

## Chapter XI EXISTING AND FUTURE LAND USE

### INTRODUCTION

Increased population growth, evolving housing needs and changing social and economic trends discussed throughout this Master Plan have had – and will continue to have – a direct impact on the landscape of our community. Because it is a finite resource which can never be replaced, the Planning Board realizes that thoughtful use of Pembroke’s 22.6 square miles of land represents one of the most important challenges it faces – especially as the Board confronts fundamental land use issues related to where people will live, play, shop and work, and how they will travel around town. Whether considered individually or as a whole, these issues have the potential to drastically affect the town’s visually beauty, historic sense of place and overall quality of life.

With this in mind, the Planning Board developed this Chapter to assist it in identifying and exploring Pembroke’s land use trends, to see how these trends may be affected by local regulations and other factors, and to assist it in deciding what future steps should be taken to meet the perceived land use needs of the community. To guide its examination of these matters, the Planning Board reviewed and analyzed the town’s existing land use regulations and ordinances, considered information which was included on a variety of useful land use maps, examined the results of a town-wide community attitude survey and reflected on extensive public feedback which was generated in civic planning sessions over the last two years.

One of the first steps taken in developing this Chapter was an effort to renew and modernize all of the town’s existing and relevant land use informational resources. Toward this end, new data was collected, digitally data-based and, where feasible, placed on appropriate thematic map layers in the town’s geographic information system (GIS). For examination purposes, this updated land use data was sorted into appropriate tables, charts and maps which were then reproduced in paper format and included in this Master Plan’s **EXISTING AND FUTURE LAND USE CHAPTER**.

As noted above, the Planning Board’s land use information collection process benefited significantly from public feedback. One of the most important of these sessions was the 2001 Economic Development Charrette (or public planning session) which was the first event related to this Master Plan update which provided residents with an opportunity to give their opinion on the Town’s development potential. That charrette was followed in 2002 by several GrowSmart envisioning meetings where large numbers of residents met to identify the Town’s most favored and least preferred qualities and to speak out on Pembroke’s future. One interesting event which occurred at these meetings was that participants were asked to specifically locate where future residential growth ought to take place. Finally, in 2003, the Planning Board conducted an in-depth Community Survey which provided the public with an opportunity to sound out on a broad range of community issues.

Taken as a whole the information, data and public feedback which was collected as part of this Master Plan update process allowed the Planning Board to reflect not only on existing land use conditions but, most importantly, to use that information as a base upon which to think about where future residential, commercial and industrial development should be encouraged, how the town's remaining undeveloped land should be used, and to decide upon what (and for what purpose) land areas should be conserved; in short, the end result of the collected data was to assist the Planning Board in envisioning where Pembroke is headed in the near future. As such, the most important of these informational resources and conclusions have been woven into the fabric of this Chapter and they act as an informational base of support to the land use Objectives and Recommendations which are presented herein.

### **OBJECTIVES OF THE CHAPTER AND RECOMMENDATIONS**

These land use Objectives were developed as a result of the Planning Board's analysis and interpretation of the data contained within the following chapter and from issues raised by Pembroke residents and landowners in the Community Survey. They have been identified by the Planning Board as meaningful goals or objectives which, if carried out, would carry the town significantly closer to its vision of the future which is identified herein and, in part, visually shown on the *Future Land Use Map*.

#### **General Objective**

- To thoroughly review Pembroke's historic and existing land use patterns and present a land use oriented vision of Pembroke's future in order to provide guidance for Pembroke's Boards, Committees and Commissions who make decisions about Pembroke's growth.
  - Determine the adequacy of the existing municipal infrastructure of water, sewer and roads and, if it is deemed necessary, develop any necessary policies for their expansion in order to accommodate anticipated residential, commercial, industrial or municipal development.
  - Develop a comprehensive policy regarding the preservation or development of the town's system of Class VI range roads for the purpose of furthering the Planning Board's future land use objectives.
  - Investigate areas for implementing innovative zoning as laid out in RSA 674:21.
  - Incorporate Smart Growth principles into Zoning, Subdivision, Site Plan and other Town regulations where it can practically be done.

**Residential Land Use Objective**

- To use the Existing Land Use, Development Constraints and Transportation maps and other informational materials to examine the existing patterns of residential development throughout the town in order to identify those areas which are most suitable for future residential use.
  - Review and revise the Zoning Ordinance so that its various components are consistent in promoting the Planning Board's Future Land Use plan as it relates to residential uses.
  - Review and revise the Subdivision Regulations to achieve these Objectives.
  - Review and revise the existing cluster development ordinance so that it can be effectively used to protect long term conservation of the prime natural features on parcels undergoing development and so that effective visual and spatial buffer areas are put into place along the perimeter edges of these same parcels.
  - Explore the feasibility of introducing village zoning in the undeveloped land west of Broadway and Pembroke Street and south of the Condominiums.

**Business and Commercial Land Use Objective**

- To use the Existing Land Use, Development Constraints and Transportation maps and other informational materials to examine the existing patterns of business and commercial development throughout the town in order to identify those areas which are most suitable for future commercial use.
  - Review and revise Zoning regulations so that its various components are consistent in promoting the Planning Board's Future Land Use plan as it relates to commercial and business uses.
  - Explore the possible use of tax increment finance (TIF) districts for encouraging commercial development.
  - Promote commercial activities to those areas of town which has, or will have, access to the municipal water and sewer infrastructure.

**Undeveloped Land Objective**

- To use the Existing Land Use, Natural Resources, Development Constraints and Transportation maps and other informational materials to examine the existing pattern of undeveloped land throughout the town in order to identify those areas of town which should be preserved for agricultural, timber and rural lands conservation uses and to also identify those areas of town in which limited or no development would be promoted in order to balance out pro-growth related residential and commercial land use objectives.
  - Explore the possibility of creating Timber Conservation and Open Space Conservation Districts in the town's most rural areas in order to foster sustainable commercial forestry activities and to preserve the historic forested and open-space nature of the town's rural landscape. Very large (25-50 acre) minimum lot sizes would be promoted in such areas.
  - Investigate, where appropriate, the designation of a "no new roads zone".
  - Explore the possibility of designating select Class VI range roads as municipal trails.
  - Encourage owners of targeted lands to donate conservation easements on those parcels so that they may be preserved as undeveloped open spaces and natural resources areas.
  - Investigate the possible use of transfer of development rights (TDR's) or other innovative techniques and zoning provisions to preserve land for agricultural, silvicultural and other similar uses.

**COMMUNITY SURVEY RESULTS**

In the spring of 2003, the Planning Board distributed community attitude surveys to all Pembroke residents and property owners. The results of the survey can be found in the **APPENDIX CHAPTER**. Some of the answers to the questions pertaining to land use issues are summarized below.

**"What do you consider the desirable features of the Town of Pembroke?"**

Respondents rated rural atmosphere, employment opportunities, town services, location, and short commuting distance to work as the most desirable features in Pembroke.

**"Which of the following recreational opportunities you would you like the Town to develop and/or improve?"**

There were a number of recreational opportunities which large numbers of respondents indicated they would like to see be developed or improved upon. The most popular included walking trails on Town property, senior citizen programs, bike paths and community use of school fields. Other popular recreational opportunities which received high ratings were access to water bodies, Town Recreational Department programs, and expanded access to the Merrimack River.

**“Should development along rivers be promoted or discouraged?”**

51% of all respondents indicated that development should be discouraged along the Merrimack, Suncook and Soucook Rivers while 26% of the respondents thought that development should be promoted along those same bodies of water.

**“Are agricultural and forestry land uses important objectives of the Master Plan?”**

Almost 75% of the respondents indicated that agricultural and forestry land uses were important to the town while less than 6% of the respondents indicated that such uses were not important.

**“Should the Town work to acquire undeveloped land for preservation?”**

Almost six out of ten respondents (58%) indicated that the Town should acquire undeveloped land for preservation. Interesting, less than 6% of the respondents maintained that the Town should not acquire such lands.

**“If Pembroke were to expand trails, how should this be done?”**

Most people thought that acquiring landowner permission was the most appropriate way of expanding the town’s off-road trail system. Almost 20% suggested that trail expansion should occur through the purchase of land easements by private organizations. The lowest percentage of respondents, 9%, indicated that expansion should occur through transfer of development rights.

**“Have you ever had your well water tested?”**

Approximately 30% of the respondents indicated that their well water had been tested and about 11% indicated that they had not. Most respondents, 58%, noted that this question was not applicable to their situation (presumably they were hooked-up to a public or municipal water system).

**“Has your well water ever been contaminated?”**

Approximately 28% stated that their water had never been contaminated. 60%, of the respondents indicated that this question was not applicable to their situation.

**“Has your well water supply ever been inadequate in quantity?”**

Almost 33% indicated that their water supply was never inadequate in quantity while over 60% of the respondents indicated that this question was not applicable to their situation.

### ADDITIONAL COMMUNITY INPUT AND GUIDANCE

The analysis and recommendations of the Land Use Chapter are also framed, in part, by guidance provided by Pembroke citizens. In this regard, the Planning Board used the results of a design charrette and a series of “GrowSmart” community planning workshops which were sponsored by the former New Hampshire Office of State Planning to help write this Chapter.

#### **Economic Development Charrette, 2001**

In the spring of 2001, the Pembroke Economic Development Committee commissioned a study by TF Moran and Coldstream Real Estate Advisors (CREA) to analyze the development potential of commercial property in Pembroke. TF Moran researched existing natural resource features and land uses along Routes 3 and 106 in Pembroke and developed a base plan consisting of parcel, topography, easement, current zoning and water features. CREA also contributed a real estate market analysis of Pembroke and surrounding communities.

Armed with this base information, the consultants gathered public input through the use of a design charrette, which is a strategic planning session which asks a series of specific questions and then solicits information and opinions about those questions from the charrette participants. The charrette was held on Saturday April 7, 2001, and involved landowners, developers, realtors, business owners, landscape architects, planners and the public. During the charrette, the previously developed base information was presented to the participants, who then broke up into four small groups to study the information. Two of the groups dealt with Pembroke’s image and the other two groups discussed zoning and land use issues. In the end, the several small groups came back together to share with each other and with charrette leaders the ideas and concerns they had developed.

The charrette findings included proposals for change to the zoning ordinance including the suggestion that a “performance zone” be created to the west of Pembroke Street in the vicinity of the Soucook River; that the zoning mechanism known as “transfer of development rights” (or TDR’s) be considered to discourage residential development away from low-growth areas of town to other parts of town more suitable for such growth; that the town increase recreation opportunities and natural resource conservation efforts; that an economic development zone be created at the junction of Route 3 and Route 106; that the range of industrial uses be expanded along Route 106 corridor; that the Planning Board consider requiring more substantial landscape buffers for new developments; and that there be more opportunities for multi-family and elderly housing. The charrette also recommended that a new north-south by-pass road be created parallel to Pembroke Street to ease traffic congestion on Pembroke Street.

The charrette also voiced a concern that the beauty of the town’s natural landscape needed to be maintained in the face of strong regional development pressure, that basic utilities such as the town’s water and sewer infrastructure needed to be adequately maintained, that additional retail and convenience store locations were needed, that high local residential property taxes needed to be eased by an increase in the non-residential tax base, and that the town needed to further encourage recreational opportunities along the Merrimack River while still preserving views of the river.

In discussing Pembroke's image, the Charrette concluded that new marketing materials and maps needed to be developed which emphasized Pembroke's proximity to Concord and Route 106. Some participants suggested that the signs marking the entry points of Pembroke read on the front, "*Pembroke . . . Where Business Thrives and Families Prosper*" and on the back, "*Leaving The Colonial Town of Pembroke, Come Again.*" In order to market Pembroke to industry, it was recommended that the Town create an Economic Development Information booklet with a one-page fact sheet on Pembroke to be distributed to business prospects and marketing sources; another suggestion was for the Economic Development Information booklet to be incorporated into Town website.

### **GrowSmart NH – A Smart Growth Future for Pembroke, 2002**

In order to deal with increasing demands on community resources and to prevent impulsive actions to stop all growth, Smart Growth community planning principles recommend that the first order of action towns should take in preparing long-range comprehensive plans is to first decide on their vision for the future. This requires that a town's "sense of place," "sense of community," and "sense of economy" be recognized and evaluated for the purpose of providing primary assistance to the town as it develops and shapes its long range plan for development. Smart Growth principles were developed in the United States as a direct counter-response to the rapid suburbanization of rural countrysides and, toward this end, Smart Growth employs the following eight planning principles:

- maintain most residential housing in compact settlement areas;
- encourage a human scale of development that is conducive to community life;
- incorporate a mix of uses in developing the compact settlement areas;
- provide choices and safety in transportation;
- preserve the working landscape by sustaining rural resources;
- protect environmental quality;
- involve the community in planning and implementation programs; and
- work with neighboring towns to achieve common goals and address common problems.

In April and May of 2002, members of the Pembroke community under the guidance of the Planning Board gathered with a "GrowSmart" consulting group, whose services were provided to the town by the New Hampshire Office of State Planning (now the Office of Energy and Planning), to discuss the town's future. During the two meetings which were held participants identified the following seven "favorite qualities" of Pembroke:

- the character of the people,
- the small town atmosphere,
- the historic character and design of town,
- its undeveloped open spaces,
- the quality of town services,
- its convenient location in southern New Hampshire, and
- its rivers, streams, and ponds.

In order to protect the positive qualities of Pembroke that residents identified, the Smart Growth consultants offered the following six suggestions for a “Smart Growth Future for Pembroke”:

Encourage the revitalization of Suncook Village

Suggestions were made to revisit and alter some of the zoning regulations to create a new village residential zone from the existing B-1 and B-2 zones in the Village area while continuing to promote a variety of mixed range allowed uses; to maintain stricter control over the aesthetic quality of the Village’s visual landscape; and to encourage a higher standard for the maintenance of the traditional housing stock located there. Design standard regulations, a Village Maintenance Fund, and encouragement of second and third floor uses of downtown buildings were also ideas which were explored.

Enhance the traditional village character of Pembroke Street

Zoning changes were encouraged in order to maintain and enhance the traditional village character of Pembroke Street. The GrowSmart consulting group suggested that the Town ease transportation pressure on the local roads that flow into Pembroke Street by focusing residential, commercial, and service development within Suncook village and its immediate vicinity. Because of the compact nature of living conditions within this zone, it was recommended that elderly and special care residential development projects be welcomed.

Create a new “suburban residential zone”

The GrowSmart consulting group recommended that a mix of new housing types and costs be encouraged in order to meet the continual demands for single family housing and it was noted that residential housing growth has already begun to infill the area between Pembroke Street and Third Range Road. With this new growth in mind, the GrowSmart consultants recommended, among other things, that a new suburban residential zone be newly created in this already developing area. This may require extending sewer services a short distance easterly from Pembroke Street and, to prevent new street connections between Pembroke Street and nearby town roads, new development would be limited to the existing system of local roadways.

Create a “traditional New England” village in one or two rural areas

In order to lessen the occurrence of scattered, random and premature rural housing development in Pembroke, the GrowSmart consultants suggested that steps be taken to proactively concentrate new rural development into one or two new rural village nodes which would ideally be located as close as possible to major highway transportation routes . An alternative to this approach would be to establish one or two new mixed-use “Village” zones just outside the immediate confines of Suncook Village in the vicinity of Pembroke Street. New “Village” zones, such as this, would be connected to the municipal water and sewer system and would be characterized by a variety of lot sizes.



Create an open space preservation overlay zone

For the purpose of preserving rural open spaces the GrowSmart consultants suggested that a new zoning district be created which would require 10-20 acre minimum lot sizes for new subdivisions. They further suggested that an Open Space Preservation subcommittee of the Planning Board be established to further this goal.

General Zoning Changes

The GrowSmart consultants recommended several other zoning changes but also recognized that not all growth was going to occur in accordance with such zoning goals. They offered two general suggestions in anticipation of such variance. First, the consultants suggested amending section 143-3 of the zoning ordinance to reflect concepts of Smart Growth and, secondly, they suggested amending section 143-94 of the zoning ordinance to incorporate increased operational and capital costs for new development.

**PAST AND EXISTING LAND USE SECTION**

It wouldn't make sense for the Planning Board to develop updated recommendations regarding how Pembroke should accommodate future land uses without first examining the town's and the surrounding region's historic land use pattern. The data culled from this appraisal is reported here.

**PAST LAND USES**

The 1993 Master Plan described the most heavily settled parts of town as consisting of a rough "v" shape with Pembroke Street and Buck Street forming the sides of the "v" and Suncook Village forming the bottom point. Pembroke Street was predominantly residential with service stations and home based businesses scattered along its length. An Architectural Design district had been adopted to protect the residential design character of this part of town.

The southwest end of Buck Street was a relatively densely settled residential area while its central area and northeast end was physically characterized by the presence of several active farms and associated large-sized agricultural parcels. The upland area of Town was notable for its low density development, with most residences located on Fourth Range, Borough, Cross Country and North Pembroke Roads.

Route 106 at the northwest end of town was distinguished by a mixture of residential, industrial and small commercial uses while Suncook Village, at the south end of Pembroke, was the most densely settled part of town featuring a blend of commercial, industrial and residential land uses.

Table XII-1  
Land Use, 1991

Land Use	Acres	% of Town
Residential	2,603.1	18.0%
Commercial	320.5	2.2%
Industrial	67.6	0.5%
Transportation, Communication, and Utilities	700.4	4.8%
Undeveloped	10,801.4	74.5%
Total	14,493.0	100.0%

Source: 1993 Master Plan (total acres may differ slightly due to rounding)

According to Table XI-1, above, most of Pembroke's land in 1993 (74.5%) was undeveloped. Of the approximately 25% of land which was developed, 18% represents residential uses while roads and utilities total 4.8% of all land in town. Commercial and industrial land uses are barely appreciable amounting to 2.2% and 0.5% respectively.

## EXISTING LAND USES

### **2003 Land Use**

The *Existing Land Use Map* was created using the town's digital tax maps, the assessor's 2001 database and was field checked by the Planning Board's Land Use Subcommittee. The approximate acreage calculations for the various existing land uses shown on this map are listed below in Table XI-2.

The land use categories listed in Table XI-2 are not directly comparable to the 1991 land use survey recorded in Table XI-1 because each of these surveys were separately developed using unrelated survey methodologies and land use classifications. For example, land uses shown on the 1991 survey map were assigned to large areas of town and were not parcel-specific whereas the 2003 land use survey assigned a specific land use to each individual parcel in town. Another reason for the variation in data between the two tables relates to the fact that the undeveloped land acreage listed in the 1991 land use table includes "river acres" – that is, it included those portions of Pembroke which abut its municipal boundary line with Concord, Allentown and Bow – areas which are located on rivers. These same "river acres" were, perhaps more accurately, not counted as undeveloped land in the 2003 land use survey. This difference also helps explain the total acreage differences between the two surveys.

Table XI-2  
Land Use, 2003

Land Use	Acres	% of Town
Agricultural	751.0	5.4%
Agricultural-Equestrian	130.0	0.9%
Conservation	398.0	2.9%
Residential	5,441.9	39.0%
Commercial	1,075.2	7.7%
Utility	21.7	0.2%
Industrial	79.9	0.6%
Public/Institutional	294.0	2.1%
Rights-of-Way	13.4	0.1%
Undeveloped (counting only parcels assigned to the “undeveloped” category)*	5,754.9	41.2%
Total	13,960.0	100.0%

Sources: 2001 Digital Tax Maps (total acres may differ slightly due to rounding); Subcommittee Input

\* An alternate calculation for “undeveloped” land is discussed below

The information in Table XI-2 indicates that 41.2% of land in Pembroke is undeveloped with residential parcels following closely at 39%. The remaining land uses total 20% when combined together: commercial uses 7.7% of all land, agriculture (combined) uses 6.3%, conservation land accounts for 2.9%, publicly owned parcels make up 2.1% and utility, industrial, and rights-of-way account for the remaining 0.9% of land.

As can be seen in Table XI-2, the listed acreage of Pembroke’s “undeveloped” parcels is 5,754.9 acres. It should be noted that, when the Land Use Subcommittee reviewed this number, it realized that the 5,754.9 acres of “undeveloped” land did not include all truly “developable” land in town. This was because the acreages of a significant amount of “undeveloped” land was probably being included in the “residential” category, such as in the case of those large-sized parcels which are occupied by single family homes. Therefore, in order to obtain a more realistic acreage calculation for “undeveloped” land in Pembroke, the Subcommittee went through the following calculation:

- (a) A subset of all 1,895 residential parcels was selected which consisted of all residential parcels which are 5.0 acres or greater in size (199 parcels in all);
- (b) 2.0 acres were subtracted from the total acreage of each of the 199 large-sized residential parcels. (Note: for calculation purposes, the Land Use Subcommittee assumed that the actual “residential” portion of each large-sized residential parcel is 2.0 acres.) The remaining acreage was then presumed to have “undeveloped” status;
- (c) The total undeveloped acreage from each of these 199 residential parcels was added together to equal 3,306.4 acres. And finally,
- (d) The sum of all undeveloped land associated with large-sized residential parcels (3,306.4 acres) was added together with the total “undeveloped” acreage listed in Table XII-2 (5,827.2 acres).

Based on this calculation, the actual amount of undeveloped land in Pembroke equals 9,133.6 acres (or 65.4% of all land) – a figure which the Land Use Subcommittee feels is a more accurate reflection of the town’s undeveloped open space. Obviously, this alternate information about undeveloped lands stands in sharp contrast to the 5,827.2 acre figure cited in Table XI-2. Using the same calculation method, the total acreage of residential lands, as listed on Table XI-2, would also be reduced from 5,441.9 acres to 2,135.5 acres if the same 3,306.4 acres of “undeveloped” residential land were similarly removed from it.

A summary of each existing land use category follows:

Agricultural Land Use (751 acres)

The majority of agricultural parcels in Town are found along the Suncook River, mostly on the southern side of Buck Street. Additional agricultural lands are located along the northern side of Buck Street and off the west side of Pembroke Street south of Bow Lane. Land classified as agricultural includes open fields, active farms, hay fields, dairy and animal husbandry farms, orchards and horticultural uses.

Agricultural-Equestrian Land Use (130 acres)

Four parcels are located along Fourth Range Road which accommodate equestrian operations. This substantial acreage is nearly 15% of Pembroke’s entire agricultural land area.

Conservation Land Use (398 acres)

The Whittemore Town Forest is located between Fifth and Sixth Range Roads and encompasses the largest acreage in the conservation land use category. The Concord water well field along the Soucook River off of North Pembroke Road is also of significant size. Other conservation lands include the Bragfield Pond Conservation Area, the Butterfield Town Forest, White Sands Conservation Area, Schuett Conservation Area and Memorial Field. In addition, dedicated open space originating from subdivisions along Mason Avenue, Pheasant Run and Donna Drive have allocated more acreage to the privately-owned conservation land use category.

Residential Land Use (5,442 acres)

Pembroke’s 1,895 residential parcels are found in all areas of town except in the eastern portion of the R-3 zoning district which is an area containing few town-maintained roads. No longer situated primarily in the “v” shaped development pattern indicated in the 1993 Master Plan, residential development has, over the last 10 years, spread out across the entire area of the Town except within the confines of the Class VI range road system. The densest residentially developed roads outside of Suncook Village are now North Pembroke, Cross Country, Borough, Pembroke Hill, Third Range and Fourth Range Roads, Pembroke and Buck Streets, Route 28 and the immediate environs of Donna Drive.

While Table XI-2 lists the amount Pembroke's total residential parcel acreage at 5,441.9 acres – or 39% of all lands - a separate calculation has been made (discussed above) which perhaps more accurately estimates the amount of residential land in Pembroke at 2,136.5 acres – or 15.3% of all land.

#### Commercial Land Use (1,075 acres)

Commercial land uses include businesses, retail and parcels dedicated to the extraction of sand and gravel. Most of Pembroke's commercial lands are located in the Route 106 corridor and along the short stretch of Interstate-393 which slices through the northern end of Pembroke; a number of commercial parcels also border the Soucook River. A scattering of commercial parcels can also be found along Pembroke Street while Suncook Village's Main and Glass Streets features several restaurants, a fine pastry bakery, antique shops, hair salons and other retail uses.

#### Utility Land Use (22 acres)

A utility parcel owned by PSNH is located along the Soucook River just north of Riverwood Drive. A second, smaller, utility parcel is located in Suncook Village.

#### Industrial Land Use (80 acres)

Eleven parcels used for industrial purposes are located along Route 106.

#### Public/Institutional Land Use (294 acres)

The Town of Pembroke owns numerous parcels throughout the Town including Town Hall and Library, lands on Pembroke Street, Memorial Field in Suncook Village, elementary school land, well fields and a handful of conservation lands.

#### Right-of-Way Land Use (13 acres)

Parcels classified as "right-of-way" are located along Keith Avenue, along a cul-de-sac off Robinson Road and at an extension of Cross Road.

#### Undeveloped Land (9,133 acres)

The largest land use category in Pembroke is still undeveloped land. There are a few vacant parcels along the Merrimack River and along the northern half of the Soucook River, but the majority of undeveloped lands are located in the town's R-3 zoning district between Third Range Road and North Pembroke Road. While Table XI-2 lists the total amount of Pembroke's undeveloped parcels at 5,754.9 acres – or 39% of all lands - a separate calculation has been made (discussed above) which perhaps more accurately estimates the amount of undeveloped land in Pembroke at 9,133 acres – or 65.4% of all land.

**“Current Use” Lands**

Until 1973, New Hampshire cities and towns typically assessed all parcels of land – including undeveloped lands – at their “highest and best value” rather than their “current use value”. Oftentimes, this method of assessment was felt to be an unfair financial burden by owners of large open space land holdings. In response to their situation, and in order to preserve such undeveloped lands, the 1973 State Legislature enacted RSA 79-A:1 which declared that preservation of open space was in the public interest and consequently approved the Current Use tax assessment system which is now widely used across the state.

Essentially, the Current Use tax assessment system allows undeveloped portions of parcels which are 10 acres or larger in size to be assessed at a lower tax rate (the “current use” rate) than all other parcels in town with the stipulation that such “current use” lands remain undeveloped. Any change that disqualifies the land from the Current Use assessment would result in a penalty equal to ten percent of the fair market value of that property.

Most observers believe that this legislation has played an important role in preserving open space throughout the state as well as in Pembroke. Certainly, the significantly lower tax rates assessed on “current use” lands has made it possible for many land owners to retain ownership of their property as open space.

**Current Land Use Trends**

309 acres of Pembroke lands have been taken out of the Current Use Program for development since 1998. The 1998 MS-1 form filed with the NH Department of Revenue stated there were 9,078.18 acres of land in current use in Pembroke; by 2002, this figure had dropped to 8,768.77 acres (or 62.8% of all land in town). This represents a loss of 309 “current use” acres to development over that four year period. Half of all the 309 acres had been converted between 2001 and 2002. In 2001 alone, 82 acres were converted for development and 53 acres were converted for development in 2002. As of May 2003, 14.9 more acres were taken out of the current use program with an additional 150 acres in application before the Planning Board. The Planning Board estimates that this trend will likely continue over the next 10 years with increased land use development causing 600–800 more acres to be removed from current use.

In an effort to counterbalance the increasing loss in undeveloped “current use” lands, the 2002 Town Meeting voted to have the current use penalty collected from land development placed into a special Conservation Fund which, when enough funds are accumulated, would allow the Conservation Commission to purchase and preserve worthy land parcels for open space and conservation purposes. Total funds generated so far equal \$97,600. In anticipation of using Conservation Fund monies for their intended purposed (to protect lands from future development), the Conservation Commission has begun a Land and Easement Acquisition Program.

### Zoning Districts

The Town's current digital tax maps indicate that Pembroke is comprised of 14,390 acres. By contrast, the 1993 Master Plan stated that there were 14,493 acres of land in Pembroke, and data provided by the NH Office of Energy and Planning (formerly Office of State Planning) states that the total land and water acreage of Pembroke is 14,597.3 acres – with 14,487 land acres and 110.3 water acres – or 22.8 square miles. For the purpose of calculating the amount of land in Pembroke's various zoning districts, as well for the purpose of analyzing land uses within the scope of the current Master Plan process, the Planning Board will be using the acreage calculations taken from the town's digital tax map (see Table XI-3).

Table XI-3  
2001 Zoning District Land Acreage

Zone	Acres	% of Town
Medium Density – Residential (R1)	2,924.9	20.3%
Rural/Agricultural – Residential (R3)	9,861.0	68.5%
Business/Residential (B1)	78.6	0.5%
Central Business (B2)	23.1	0.2%
Commercial/Light Industrial (C1)	995.5	6.9%
Limited Office (LO)	279.1	1.9%
Soucook River District (SRDD)	228.0	1.6%
Total	14,390.0	100.0%

*Source: Digital Tax Maps 2003 (total acres differ slightly due to rounding)*

The **Zoning Map** depicts all of Pembroke's land use zones. As shown in Table XI-3, 68.5% of the Town is currently zoned R3 (Rural/Agricultural), while 20.3% is zoned R1 (Medium Density Residential). The smallest zoning district is B2 (Central Business) which comprises 0.2% of the Town in Suncook Village.

The areas and descriptions of Pembroke's current zoning districts are examined in the following sections.

#### Medium Density – Residential (R1) Zone (2,925 acres)

The R1 zone is located in the southern part of Pembroke. Bounded on the west side by the Merrimack River, it extends approximately 100' east of Third Range Road. The zone's northern border begins north of Beacon Hill Road and extends southeast all the way to the Suncook River. The main uses in this zone are residential with some home-based and small office/professional businesses.

Rural/Agricultural – Residential (R3) Zone (9,861 acres)

The R3 zone encompasses the majority of land area in Pembroke. It extends from the district's northern border with Chichester, through the range roads located northeast of Third Range Road, bounds the Soucook River on its western side and spans all the way to the Suncook River at its east end. The major land use in this zone is undeveloped open space with most of the land held in current use and actively harvested for timber. There are scattered residential and agricultural uses primarily concentrated along town-maintained roads such as Cross Country and Borough Roads, and there are also horse farms, especially along Fourth Range Road, which also contributes to the rural character and charm of this zone. Most residential uses are on larger size lots.

Business/Residential (B1) Zone (79 acres)

Bounded by the Suncook River and the B2 district and abutting the R1 zoning district on three sides, the B1 zone spans about  $\frac{3}{4}$  of a mile at the southern tip of the Town. It covers the most compact section of Pembroke and extends into Suncook Village. This district consists mostly of high density residential land uses with many multi-family apartment houses and home-based and other small businesses.

Central Business (B2) Zone (23 acres)

The B2 zone is roughly  $\frac{1}{4}$  mile in diameter and is completely bounded by the Suncook River and the B1 zone in an area which has been traditionally known as Suncook Village. This is a classic mixed use zoning district which allows and encourages traditional village settlement. An application is currently being developed by the *Meet Me in Suncook* Committee which aims to have the downtown Suncook Village Main Street's 19<sup>th</sup> century industrial brick buildings entered, under the "district" designation, into the New Hampshire and National Register of Historic Places.

Commercial/Light Industrial (C1) Zone (996 acres)

The C1 zone is located in two areas of Pembroke. The largest C1 area is bounded by the Soucook River and is situated along Routes 3 and 106. Its southern border ends at the Route 3 and 106 intersection while its northern border extends just past the middle section of Clough Mill Road. The smaller of the two areas making up the C1 zone is located at the northernmost tip of Pembroke along Interstate I-393. Bounded by the Soucook River on the west, the zone ends at Pembroke's border with Loudon and Chichester.

The major land uses in the C1 zone are commercial and industrial businesses. Epoch Corporation, Precision Technology, T&T Power, Nortrax Equipment, Howard P. Fairfield, Wright Communications, Great Northern Video, NH Tile and Rumford Stone are just a few of the businesses that are located in this zone.



Limited Office (LO) Zone (279 acres)

The LO zone is bounded on the south by Whittemore Road, has the Soucook River as a western border, and travels up the length of Route 106 for about  $\frac{3}{4}$  mile. This is a transition zone between the C1 and the Soucook River Development District and the R1 zones. This area is currently evolving from single family residential homes uses to professional offices for accountants, realtors and computer software companies.

Soucook River Development District (SRDD) (228 acres)

Initially proposed by the 2001 Economic Development Study, the Soucook River Development District is the newest zoning district in Pembroke having been officially established at the 2003 Town Meeting. It is designed to allow for more creative commercial land uses through performance zoning standards. The town's hope is that over a five to ten year period the sand and gravel extraction projects which are located in the SRDD will be ended and the land reclaimed and converted into an attractive, valuable area thriving with new businesses. The boundary of the zone is the Soucook River to the north and west while its eastern border extends behind the frontage parcels on Pembroke Street.

**Overlay Zoning Districts**

These districts are, in essence, draped over, or "overlay", the base zoning districts which lay beneath them and, as such, their purpose is to provide additional protection for the natural or built environments in which they are situated. The following are brief descriptions of Pembroke's six overlay zones.

Architectural Design District (AD)

The Architectural Design overlay district is intended to protect the traditional architectural integrity and character of Pembroke Street (US Route 3). Its boundaries are 500 feet from the center line of Pembroke Street from the Suncook River to the Soucook River and they include the entire Limited Office District which runs along Pembroke Street. The intent of the district is to require that all site plans be reviewed by the Planning Board to ensure that the proposed development will be harmonious with the existing character of the area.

Aquifer Conservation District (AC)

The Aquifer Conservation overlay district is designed to protect, preserve and maintain the existing and potential groundwater supplies and their recharge areas within the town of Pembroke from adverse development, land uses or depletion by limiting which land uses which are permitted within the AC overlay district.

Unless a special exception is granted by the Zoning Board of Adjustment and a special use permit is granted by the Planning Board, no aquifer threatening land use such as disposal of solid, hazardous or industrial waste, automotive shops, junkyards and excavations of sand and gravel may be located within the AC.

### Floodplain Development District (FD)

The Floodplain Development overlay district is intended to protect people and property from the flood hazard dangers associated with locating residential, commercial and industrial development within the floodplains of the Suncook, Soucook and Merrimack Rivers.

All developments proposed to be located within a designated floodplain, including new or replacement water and sewer systems, must be specially designed and constructed so that potential flood damage is minimized and any proposals to carry out building alterations or locate manufactured homes in floodplain areas must be reviewed and approved by the NH Department of Environmental Services. Also, traditional homes and recreational vehicles must adhere to strict floodplain regulations and any variances from the requirements of this district are heard by the Zoning Board of Adjustment. Often, property insurance is not available for development activities which are proposed to be located in recognized floodplains.

### Home Business Overlay District (HB)

The Home Business overlay district is designed to permit certain types of residentially based businesses along Pembroke Street (U.S. Route 3). The boundaries of the district extend 500 feet from the centerline of Pembroke Street between the Suncook and Soucook Rivers.

### Shoreland Protection District (SP)

The Shoreland Protection overlay district is set up to control erosion and protect the water quality, recreational use, economic value, wildlife habitat and visual character of shoreland areas along the Suncook, Soucook and Merrimack Rivers. The SP district covers all land within 125 feet of the normal water line of the above cited Rivers and restricted activities include no driveways or roads, no structures except docks (through a special use permit), no septic disposal systems, no excavation (without a special use permit) and severe restrictions on the cutting of trees. Permitted uses include forestry, agriculture, water supplies, wildlife and parks promoting passive recreation uses.

### Wetlands Protection District (WP)

Extending to all areas that are inundated or saturated by surface or groundwater, the Wetlands Protection overlay district was designed to prevent the destruction of wetlands by controlling possibly threatening building and land uses. In practice, the regulations associated with Pembroke's Wetlands Protection district have precedence over all other regulations in any area designated as a wetland.

As long as no building is erected, no surface altered or fill added, the permitted uses in the Wetlands Protection district include forestry, agriculture, water supplies, conservation areas, nature trails and wildlife refuges. Exceptions, which include streets and rights-of-way, need to be approved by both the New Hampshire Wetlands Board and the Pembroke Planning Board. Within any protected wetland area no septic tank or leach field can be located closer than 75 feet from a wetland nor 125 feet from a body of open water although special use permits can issued in certain situations.

### **Other Town Ordinances**

In addition to the established Zoning and Zoning Overlay Districts, the Town of Pembroke zoning ordinance contains a number of protective regulations which are designed to promote consistency with the existing community character. These include the Parking, Sign, Telecommunications, Cluster, Planned Development and Impact Fee Ordinances. Brief descriptions of these regulations follow:

#### Parking, Landscaping, and Fences

Except for the B2 district, vehicular parking requirements for all buildings except one- and two-family dwellings are regulated depending on the type and size of the structure. Because of B2 district's population and building density, somewhat different parking regulations are in effect there. Fences, visual screening and buffer areas are required in the Limited Office and Commercial Districts when a non-residential use is proposed to be placed next to a residential use. Fences can be erected with a permit from the Code Enforcement Officer.

#### Signage

The basic purpose of the sign ordinance is to enhance the Town's visual character and promote public safety while allowing appropriate opportunities for business identification and direction.

Prohibited signs include billboards, pennants, flashing signs, roof signs, signs which sparkle or reflect and signs that are similar to safety traffic signs. Placement, safety standards and illumination of signs are defined within the ordinance as are the allowable dimension for all permitted signage.

#### Telecommunications Facility and Antenna Criteria

The telecommunications regulations provide a uniform and comprehensive set of standards for the development of telecommunications facilities and the installation of towers and antennas and are designed to protect and promote public health, safety, community welfare and the aesthetic quality of the Town. Other goals of this ordinance include maximizing the use of existing towers and buildings to accommodate new antennas, retaining local responsibility for use of public-rights-of-way and ensuring compliance with FCC regulations on radio frequency exposure guidelines.

Special exceptions are granted by the Zoning Board and approvals are granted by the Planning Board as long as co-location, construction and other requirements are met.

### Cluster Subdivision Provisions

The zoning ordinance provisions related to cluster subdivisions were created to provide land use developers and town planners with an alternative mechanism to traditional subdivision design. The intent of the ordinance is to allow new residential living areas to be established while preserving the natural beauty and open spaces of the parcels they are located on. Because of their noted open space design concept, cluster-style subdivisions often promote a more efficient use and arrangement of land, roads and utilities.

Planned Residential Development (CRD-1) – the suburban version of cluster-style subdivisions in Pembroke – is allowed only in the R1 and LO districts where town water and sewer services are available while the Cluster Open Space Development regulations (CRD-2) – the version designed to be used in rural areas – are targeted to the R1, LO and R3 districts where there is no municipal water and sewer pipeline infrastructure. In both of these cluster subdivision districts, density and common open space requirements must be met as well as building setback and property buffering rules as well as a range of other regulations.

### Planned Developments

Planned development regulations are intended to promote the efficient use of land and utilities by providing developers with an alternative pattern for site development. Depending of the specific development proposal, on-site parking and infrastructure needs can be minimized, multiple buildings could be sited on a single lot and the impact of other generally applicable zoning requirement could be lessened.

Subject to review and approval under the Planning Board's site plan review regulations, Planned Commercial Developments (PCD) and Planned Industrial Developments (PID) are permitted for all projects which are located on parcels at least five acres in size, which have access to adequate water and sewer services, where at least 10% of the parcel's acre-age will be set aside for permanent open space and where underground utility services are planned.

### Impact Fees

Impact fees are assessments imposed on new development to help meet the impact of that development on certain town facilities and services. Under the Impact Fee ordinance, developers can be charged fees related to a developments impact on local roads, the town library, public schools, solid waste, and recreation and conservation purposes depending on whether the town's Capital Improvement Program is promoting the development of a particular community facility in any of these areas.

All Impact-related fees are assessed prior to the issuance of a building permit and are collected as a condition for the Certificate of Occupancy. Fees unused after six years are returned.

### Earth Excavation and Reclamation

This Planning Board regulation grants the town the authority to cope with the recognized safety hazards which open excavations create by requiring that excavation and post-excavation reclamation plans conform with operational standards and be submitted to, and approved by, the Planning Board prior to the start of any excavation work. While preserving a landowner's right to remove earth materials from their property, the regulations also permits the some oversight to the town over how individual excavation projects would affect nearby water, forest and wild life resources. Pembroke's Earth Excavation Regulations also allows the Planning Board to apply some modest controls over fencing, boundary line buffering and other visual line-of-sight and noise issues which are typically associated with such projects.

### **Land Use Regulations**

As authorized under guiding state statutes, the Planning Board has adopted Site Plan Review Regulations and Subdivision Regulations which are rules specifying how land may be subdivided or otherwise developed in Pembroke. The following is a brief discussion of these local land use regulations.

### Subdivision Regulations

Pembroke's subdivision regulations were first adopted by the Planning Board in May 1994. Since that time, a number of revisions have occurred to further clarify and enhance those regulations and the last update was adopted in September, 2002.

The Subdivision Regulations grant the Planning Board the authority to provide against premature and scattered development and ensure that local development projects will be carried out in a harmonious and safe manner. The rules also ensure that land is adequately suited for the type of development being proposed.

Included in the Subdivision Regulations is a definitions section which provides guidance for any potential misinterpretation of the terms used in the document as well as a broad list of application materials and procedures which clearly spell out what an applicant needs to submit to the Planning Board in order to have a complete application. The document classifies subdivision types into minor (three or fewer lots), and major (four or more lots) and includes an assigned set of regulatory requirements for each subdivision type.

Provisions for governing lot mergers and developments of regional impact are also included in the Subdivision Regulations as are the Planning Board's general design standards for subdivisions. These standards include provisions for lot requirements, floodplain areas, special flood hazard areas and areas of poor drainage, erosion and sediment control, preservation of natural features, energy conservation design, non-buildable lots and the phasing of subdivision.

Numerous design standards are included which deal with street design, frontage issues, site grading and improvement plans, drainage, curbing and sidewalks. Some of the street design rules manage issues related to street trees, signage, lighting and the naming of streets. Utility design standards are also included to control storm water drainage, water supply and sanitary sewage disposal.

The Subdivision Regulations also contain sections on administrative procedures, financial guarantees, construction inspections, building permits, certificates of occupancy, fee schedules and other procedural measures. The contents and specifications for what is required to be included on subdivision plats are clearly outlined for applicants to follow and similar requirements are provided for construction plans.

As a result of the findings in the various Chapters of this Master Plan, the Planning Board may seek to revise and improve the Subdivision Regulations to better suit current conditions and the justified needs of the Planning Board (acting on the town's behalf) and the developer community. In particular, the Board may investigate possible changes to the existing provisions for cluster or open space developments.

#### Site Plan Review Regulations

Pembroke's Site Plan Review Regulations were first adopted by the Planning Board in April 1994 and it has been revised on several occasions since that time to address current needs and issues. The latest update was adopted in September 2002.

In addition to providing private sector applicants with a clear set of rules governing the organization and submission of their proposed site plans to the Planning Board, the purpose of Pembroke's Site Plan Review Regulations is to protect the health and safety of residents, ensure attractive site development, provide for responsible and harmonious growth, prevent premature development and ensure proper street arrangement.

Site plans are required to be submitted for all commercial, industrial, multi-family (three or more units) and business developments or expansions and the Planning Board has defined two different types of site plans: major site plans - which are required for all new developments, any substantial change or expansion of the use of an existing site - and minor plans (which involve all site plans which are not defined as major). The Site Plan Review Regulations includes a definitions sections, checklists governing plat submissions, a set of rules governing how the Board deals with developments of regional impact, as well as a range of other application procedures for the design review.

A number of recommendations for changes or additions to the Site Plan Regulations are likely to be made as a result of findings included in this new Master Plan.

## POPULATION AND GROWTH TRENDS

The land use issues discussed in the Chapter need to be examined in context with the recent period of housing and population growth in the town and region because the information gained will help the Planning Board better understand and assess the perceived need for more or less growth controls over the next 10-20 year period.

While the population in Pembroke increased 5.1% over the 10-year period from 1990 to 2000, the surrounding towns (with the exception of Allentown and Loudon) experienced significantly greater population increases of 12% or higher, as shown in Table XI-4. The GrowSmart Report included information which indicated that Pembroke can expect population increases of up to 40% - to 9,600 people - over the next 20 years (between 2000 and 2020) with the expectation that normal growth over that period will be compounded by the anticipated widening of Interstate I-93. That same Report similarly indicated that Pembroke can expect up to a 50% increase in housing units - to 4,200 units- stimulated by the Interstate I-93 expansion plans.

Table XI-4  
Population Increase, 1990-2000  
Pembroke and Abutting Communities

	% Increase, 1990-2000
Allentown	4.2%
Bow	29.8%
Chichester	15.1%
Concord	13.0%
Epsom	12%
Loudon	8.9%
<b>Pembroke</b>	<b>5.1%</b>

Source: 1990 US Census & 2000 US Census

As can be seen in Table XI-4 and Table XI-5, Pembroke's population increased 5.1% between 1990 and 2000 while the total number of dwelling units increased at a slightly greater 7.8% rate over that same period. The greater growth rate in dwelling units compared to the population growth rate could be attributed to several factors including families having fewer children, the falling size of the average household and a reflection that housing stock is being created in Pembroke to satisfy an unmet regional demand.

Table XI-5  
Dwelling Unit Increase, 1990-2000

Dwelling Type	1990	2000	% Increase
Single Family Homes	1,472	1,710	16.2%
Manufactured Homes	948	878	-7.4%
Multifamily Homes	116	146	25.9%
Total Number of Dwelling Units	2,536	2,734	7.8%

Source: US Census 1990 and 2000

Although Pembroke's population and housing growth during the 1990's was slower than in most abutting communities, this trend is quickly changing with a significant increase in new development applications occurring in Pembroke between 2000 and 2003. Typical new subdivision applications have gone from 3-4 lots to recent applications for 120+ lots and all signs indicate that Pembroke's population and housing units will increase significantly in the next 10 years. This is also seen in Table XI-6 below which shows how many new residential building permits were issued between 1998 and 2002.

Table XI-6  
New Residential Building Permits Issued by Housing Type, 1998 - 2002

Housing Type	1998	1999	2000	2001	2002	5-Year Total
Single Family Homes	12	31	26	40	37	146
Multi Family Homes	0	0	1	0	1	2
Mobile Homes	0	0	0	0	0	0
Yearly Totals	12	31	27	40	38	148

Source: Pembroke Town Files

Pembroke residential building rates are comparable to its surrounding towns in terms of single family, multi-family, manufactured, commercial, and industrial structures as a percentage of total development. As illustrated in Table XI-7, over the period 1990 to 1998, 86% of Pembroke's development was residential, a rate which is higher than the regional average.

In Table XI-7, the number of new multi-family units was comparable to the abutting towns (Concord is the exception) at 1%, and the manufactured housing units was lower than the Central New Hampshire Regional Planning Commission average at 7%. The number of new commercial structures is on the high side at 5% as compared to the region. Industrial structures, at 0%, is consistent with the regional average of 1%. In summary, the rate at which new construction is occurring in Pembroke is approximately equal to what is being experienced in other medium-sized towns in the Central New Hampshire planning region.

Table XI-7  
Type of Structure as Total Percent of Development, 1990-1998

	Allenstown	Bow	Chichester	Concord	Epsom	Loudon	Pembroke	CNHRPC Region Average
Single Family Units as % of Total Development	31%	100%	78%	67%	68%	86%	86%	74%
Multifamily Units as % of Total Development	1%	0%	1%	31%	4%	2%	1%	10%
Manufactured Units as % of Total Development	67%	0%	11%	2%	24%	10%	7%	13%
Commercial Structures as % of Total Development	1%	0%	9%	n/a	3%	2%	5%	2%
Industrial Structures as % of Total Development	0%	0%	1%	n/a	0%	0%	0%	1%

Source: CNHRPC Residential, Commercial, and Industrial Development Trends final Jan 2000, 1990-1998



## **DEVELOPMENT CONSTRAINTS**

Land development projects are typically affected by a range of natural and man-made restrictions including aquifers, surface waters, wetlands, floodplains, the presence of steep slopes, wellhead protection zones and legally conserved or publicly owned areas. These limitations to development have been charted and are shown herein on the *Development Constraints Map* and what follows are a series of brief descriptions of these various limitations to development. The issue of development constraints is also discussed in the NATURAL RESOURCES CHAPTER of this Master Plan.

### **Wetlands**

Hydric soils are calculated by the U. S. Natural Resources Conservation Service and are wetland soils that are rated as poorly or very poorly draining; as a consequence, they considered to be not suitable for development. The locations of very poorly draining soils in Pembroke strongly correlates with the location of wetlands as determined by the National Wetlands Inventory (NWI) which classifies wetlands using vegetative criteria rather than soil types.

There is also a very strong correlation between the location of hydric soils and surface watercourses and, in many cases, these types of wetland soils will drain directly into open bodies of water such as ponds and streams. Though they are distributed throughout the town, large concentrations of soils-based wetlands are especially found along Fourth and Fifth Range Roads as well as along Ames, Pettingill, Meetinghouse, French and Hartford Brooks. Nearer to the Suncook Village area, large areas of hydric soil wetlands are found in the vicinity of Bettany Circle and between Dearborn Road and Buck Street.

Because they are classified by the U. S. Fish and Wildlife Service using different criteria than those used to identify soils-based wetlands, NWI designated wetlands are not always co-occurring with hydric soils. Typically they are more widely and thinly scattered around the town than soils-based wetlands although they often occupy the same geographic location as very poorly draining soils.

### **Floodplains**

Floodplains are low-lying areas along open bodies of water such as rivers and streams which are periodically flooded by rising water. Mapped by the U. S. Army Corps of Engineers, Pembroke's floodplains are primarily located near the banks of the Suncook, Soucook and Merrimack Rivers. For purposes of emergency management and preparedness, as well as to serve the needs of the insurance industry, both the 100-year and 500-year floodplain limits were calculated to measure as accurately as possible the broadest likely extend of the largest flood which could be expected to occur within a 100-year or 500-year time period. Based on the large amount of inundated land which could be expected, rarely seen 500-year floods would obviously have the greatest effect on people and property and most of these particular floodplains are located along the Merrimack River.

An examination of these floodplain areas indicates that they are mostly open lands which are mostly owned by the town. Few man-made structures are found in these areas though there a number of small-sized privately owned lots along the Suncook River floodplains. Additional areas of concern are found along Route 28 and Bachelder Road because they would be crossed by the occurrence of 100-year floods.

### **Steep Slopes**

For purposes of consideration by the Planning Board “steep slopes” are considered to be any natural topography which is sloped at a 15% or greater level of inclination. In examining the full range of development constraints the Planning Board has observed that there are a number of difficulties and dangers associated with developing areas of steep slopes. For example, the well observed problems associated with erosion caused by high-velocity stormwater runoff, the possible threat caused by landslide and the generally recognized instability of land located in steeply sloped areas are all reasons to be concerned about development actions which would target areas of steep slopes. In dealing with this issue, the Board has decided to use two different map-based informational resources to gather together steep slope data about Pembroke.

The most important and reliable information resource was a newly updated digital soils map of Pembroke which was produced by the U. S. Natural Resources Conservation Service (NRCS). This map categorized steep slopes as any soils type which have a greater than 15% slope. Such steep topography is common in North Pembroke and along Route 3 and the Merrimack River from Bow Lane to Fairview Avenue. Similarly steep slopes also characterize the area between Robinson and Plausawa Roads and other smaller areas located in the vicinity of Borough and Cross Country Roads.

The Planning Board also derived steep slope information from the 20-foot topographic contour lines shown on U. S. Geological Survey (USGS) maps of Pembroke. Because the contour intervals were so large, efforts using this resource yielded only a small scattering of 15% or greater sloped areas which usually coincided with the soils based steep slope data.

### **Earth Excavations**

Lands which are currently being excavated are also limiting to development and Pembroke has a number of such parcels which are primarily located along the Soucook River where there are significant sand and gravel deposits. Land reclamation efforts are expected to occur in these areas as the materials in the gravel pits are used up. Earth excavation will be discussed in greater detail in the following section.

### **Aquifers**

Aquifers are, sometimes quite large, underground deposits of porous rock, sand and other similar earth materials containing water into which wells can be sunk. Information obtained from the U. S. Geological Survey indicates that such stratified drift aquifers are broadly located in the vicinity of the Suncook, Soucook and Merrimack Rivers. In a number of instances, these underground water deposits underlie areas of high residential population, especially in Suncook Village as well as in the area between Route 3 and the Soucook and Merrimack Rivers. Significant aquifer deposits are also located at the north end of town beneath Interstate-393 and Routes 9/4/202, as well as in southeast section of Pembroke in the vicinity of Buck Street and Route 28.

Taking advantage of their great water carrying capacity, the Town of Pembroke currently maintains several aquifer-based drinking water wells which are located off Route 3 along the Soucook River near the Concord town line. These important sources of public drinking water are protected by required wellhead protection zones which are designated by the New Hampshire Department of Environmental Services (NHDES). These wellhead protection zones are shown on the *Development Constraints Map*.

Typically, the NHDES defines a wellhead protection area by marking a 4,000 foot circular radius around a public well. In some cases, however, the wellhead protection zones are demarcated in a more irregular manner. As is the case in Pembroke where, because of the way the topography of the land is shaped in relation to the existing aquifer locations, the perimeters of wellhead protection areas are unevenly located around areas of North Pembroke and Burrough Roads and along the Soucook River extending to 6<sup>th</sup> Range Road. Parts of 3<sup>rd</sup>, 4<sup>th</sup>, and 6<sup>th</sup> Range Roads, Borough Road and all of Beacon Hill Road are also included in this protection zone. Smaller sized wellhead protection areas are also located along Thompson Road and Route 28 near the Allenstown and Epsom town lines.

### **Public Land**

The last type of development constraint to be examined is land owned by a public entity or agency. The Town of Pembroke, for example, possesses such land along the Soucook and Merrimack Rivers as well as at conservation areas such as the Whittemore Town Forest, Bragfield Pond and at several other parcels generally located in the mid-section of Town. The State of New Hampshire also owns parcels along Route 9 and the Suncook River and the School District has land holdings along Pembroke Street and on Maple Street in Suncook Village. Lastly, the Pembroke Water Commission and the Concord Water Precinct both own land along the Soucook and Merrimack Rivers for the purpose of protecting area water supplies.

### **Development Constraints Conclusions**

Despite all the natural and other barriers to future development discussed in this section which have the effect of eliminating or limiting land development in Pembroke, there are still many large-sized parcels in the upland area of town and along Buck Street which have the potential for substantial development. If carried out, such projects would likely impose a significant impact on the town's natural resources and established infrastructure and would be likely have a strong affect on the future shape of the Town. In this light, it was important for the Planning Board to identify

and evaluate the known development constraints and, in so doing, gain a sense of where to appropriately guide and promote future development.

### EARTH EXCAVATION

There are currently nine active earth excavation operations within the Town of Pembroke, seven of which are grandfathered. They are all located within the Town's main aquifer which is situated under the Soucook River. Based upon submitted reclamation plans, which are required by state law and local ordinances, it is the Town's expectation that, as the active excavation operations are completed, the affected parcels will all be suitable reclaimed and that a number of these sand and gravel excavations operations would be redeveloped for commercial or industrial development. These sites are located on along North Pembroke Road, off Keith Avenue, along Route 3, and at the end of Whittemore Road. Detailed information on these excavation operations is displayed on Table XII-8.

Table XI-8  
Excavation Operations

Name	Status	Map and Lot	Location	Description
Concord Sand & Gravel	Grandfathered	Map 256 Lot 22	Ricker Road	Operating conditions from Special Exception granted in 1986
Concord Sand & Gravel	Grandfathered; Lot 256-25 may need a permit	Map 256 Lots 22-1, 22-3, 25, and 26-2	Ricker Road	Subject to 1986 operating conditions; Asphalt plant permitted in 1999 on Lot 26-2
Concord Sand & Gravel	Permit granted in 1985	Map 559 Lot 6	North Pembroke Road	Permit issued by Special Exception and Site Plan
Silver Hill Development Corp	Grandfathered	Map 559, Lot 12	North Pembroke Road	3 acres (total w/Silver Hill) excavated as of 7/91; excavation began in 1930s
Silver Hill Development Corp	Grandfathered	Map 559, Lot 4	North Pembroke Road	3 acres (total w/Elmwood) excavated as of 7/91; excavation began in 1930s
Manchester Sand & Gravel	Grandfathered	Map 632, Lot 41	West side of Route 3, Pembroke Street, ¼ mi south of Rte 106 intersection	Excavation began in 1940s
D'Agnese & Keeler	Permitted	Map 634 43-2	West side of Route 3 adjacent to Manchester Sand & Gravel pit	26 acre excavation began 1996; reclamation scheduled for fall 2003
Plourde Excavation	Grandfathered	Map 634, Lots 3, 4, and 5	Along Soucook River	Excavation began in 1963
Plourde Sand and Gravel / Plausawa Valley Country Club Pit	Grandfathered	Map 634, Lot 2	Along Soucook River south of the ninth hole	Excavation began in 1963; gravel rights expired May 14, 2003

Sources: 1993 Master Plan; 2002 Digital tax maps

The 2001 Economic Development Charrette identified Pembroke's gravel excavation areas as ideal sites for future commercial sites and a couple of their economic development recommendations involved expanding commercial zoning to newly encompass the northern sand and gravel excavation sites along North Pembroke Road near Pembroke's town line with Concord and to ensure adequate enforcement of reclamation procedures so that the resulting land is suitable for development.

### TIMBER HARVESTING

Loggers are required to obtain a "intent to cut" permit prior to the onset of any significantly sized timber cutting operation and this process involves submission to Selectmen of written information about the proposed timber cut including the location of the cutting operation and an estimate of the amount of wood that is expected to be cut. Because large timber cutting operations sometimes precede land development operations, a careful review of submitted "intent to cut" applications could shed light on possible future land use development activities.

With this in mind, a recent review of "intent to cut" permits filed with the Town reveals the possibility of an increase in development potential on the parcels being logged. The image below shows the location of parcels that have been harvested between 1997 and 2004.

A majority of the harvests have been completed since 2000, and this coincides with the noted increase in residential development applications as well as land taken out of the current use program due to development. The majority of lots that comprise the large "unfragmented" core of Pembroke have forest management plans.

Figure XI-1 displays the parcels on which "intent to cut" permits were issued between 1997 and 2004. Between 1997 and 2000, timber cuts were performed on a number of large parcels in North Pembroke. Within the last five years, timber cuts have primarily been performed between the range roads, along the Soucook River and immediately south of Route 4/202. Some of the recent cuts may be continuations of the 1997-2000 cuts and, if so, would not be depicted as post-2000 timber cuts on this figure.

Although they serve to indicate the location and intensity of timber cutting operations, the “intent to cut” applications also provide the Town of Pembroke with a small amount of income in the form of a tree harvesting yield tax. While small in size, the amount of town income associated with this tax are provided in Table XI-9.

	Timber (Yield) Tax Collected
2001	\$2,622
2000	\$9,684
1999	\$11,906
1998	\$7,532
1997	\$11,575
1996	\$9,431

As noted above, the locations of timber cuts can be an indicator for future development intentions – which was the case in the new developments located on Alexander Drive in 2001, on Peaslee Drive in 2002 and on Wellington Way and Cross Country Road from 2000 to 2002. Building permits for these new homes were issued as a result of subdivision activity after a timber harvest.

## **FUTURE LAND USE SECTION**

This focus of this Chapter so far has been on how land has historically been used until the present day. From this point on, the focus will be on the how land could best be used in the future. Factors and issues which will be considered include road access and parcel frontage needs, environmental constraints, the size and location of previously developed parcels and the location of state and federal lands. Because it is best illustrated in mapped form, much of the remaining discussion in this Chapter will reference the *Future Land Use Map*.

### **FUTURE LAND USES**

#### **Future Land Use Map**

The *Future Land Use Map* was developed by the Planning Board in order to satisfy two main objectives:

- (1) Provide the people of Pembroke with a graphic representation of the Planning Board's direction regarding future land uses; and
- (2) Act as a guide which would assist the Planning Board in making decisions regarding the preservation of the Town's physical, natural and historical assets and in promoting appropriate opportunities for commercial, industrial and residential land growth.

One factor to keep in mind when considering the information shown on this map is that most of the parcels directly abutting Pembroke's existing road system have already been developed with the exception of the Class VI range roads.

#### **Future Land Uses and Zoning**

The future uses of land and the recommendations for changes in the current pattern of zoning, as they are described in this section, were developed from suggestions proposed by the Land Use Subcommittee, the results of the Community Survey and from the recommendations that grew out of the GrowSmart New Hampshire Charrettes.

#### **Suncook Village**

Suncook Village currently acts as the sole area of Pembroke which features a mixed range of high density uses and future zoning in this part of town should continue to ensure that appropriate infill and revitalization development activities are encouraged.

The Community Survey revealed that there was significant support for expanding the range of existing uses in the B-1 District to allow for a wider variety of mixed business uses and the GrowSmart Report recommended that a revitalized Suncook Village, along with the development of one or two new residential growth hubs strategically situated elsewhere in Pembroke, could act to attract new multi-use development projects to those hubs – and consequently discourage widespread, or “sprawl”, residential development throughout the remainder of the town.

To foster this goal, the Report suggested that a range of mixed uses continue to be emphasized in the Village, that the aging stock of housing be revitalized and that the positive human scale of the built environment and the sociable ambiance which exists there should continue to be fostered in all development activities.

#### Commercial and Industrial Uses

The existing Commercial zone, which allows a mix of commercial and industrial uses, should continue to be maintained and expanded as shown on the *Future Land Use Map*. It should be anticipated that, as the existing earth excavation operations which are located on the west side of Pembroke Street are ended and their reclamation plans are carried out, the Soucook River Development District, which allows for a range of commercial uses, will begin to be developed.

Community Survey responses related to commercial issues focused on the need promote business activities by reducing taxes for commercial businesses, reestablishing Suncook Village so that it again plays a significant commercial role in town and the need to continue improving the Route 106 commercial corridor. The GrowSmart findings focused on Village issues and are listed above in the *Suncook Village* section.

#### Residential Uses

Under the current zoning ordinance, relatively intense residential development may be carried out in the B-1 and B-2 zoning districts which comprise Suncook Village. The R-1 zone, which is a medium density residential district, is currently situated in a long corridor which starts just outside the Village area and more or less extends between Beacon Hill Road near Route 106 at its north end down along Academy Road to the Allenstown Town Line at its southern end and from Third Range Road to the Merrimack River. All remaining sections of the town are currently zoned R-3 which promotes relatively medium intensity residential land uses (1.8 acre minimum lot sizes). One distinguishing feature of the R-3 zone is that it is relatively sparsely settled and currently contains numerous very large sized undeveloped parcels of land.

Based on reliable population projection information, the Planning Board anticipates that there will be a significantly increased demand for local housing over the next 20 years as Pembroke's established role as a "bedroom" community for business hubs in Concord and Manchester becomes further established. This is not idle theory; as discussed elsewhere in this Chapter, the housing needed to satisfy this emerging residential demand is already coming on line. If the current residential zoning structure, as outlined above, is allowed to stand without change, it is expected that all of the remaining undeveloped parcels in the R-1 zone would be filled at the currently zoned density - which would allow up to about five housing units per acre in areas serviced by municipal water and sewer lines. The town should also expect to see large scale, large-lot, residential development appear in intense sprawl-like fashion along North Pembroke and Cross Country Road and throughout the remainder of the R-3 zone wherever town-maintained roads are available.



With this reality, and the limitations of the current residential zoning structure, in mind, and judging that it is the will of a large majority of townspeople that the interior rural core of the town should be preserved into the future, the Planning Board is recommending that changes should be made to the zoning ordinance with respect to the issue of where and how residential housing growth is promoted. Therefore, in order to adequately satisfy a portion of anticipated future housing needs and to prevent the advent of residential sprawl throughout the entire town, the Planning Board recommends that:

- (a) High density residential uses should be expanded into the existing R-1 medium density residential use zone along the Pembroke Street corridor between the Suncook Village area and Whittemore Road.

Already facing significant subdivision growth, this area is served by an established water and sewer infrastructure and critical municipal service centers such as the Town Hall, Library, and most schools and the Fire and Police headquarters are already located within this area, primarily along Pembroke Street. Pembroke Street also serves at a major regional transportation highway and this corridor is already facing significant subdivision growth.

- (b) Because high density residential infill along the Pembroke Street corridor is not expected to fully satisfy Pembroke's anticipated future housing needs, the Planning Board is also recommending that the portions of the existing low density R-3 zone be rezoned to accommodate medium density residential development. The Board also recommends that a portion of this area (see the *Future Land Use Map*) serve as the receiving area for the Agricultural Conservation zone's "transfer of development rights" (or "TDR") activities.

As can be seen on the *Future Land Use Map*, this new medium density residential area would extend roughly from the eastern edge of the newly created high density zone discussed in (a), above, out to Dudley Hill and Fourth Range Roads and would run from the Allenstown town line northerly out beyond Beacon Hill Road, taking in the area east of Pembroke Street in the vicinity of Plausawa Valley Country Club, and extending northerly from Beacon Hill Road out to the Chichester Town Line along both sides of Borough Road.

- (c) In order to preserve the rural sparsely settled residential nature of the remainder of the existing R-3 zoning district (except for the Buck Street corridor), the Planning Board recommends that a Timber Conservation Zone (featuring very large minimum lot sizes of 20 acres or greater) and an Open Space Conservation Zone (feature 5 acre minimum lot sizes), be established at the locations shown on the *Future Land Use Map*. These recommended zoning changes are further discussed in the *Agriculture and Conservation Uses* section, below.

- (d) In order to preserve the existing residential and agricultural land use pattern along the Buck Street corridor north of Dearborn Road and along Thompson Road and Route 28 – areas which are notably characterized by a string of rural residential parcels generally surrounded by Pembroke’s last remaining active farmlands and farmsteads – the Planning Board recommends that an Agricultural Conservation Zone be established which would foster low density residential development while promoting long term conservation of the agricultural farmlands. This recommended zoning change is further discussed in the *Agriculture and Conservation Uses* section, below.

The GrowSmart Report recommended that several different types of residential development action take place including the creation of one or more new pedestrian-friendly high density residential villages to be appropriately located outside the existing confines of Suncook Village in areas which would be serviced by municipal water and sewer services. In view of the expected rise in elderly population, the Report also recommended that a greater number of elderly and special care housing units than are currently on line be developed and it also recommended that a new suburban residential zone (RS-1) be established east of Pembroke Street between Pembroke Street and Third Range Road from Brickett Hill Road to Pembroke Hill Road. This new zone would also extend westerly from Pembroke Street between Bow Land and Whittemore Road. It was envisioned that this zone would include a mix of housing types and costs.

#### Agricultural, Timber and Open Space Conservation Uses

In order to appropriately conserve the natural timberland and agricultural resources of the most rural areas of Pembroke, the Planning Board envisions establishing several new conservation zones throughout the eastern portion of the current R-3 zoning district. The existing zoning in the R-3 district presently allows newly subdivided parcels to be as small as 1.8 acres in size – a minimum lot size which, until now, was thought to promote relatively low density residential development. However, based on reliable population projections, the Planning Board now anticipates that the expected population flow into the central New Hampshire region, and, especially, into the immediate Pembroke area, over the next 10-20 years, will create a significant increase in the need for local housing. If the town’s current zoning districts, and the zoning requirements associated with those districts, remains unchanged, this increase in housing demand could only be satisfied, in part, by the widespread subdivision of many of the numerous large-sized parcels which are located throughout the R-3 zone.

As discussed above in the *Residential Land Use* section, the Planning Board’s strategy to accommodate this anticipated demand for housing, as it is required to do under state law, would be to increase the allowable density of development in those south and western sections of town where a municipal water and sewer infrastructure is already established, where a regional arterial road system already exists in close proximity to the existing residential areas and where town service centers such as schools and police and fire services are already available and near at hand.

However, if the Board were to apply this suburban development strategy evenly across the entire area of the town; that is, if it were to encourage residential sprawl and unplanned and premature land uses in the town's most rural areas over the eastern portion of the current R-3 zone – an area which, in comparison to the rest of the town, is least able to accommodate that growth – it is probable that many of the large-sized lots which are located in these areas would be fragmented through residential subdivision activities. It is also probable that the paved town-maintained roads which traverse this area would have to be significantly upgraded to accommodate a higher volume of traffic, and that basic town services such as police and fire protection and trash pickup would also need to be expanded to handle the increased demand on services which residential development would bring. The Planning Board is aware that if the existing rural character of this region were to be destroyed by suburban sprawl the town would have lost what the Master Plan's Community Survey indicates is one of the most important attributes of life in Pembroke.

For that reason, rather than passively allowing the suburbanization process to take place throughout the whole town, the Planning Board has decided to implement a plan which would seek to preserve the established rural areas of Pembroke by replacing the eastern portion of the current R-3 zoning district with several new conservation zones and establish new rules for those new conservation areas which would require significantly larger minimum lot sizes for newly created parcels (see the *Future Land Use Map*). The Board anticipates that this strategy would have the affect of preserving traditional land uses within the new zones. More specifically, the Planning Board recommends that:

- (a) A new Timber Conservation Zone should be created in the immediate vicinity of the existing town-owned Whittemore Conservation Area.

This area chiefly consists of very large-sized, mostly privately owned, parcels which can only be accessed via the Town's Class VI non-maintained range road system. These parcels are currently maintained for timber conservation purposes and they are all taxed for current use. The Planning Board estimates that, because there are no maintained roads which directly access these lands, they will – for practical purposes – not likely be further subjected to land development activities. However, in order to ensure that this core timberland conservation area is preserved into the future, the Board plans on establishing very large minimum lot sizes of 20 acres or greater throughout this new district.

- (b) A new Open Space Conservation Zone should be created in the rural areas of land which extends away to the north, west and south of the new Timber Conservation Zone in the eastern portion of the existing R-3 zone.

On the south side of the Timber Conservation district, this new zone would run northwesterly from Dudley Hill Road out to Cross Country Road occupying the area between Fourth and Fifth Range Roads; the zone would then continue to reach northwesterly beyond Cross Country Road to the vicinity of Brush Road where its northwesterly border would stretch out to the Chichester Town Line; from the vicinity of Plausawa Hill Road the new zone would swing through the entire northeast corner of Pembroke occupying the area north of the new Timber Conservation Zone traversed by North Pembroke Road.

This new Open Space Conservation Zone would essentially cover a long-standing rural area which is far removed from major transportation routes, town services and heavily settled neighborhoods. Most of the parcels which would be located in this new zone are not currently bordered by town- or state-maintained roads though, unlike the situation in the new Timber Conservation district, many of these parcels could be accessed via new roads construction by private developers. To lessen the possibility that this rural area would be intensely developed and to conserve the open, primarily forested spaces which characterize this new zone, the Planning Board plans on establishing significantly larger (5-10 acre) minimum lot sizes throughout this new zone.

- (c) A new Agricultural Conservation Zone should be created from the vicinity of Dearborn Road on the southwest side of Buck Street out to the northeast end of Buck Street and on the north side of Buck Street beginning just easterly of East View Drive and stretching northeasterly out the environs of North Pembroke Road taking in the agricultural parcels west of Thompson Road and Route 28.

The agricultural lands which characterize the area covered by this new conservation zone represent most of the remaining long established agricultural lands in Pembroke and the Planning Board is aware, through the Master Plan Community Survey, that most Pembroke residents would like to see this area remain intact as farmland for the long term. Toward this end, the strategy which the Board has settled on to promote the long term viability of these agricultural lands is to establish an innovative land use program in this new zone called “transfer of development rights” or TDR. Transfer of development rights is a mechanism which is widely used across the United States and refers to a method for protecting land by providing the owners of lands in a “donor” zone with a financial incentive to accept legal development restrictions on their farmland. It works whenever the owner of farmland targeted for conservation sells the development rights associated with ownership of that farmland to a developer of land located elsewhere in town in a “receiver” zone.

What actually occurs when a TDR action takes place is a consensus between the “donor” farmland owner, the “receiving” owner of the land to be developed and the Town whereby the town pays the owner of the farmland property in the Agricultural Conservation Zone to have a conservation easement placed on their property (to prevent future development) while the developer is allowed an increase in development densities or “bonuses” in the “receiving” area. The developer repays the Town the costs of purchasing the conservation easement from the profit associated with their building bonus.

Another tool the Planning Board intends to use in maintaining the existing open lands in the new Agricultural Conservation Zone is the establishment throughout this district of somewhat larger (approximately 5 acre) minimum lot sizes than currently are allowed. Doing so would clearly lessen the possibility that these lands would be significantly fragmented.

The GrowSmart Report recommends that a new rural residential zone be developed specifically for open space preservation in the areas encompassed by the proposed Timber Conservation and Open Space Conservation Zones.

## **TECHNIQUES TO SHAPE FUTURE LAND USE**

The Zoning Ordinance is clearly the most effective and commonly used tool to foster the direction of future land uses. Modifications to the Zoning Ordinance are developed and proposed by the Planning Board and must, ultimately, be approved at Town Meeting, and the preceding sections of this Chapter has identified several changes to the Zoning Ordinance which the Planning Board intends to propose.

### **SUMMARY**

#### **Investigate the Following Potential Zoning Changes**

- (a) Establish a new high density residential zone in a portion of the existing R-1 medium density residential use zone along the Pembroke Street corridor between the Suncook Village area and Whittemore Road. This new “R-1” zone would allow 15,000 s.f. minimum lot sizes on all parcels serviced by municipal water and sewer systems. Newly developed village-style cluster subdivision rules would be in effect for all subdivision proposals involving at least four acres of land.
- (b) Extend the remaining portion of the existing R-1 medium density residential zone (newly labeled “R-2”) easterly into portions of the existing low density R-3 zone. As can be seen on the *Future Land Use Map*, this new medium density residential area would extend roughly from the eastern edge of the newly created high density zone discussed in (a), above, out to Dudley Hill and Fourth Range Roads and would run from the Allenstown Town Line northerly out beyond Beacon Hill Road, taking in the area east of Pembroke Street in the vicinity of Plausawa Valley Country Club, and extending northerly from Beacon Hill Road out to the Chichester Town Line along both sides of Borough Road. A portion of this area would serve as the receiving area for Agricultural Conservation zone “transfer of development rights” (or “TDR”) activities.
- (c) Establish in the immediate vicinity of the existing town-owned Whittemore Conservation Area a new Timber Conservation Zone. This area is currently situated in the R-3 low density residential zone. Very large minimum lot sizes of 20 acres or greater would be established throughout this new district.

- (d) Establish a new Open Space Conservation Zone in the rural parcels of land which stretch away to the north, west and south of the new Timber Conservation Zone in the eastern portion of the existing R-3 zone. From the south side of the Timber Conservation district, this new zone would occupy the area to the northwest of Dudley Hill Road between Fourth and Fifth Range Roads; from Dudley Hill Road the zone would reach northwesterly beyond Cross Country Road into the vicinity of Brush Road from where the new zone would veer in a northeasterly direction and proceed to the Chichester town line; from the vicinity of Plausawa Hill Road the new zone would swing in an easterly direction and cover most of the entire northeast corner of Pembroke north of the new Timber Conservation Zone, an area traversed by North Pembroke Road. Large 5-acre minimum lot sizes would be established throughout this new zoning district.
- (e) Establish a new Agricultural Conservation Zone to extend from southwest side of Buck Street in the vicinity of Dearborn Road out to the northeast end of Buck Street near Old Buck Street Extension; and on the north side of Buck Street beginning just easterly of East View Drive and stretching northeasterly out the environs of North Pembroke Road taking in the agricultural parcels west of Thompson Road and Route 28.

- Respectfully Submitted, Roland Lemoine, Land Use Subcommittee Chair