requirement.”
- Part B – Site Plan Information, B (8) should read: “The name, address and signature . . . surveyor, engineer, or architect.”
- Part B – Site Plan Information, B (11) should read: “Names of all new proposed streets are subject to the approval by the Board of Selectmen.”
- Part B – Site Plan Information, B (12) should read: “Indication of . . . all uses proposed by the . . . Ordinance.”
- Part B – Site Plan Information, B (13) should read: “A title block shall be . . .”

Vice Chairman Topliff questioned that Part B – Site Plan Information, B (18) should include 15%+ steep slopes.

- Part B – Site Plan Information, B (19) should read: “Soil types and boundaries . . . survey or US Geological Survey (USGS) data. Soil boundaries shall be shown by dotted lines.”
- Part C – Construction Plans should read: “Construction plans shall be prepared for all required improvements . . . shall be no larger than 22” x 34” . . . “
- Part C – Construction Plans, C should read: “Cross-sections of all proposed roadways . . . convenient scale of not more than one (1) inch equals ten (10) feet, both the horizontal . . .”
- Create Part C – Construction Plans, F : “Potential impact to abutting lots such as drainage, access, and traffic.”

Design Review Application/Design Review Checklist/Design Review Fees

Chairman Bourque said that the statement discussed earlier pertaining to engineering and newspaper ad fees should be applied to the Design Review Fees. Legal fees should be dealt with separately.

Selectmen’s Rep. Lewis felt that the fees associated with the Design Review should be subtracted from the applicant’s original application fees. Additional fees will discourage the Applicant from requesting a Design Review. A flat fee may be considered.

Mr. Jodoin said that KV Partners typically charges a flat fee for their review, approximately \$95 per hour.

The Design Review would be requested if a project was complex and the Board felt that more detail would be necessary. Ms. Alexander said that the Design Review is required in Open Space Development.

Chairman Bourque questioned the need for a Design Review. His feeling is that an applicant should come in for a Conceptual Review, followed by a Technical Review, and then to through the formal application process.

Selectmen's Rep. Lewis stated that, in the past, the Design Review was continued to the next public hearing and was rolled into the regular submittal process. The concern is the renotification expense associated with a Design Review and at the Application Phase.

Chairman Bourque tabled the Design Review discussion to the next work session.

Conceptual Consultation Application/Fees

Selectmen's Rep. Lewis stated that it was her understanding that (1) information such as plans, case numbers, etc. would not be required at the Conceptual Consultation; and (2) no fees other than the first-class notices to abutters (\$1 per abutter) would be required.

Chairman Bourque asked that Ms. Alexander make the appropriate change to the Application and fee schedule.

Certified Notification List

The Certified Notification List would be tied to all applications.

Chairman Bourque recessed the meeting at 8:39p.m.

Chairman Bourque continued the meeting at 8:45 p.m.

Special Use Permit Application and Special Use Permit Fees.

Ms. Alexander said that there are no criteria in the Zoning Ordinance on how the Board can judge the merits of Special Use and Conditional Use Permits. She suggested that criteria be added when the Board reviews its zoning regulations. She will research the criteria used by other towns and make suggestions to the Board.

Ms. Alexander said that the reason the Special Use Permit (Wetlands) fee increased from \$25 to \$100 is because the staff reviews the plans with respect to what the Board may be interested in such as potential problems and questions that should be asked of the Applicant.

Selectmen's Rep. Lewis asked that the Special Use Permit Application be tabled for further discussion with regard to criteria.

Conditional Use Permit Application and Conditional Use Permit Fees

Chairman Bourque tabled the Conditional Use Permit Application and Fees for further discussion with regard to criteria.

Notice of Voluntary Merger of Pre-Existing Lots

Ms. Alexander explained that the \$25 recording fee has been added because the Town has to physically record the document and pay the fees. On voluntary multiple lot mergers, research is required to ensure that the lots are in compliance with all ordinances and all abutters are identified.

Mr. Jodoin suggested that all documents with a "Return to" notation read as follows: Town of Pembroke, Planning Department, 311 Pembroke Street, Pembroke, NH 03275.

Business Location Change of Use/Expansion of Use Form

The following change was approved: First sentence to read: "The form will be used to help determine whether a Change of Use or . . . the Planning Board, but it will also enable the Building Inspector . . ."

Definitions

Chairman Bourque tabled the review of the Definitions until the next work session.

Minutes

2. Review and Approve Meeting Minutes of April 7, 2009

MOTION: Vice Chairman Topliff moved to approve the meeting minutes of April 7, 2009 as written. Seconded by Chairman Bourque.

VOTE: Robert B. – Y Alan T. – Y Mark Z. – Abstained Cindy L. – Y
 Kevin K. – Y Kathy C. – Y Todd T. - Abstained

MOTION TO APPROVE THE MEETING MINUTES OF APRIL 7, 2009 AS WRITTEN PASSED ON A 5-0 VOTE WITH TWO ABSTENTIONS.

3. Review and Approve Meeting Minutes of April 14, 2009

MOTION: Chairman Bourque moved to approve the meeting minutes of April 14, 2009 as amended. Seconded by Vice Chairman Topliff.

VOTE: Robert B. – Y Alan T. – Y Mark Z. – Abstained Cindy L. – Y
 Kevin K. – Y Kathy C. – Y Todd T. - Y

MOTION TO APPROVE THE MEETING MINUTES OF APRIL 14, 2009 AS AMENDED PASSED ON A 6-0 VOTE WITH 1 ABSTENTION.

4. Review and Approve Meeting Minutes of April 22, 2009

MOTION: Member Terrien moved to approve the meeting minutes of April 22, 2009 as amended.
Seconded by Chairman Bourque.

VOTE: Robert B. – Y Alan T. – Y Mark Z. – Abstained Cindy L. – Y
 Kevin K. – Y Kathy C. – Y Todd T. - Abstained

MOTION TO APPROVE THE MEETING MINUTES OF APRIL 22, 2009 AS AMENDED PASSED ON A 5-0 VOTE WITH 2 ABSTENTIONS.

5. Review and Approve Meeting Minutes of April 28, 2009

Chairman Bourque requested that Ms. Alexander review the minutes of April 28, 2009 in order to verify that the minutes reflect the information contained in the Notices of Decision.

Chairman Bourque tabled the approval of the meeting minutes of April 28, 2009 as amended until Ms. Alexander has verified that the information in the minutes correspond with the Notices of Decision.

MOTION: Chairman Bourque moved to adjourn. Seconded by Member Zydel.

The vote was unanimous in favor of the Motion.

The meeting adjourned at 9:11 p.m.

Respectfully submitted,
Jocelyn D. Carlucci, Recording Secretary