

**Pembroke Planning Board
Minutes of Meeting
(Adopted)
Tuesday, May 5, 2009**

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

ALTERNATES PRESENT: Jeff White

EXCUSED: Robert Bourque, Chairman; Mark Zydel; Todd Terrien; Brian Seaworth

STAFF PRESENT: Stephanie Alexander, Interim Town Planner; David Jodoin, Town Administrator

Vice Chairman Topliff opened the meeting at 6:37 p.m. and appointed Alternate Member White to vote in place of Chairman Bourque.

Present: Steve Whitman, Jeffrey H. Taylor and Associates

Alternate Member White suggested the following: (1) that all town committees and titles of town personnel be capitalized; (2) the terms "open space development" and "conservation subdivisions" not be used interchangeably.

Final Review of Draft Open Space Development Ordinance

The Board agreed to the following changes:

- II. Objectives: Bullet No. 2 – insert missing parenthesis.
- III. Authority and Applicability: Spell out LO, R1, and R3.
- IV. Maximum Development Density: Replace "usable" with "buildable".

It was clarified that the conditional use permits for height limits and building envelopes are only for the open space ordinance, therefore, a variance would not be required.

- VI. Open Space Requirement: A.

Member Krebs said that, in his opinion, the Board should require a minimum of 50% of the total area of the parcel be protected as open space and allow the Board to adjust, if necessary, the percentage of the buildable area required in the open space.

Vice Chairman Topliff said that one of the reasons to require 50% of the buildable area was so Pembroke would receive land other than non-buildable land as open space. Selectmen's Rep. Lewis stressed that each parcel has its own characteristics.

The Board agreed that the applicant would be allowed to choose one option: (1) up to a maximum of 5% reduction to the total open space area or (2) up to a maximum of 5% reduction to the buildable area.

Mr. Whitman will review the example in VI. A. to reflect the option change.

VI. Open Space Requirement: E. - The Board stated that it should only pertain to community wells. Individual wells should not be included.

Final Review of Open Space Language for Subdivision/Site Plan Review Regulations

Site Plan Review

The Board clarified that there will be three steps prior to a formal application: (1) Conceptual Review (required by applicant); (2) Design Review (at the request of the Board); (3) Technical Review (required by applicant). The applicant also has the option to request a Design Review. Selectmen's Rep. Lewis pointed out that, if the Design Review is optional, it probably will not be used by either party.

For the Conceptual Review, the applicant will provide a list of abutters to the Town and will pay \$1 per abutter for the Town to notify each abutter by first class mail. It will not be a public hearing and, therefore, abutters will not be allowed to speak.

Ms. Alexander said that the abutters must be notified and it is the Board's discretion whether it will be open to a public hearing. Selectmen's Rep. Lewis said that a Design Review should be open to the public to allow the Board to hear concerns from abutters before documents are finalized.

Mr. Whitman said he would add notification language at the beginning of the Design Review.

Ms. Alexander suggested the following changes to the Site Plan and Subdivision Reviews:

1. Conceptual Plan of Proposed Development, first sentence, to read as follows: "Applicants shall submit a conceptual plan for the development of the subject parcel in accordance with the posted Planning Board schedule, that reflects the characteristics . . ."
2. Design Review Documents, second sentence to read as follows: "Materials shall be submitted to the town office according to the posted Planning Board filing schedule established by the Town Planner. All materials must be submitted before a Design Review can be scheduled"
3. Insert at 203-15, 2. m: add "(water lines, sewer lines, culverts, power lines)" as an example.
4. Conceptual Plan of Proposed Development, Limits of the Review, should include language pertaining to Design Review which requires information be provided to the applicant of the Planning Board's expectations and the extent of discussion and public input. A change in language should occur in Nos. 1; 2 noting that if an application for Design Review is submitted it becomes grandfathered, therefore, any changes in the Zoning in the next 12 months would not affect it; 4 (public input would probably be accepted as Notices of Public Hearing).

Ms. Alexander said that if a Design Review application is received with the abutter's list, she would assigned a case number to it and present it to the Board for review. The applicant may submit a waiver for any of the Design Review requirements in the Subdivision/Site Plan Review Regulations.

Final Review of Open Space Subdivision Design Process

Mr. Whitman said that this document will be inserted into the Subdivision and Site Plan Regulations. It contains the recommended steps for the Design Process.

The Board agreed to the following changes:

- C. Technical Review, 1st sentence should read: "At the discretion of the . . . third-party technical review of the information under the Design Review phase. The escrow paid for submission of materials for the Design Review phase will be in accordance with the Planning Board's published and adopted fee schedule."
- Open Space Development Design Standards, A, 2, b should read: "Shared driveways are permitted where appropriate to access individual lots. In accordance with the Zoning Ordinance, a Special Use Permit is required per Section 143-53."
- Open Space Development Design Standards, B, 6 should include a statement that the open space use cannot be changed.

The Board recapped: The applicant is required to come for a Conceptual Review for all major site plans. At the Conceptual Review the Board has the option to require a Design Review of the project which would consist of all the submittals on the previously reviewed documents and input by the Technical Review Committee. At the time that the applicant submits the Design Review documents, they must submit payment for the abutter notices, processing fees, and an escrow amount. The Board will hold a public hearing for the Design Review consisting of conversations with the applicant and abutters.

Final Review of Phasing (for Zoning) and Phasing Guidelines for Site Plan and Subdivision Regulations)

Vice Chairman Topliff noted that Town Counsel should review the phasing guidelines. The Board would prefer to discourage the applicant from accumulating the 10-units per year phasing requirement from resulting in the construction of 40 homes in the 4th year.

Requested changes:

Phasing (for Zoning), Paragraph 1, "To ensure that . . ."

Phasing (for Zoning), (c) "In order to ensure equitable . . ."

Final Review of Definitions

The Board will review the definitions at the next work session, specifically Non-Buildable Area and Lot of Record.

Mr. Whitman indicated that CTAP must have the final Town Regulations by Friday, May 8, 2009. Once revised, he will electronically send the documents to Ms. Alexander who will then forward them to CTAP. Mr. Whitman will track the changes made this evening for the Board's approval.

The Board thanked Mr. Whitman for his help in organizing and revising the Town regulations.

Miscellaneous

Ms. Alexander reminded the Board of the site walk scheduled for Tuesday, May 12, 2009 accompanied by a work session. The agenda will also consist of a review of the applications and fee schedules.

Parameters for a Site Walk: Ms. Alexander said that minutes will be taken on the site walk, the Board and abutters may ask questions of the applicant, and no decisions can be made. Mr. Jodoin suggested that the Board review the length and width of the driveways. No further discussions can be made once the Board has ended the site walk.

Ms. Alexander noted the following:

- Larry Young, Sr. is interested in joining the Planning Board. The Board agreed that considering Mr. Young's past experience on the Board, it was not necessary to invite him to attend a Planning Board meeting. Ms. Alexander will request that the Board of Selectmen approve Mr. Young for the Board.
- PSNH informed the Town that there are flammable materials being stored under the power lines at the Red Rock Dirt Doctors. The property owner has been notified. It is a condition of the Site Plan Approval that they have a Joint Use Agreement in place by June 1, 2009. She sent them a letter to that affect. PSNH indicated that a new Joint Use Agreement will not be in affect by June 1, 2009. She suggested that the property owner submit public hearing materials to the Planning Board for an extension. PSNH has been talking to the property owner but Ms. Alexander has not.
- Notice from Dept. of Environmental Services regarding the alteration of terrain for Steve Cormier of North Pembroke Road. A 5-year permit extension has been granted. A copy is on file with the Planning Department.

MOTION: Vice Chairman Topliff moved to adjourn. Seconded by Member Krebs.

The vote was unanimous in favor of the Motion.

The meeting adjourned at 8:47 p.m.

Respectfully submitted,
Jocelyn D. Carlucci, Recording Secretary