

**Pembroke Planning Board**  
**Meeting Minutes**  
**December 13, 2022**  
(Approved on January 10, 2023)

**MEMBERS PRESENT:** Brian Seaworth, Chairman; Brent Edmonds, Rick Frederickson, Selectman's Rep.; Clint Hanson, Robert Bourque, Vice Chairman

**ALTERNATES PRESENT:** Bryan Christiansen

**MEMBERS EXCUSED:** Kathy Cruson, Kevin Foss

**STAFF PRESENT:** Carolyn Cronin, Town Planner

Chairman Seaworth called the meeting to order at 6:30 pm. Five members and one alternate member were present. Chairman Seaworth designated Bryan Christiansen to vote for Kathy Cruson.

**Old Business**

**1. Proposed Zoning Changes for 2023 Town Meeting – Zoning Audit Items**

Planner Cronin explained that she had a few clean-up items for the Board's review prior to posting the zoning amendments for public hearing. One of the objectives of the Zoning Audit was to deal with page 44, which is a list of notes. To the reader they look like innocuous footnotes, but they are actually very important dimensional provisions. After the November 15<sup>th</sup> workshop, upon further inspection, only some of the notes were relocated to the tables. In the version of the amendments presented tonight, the notes were all relocated into relevant tables with the exception of the corner clearance note, which does not pertain directly to any of the dimensional regulations.

Chairman Seaworth had an issue with the Maximum Building Height being a table column when it doesn't vary between rows. He stated that it bothered him in particular because of its complex interrelationship between the table, the footnote on the table, and the definition. There are provisions within the definition of Maximum Building Height that should be located elsewhere in the ordinance. He noted his problem was mostly aesthetic, but the Board may consider having a section of written regulations in addition to the tables.

Planner Cronin noted that much of the definition was relocated from the "Notes" section to the definition in 2013, so it seems there has always been a struggle with where to locate that information.

Member Hanson agreed that a section of General Provisions may make sense and be helpful for items that don't belong in a table format. The Board agreed that it was something they could look at for a future town meeting, and to move forward with the building height in the table, as presented.

Planner Cronin renamed the "Dimensional Requirements" table to "Minimum Frontages and Additional Lot Requirements", because all three new tables are technically dimensional requirements. Each table should have a main heading of "Table of Dimensional and Density Regulations" with a subheading describing each separate table. The Board agreed that made sense.

Planner Cronin noted that in the Setback Table the subheading “Principal Building Setbacks” should be deleted because the table includes accessory buildings as well. She also renamed the column labeled “Rear Accessory Building Setbacks” to “Accessory Building Rear Setbacks” because it makes more grammatical sense. The Board agreed.

Planner Cronin stated that in the Lot Sizes table, CNHRPC staff included the full definition of “Buildable Area” in the section. I changed it to a reference to the definition so as to not duplicate information in the Zoning. Chairman Seaworth suggested adding a reference to the definition of Contiguous Buildable Area, as well. Buildable Area and Contiguous Buildable Area are two different things, but are both relevant to the table. Vice Chairman Bourque agreed that Contiguous Buildable Area should be included since it’s a requirement for a lot.

Planner Cronin stated that Regional Planning made some formatting changes to the Zoning, but there were a few errors to correct. The definition of Accessory Dwelling Unit (ADU) was struck from Section 143-18, but not moved to the Definitions section as intended. The change proposed is to move the definition of ADU to the Definitions section, not strike it from the ordinance. Section 143-23, Back Lot Access, was struck from the ordinance, but this is a substantive change that is slated for discussion for zoning amendments in 2024, as indicated in the Audit Report from CNHRPC. The intent is not to strike this section from the ordinance at this Town Meeting.

Planner Cronin stated that if the notes section on page 44 were to go away by relocating the notes to the tables, then references to that section should be redirected to the Table. Those references are found in the definitions for contiguous buildable area, lot, corner lot, through lot, septic system, setback, and Section 143-20.

Member Hanson suggested that all of the tables show the gridlines so that the reader can understand the table more clearly. The Board was in favor of all of the clean-up items.

**MOTION:** Member Hanson moved to send zoning amendment revisions from the November 15<sup>th</sup> workshop and tonight’s workshop to the public hearing on January 10, 2023. Selectmen’s Rep Frederickson seconded.

**VOTE:** B. Seaworth – Y C. Hanson – Y B. Edmonds - Y  
B. Christiansen – Y R. Frederickson - Y R. Bourque - Y

**MOTION TO SEND ZONING AMENDMENT REVISIONS FROM THE NOVEMBER 15<sup>TH</sup> WORKSHOP AND TONIGHT’S WORKSHOP TO THE PUBLIC HEARING ON JANUARY 10, 2023 PASSED ON A 6-0 VOTE.**

## **Minutes**

- November 22, 2022

Selectmen’s Rep Frederickson asked to strike the last sentence from the first paragraph on page 5. His concern was snow on the roof not the walkway, so the sentence is irrelevant.

**MOTION:** Member Edmonds moved to approve the November 22, 2022 minutes as amended. Member Hanson seconded.

**VOTE:** B. Seaworth – Y C. Hanson – Y B. Edmonds - Y  
B. Christiansen – Y R. Frederickson - Y R. Bourque - Abstain **MOTION TO  
APPROVE NOVEMBER 22, 2022 MINUTES AS AMENDED PASSED ON A 5-0-1 VOTE.**

### **Finding of Facts**

- November 22, 2022

Chairman Seaworth noted that at the last meeting the board did not go through its Finding of Facts checklist. We want to make sure the documents accurately reflect the decisions of the Board. Board consensus was that the Finding of Facts drafted by staff were accurate.

1. Correspondence - none
2. Committee Reports – Board of Selectmen – Selectmen's Rep Frederickson stated that DPW updated the fees for disposal of small propane canisters, the town will work with the Epilepsy foundation on new drop boxes for used clothes and books, Dubois and King went over their budget on the stormwater asset management project, and we accepted a donation from Brady Sullivan for a new stage roof at Memorial Field. The Selectmen will review a new draft policy on Class VI road building permits at their next meeting. Roads Commission- Chairman Seaworth stated Roads did not meet. Zoning Board – Vice Chairman Bourque stated that ZBA meets on the 19<sup>th</sup>.

#### **3. Other Business**

Chairman Seaworth brought up the topic of creating unpaved roadways through the subdivision process. With the new Class VI road procedure, building permits may be issued to lots of record on unpaved Class VI roads. This may give other property owners the idea that if they subdivide a few lots that they may be able to do a dirt road since other homes in town would be allowed to be built on dirt roads. We have the authority to allow that through the subdivision waiver process, so we may see a request to allow that.

Vice Chairman Bourque stated that he would not be in favor of approving dirt roads in new subdivisions. I would not want to waive any roadway standards because if we do it for a small subdivision, then a developer with a 50-lot subdivision would expect the same. I don't want to set a precedent for that.

Selectmen's Rep. Frederickson asked what the difference would be between a dirt road and a shared driveway. Chairman Seaworth clarified that the roadway is needed to create lot frontage. Chairman Seaworth also asked about a scenario where the Board might approve the subdivision and condition that the road be paved at a later date, but be worried that once a Certificate of Occupancy was issued that it would be difficult to enforce. Vice Chairman Bourque stated that he would not want to see the roadway paved after the houses were occupied. There would be no guarantee that the work would be completed. Chairman Seaworth stated that he can empathize with a homeowner that wants to subdivide lots for family members, but it's probably not the right thing to waive the roadway standards to that extent.

4. Planner Items – Planner Cronin had a meeting with Regional Planning. They are beginning to work on the build out scenarios for the Range Road Planning project. Regional Planning will do a detailed buildout at the connections on Third and Fourth

Range Roads, taking into account wetlands, topography, and lot configuration. They will do a more general buildout scenario for the upper range roads based on lot size. Planner Cronin also had a Zoom meeting on updates to the FEMA maps. US Geological hosted a meeting with Hillsborough and Merrimack Counties. The new FEMA Maps propose changes to the floodplain areas based on new studies. They did studies on the Suncook and Soucook Rivers looking at aerials, topography, hydrology, and any new bridges, dams, or culverts since the last update. Once they certify the flood map, the town has a responsibility to update our Floodplain Ordinance and Zoning Map to reflect the changes. We will likely make those changes at the 2024 Town Meeting.

5. Board Member Items – Vice Chairman Bourque suggested inviting the Zoning Board to a joint workshop when we start working on new zoning amendments. They should have the opportunity to tell us if they have any issues or suggestions. We could do a meeting with them at an August or September Workshop, whenever we start to review zoning amendments. Vice Chairman Bourque also noted that when we review applications, the Board needs to make sure important details of the plan end up in the conditions of approval. He has seen applicants say they will do one thing and then do another when the conditions don't reflect what they promised. We need to make sure that the conditions of approval capture everything the developer intends to do.
6. Audience Items - none

**MOTION:** Member Hanson moved to adjourn the meeting. Seconded by Selectmen's Rep Frederickson.

Without objection the meeting was adjourned at 7:51 p.m.

Respectfully submitted, Carolyn Cronin, Town Planner