

**Pembroke Planning Board
Meeting Minutes
(ADOPTED)
June 11, 2019**

MEMBERS PRESENT: Alan Topliff, Vice Chairman; Robert Bourque; Clint Hanson; Selectman's Rep. Ann Bond; Dan Crean

ALTERNATES PRESENT:

EXCUSED: Brian Seaworth, Chairman; Kathy Cruson; Brent Edmonds

STAFF PRESENT: David Jodoin, Town Administrator; Carolyn Cronin, Town Planner; Jocelyn Carlucci, Recording Secretary

GUEST: Joanne Cassulo, Central NH Regional Planning Commission (CNHRPC)

Vice Chairman Topliff called the meeting to order at 7:00 pm. Alternate Member Crean agreed to vote in place of Member Cruson.

1. Master Plan Discussion with Joanne Cassulo, Central NH Regional Planning Commission
 - a. Transportation

Ms. Cronin said that, after the last meeting, three minor changes were made by Craig Tufts of CNHRPC:

1. Page 7.14 – the following language was added about the sidewalk continuity on Route 3.

There is a continuous sidewalk on the east side of Pembroke Street from Beacon Hill Road south to the Allenstown line, with almost no sidewalk on the west side of the street. The lack of sidewalk on the west side of the street is particularly problematic when combined with long distances between crosswalks. In fact, along the nearly four miles of sidewalk on the east side of Pembroke Street, there are only two marked crosswalks; one at Pembroke Hill Road/Bow Street and the other at Broadway. This sharply limits safe pedestrian access to businesses, homes, and neighborhoods on the west side of the street.

2. Page 7.16 – Objective 2 (first note) was changed as follows:

→ Conduct a Route 3 Pembroke Street Corridor Study as soon as possibly feasible to develop a community vision for Pembroke Street using a “complete Streets” approach as described on p. 7.4. Tie in findings with economic development initiatives.

3. Mr. Tufts also made a small revision to the sidewalk map which Ms. Cronin will ask Mr. Tufts to clarify.

Vice Chairman Topliff said that, in his opinion, an alternate North and South commuting route to Pembroke Street is a high priority. He said that perhaps Mr. Tardiff of CNHRPC could take the lead if funding became available.

Ms. Cronin said that Mr. Tardiff spoke at length about the State's 10-year plan and if any Town projects were added to the 10-year plan, it would open funding opportunities through the State and other funding resources.

Ms. Cronin said that CNHRPC has engineering services that the Town could possibly use. She said that the engineering does not need to be completed in order to be included in the 10-year plan.

b. Natural Resources Chapter

Ms. Cronin said that the appendix consists of the Natural Resource Inventory which was done a few years ago by the Pembroke Conservation Commission. It laid the groundwork for adding data into the plan.

The chapter and the goals and objectives address issues such as open space network, trail planning, and range roads.

Ms. Cassulo said that when Rick Van de Poll finished the 2017 Natural Resource Inventory (NRI), the Commission also asked Mr. Van de Poll to draft a new natural resource chapter. The new chapter never came forward to the Planning Board for adoption but the Commission formally accepted it.

She said that the 2017 Inventory and the new chapter were both used for the Master Plan chapter. The chapter that the Commission worked on with Mr. Van de Poll was very long so the challenge was to narrow it down to fit in with the other Master Plan chapters.

Ms. Cassulo said that the biggest challenges and opportunities (Master Plan page 8.4) lists stewardship of natural resources (i.e. caretaking and monitoring of land and easements).

She also said that the NRI can help to "connect the dots" with an acquisition strategy and by prioritizing land acquisitions. Mr. Van de Poll considered the range roads as fragmenting many of the natural resources.

The Master Plan also touches on invasive species, stormwater management, and water quality.

Member Bourque pointed out that Page 8.9, Objective 2 uses the term "cluster development". Since Pembroke no longer uses that term, it was agreed that the term should be changed to "open space".

Vice Chairman Topliff asked where the Board of Selectmen stand on the use of range roads for off-road vehicles.

Selectmen's Rep. Bond said that a group of ATV users came to a Board of Selectmen meeting but have not returned. The range roads are presently being used by ATV users.

Ms. Cassulo said that ATVs are a detriment to the environment. Controlling them is a struggle for towns and individual land owners. The only suggestion she had was to spend time educating the public.

Mr. Cronin said that the Master Plan addresses these issues beginning on Page 7 and 8.

Mr. Tufts recommended a Class A Trail designation of the range roads.

Ms. Cassulo said that the difference between a Class A Trail and Class 6 road designation is passive recreation rather than motorized vehicle use.

Member Crean said that the difference is what class of vehicles is allowed to use the road.

With regard to the acquisition of open space/conservation land, Member Crean recommended that the Commission and Board of Selectmen work together to create a plan and list of criteria to look at to guide them in their land purchase decisions.

c. Community Heritage & Sense of Place Chapter

Ms. Cassulo said that she calls this "Jim Garvin's chapter" because of his dedication, expertise, and because he was the driving force behind the chapter. Originally the chapter was called "Natural and Cultural Resources," but they soon found that putting them together was a disservice to Cultural Resources. The intent was to make a point that it is not only an inventory of cultural resources, but the importance of how cultural resources create our community heritage and sense of place, which is very important. They then separated Natural Resources from Cultural Resources.

Beginning on page 13 of the chapter, there are photos taken by Mr. Garvin of some of the architecture in town.

The most important recommendation by Mr. Garvin was to create a heritage commission. Ms. Cassulo said that it would need a champion to get it started along with volunteers.

Ms. Cassulo said that there is one map in this chapter which will be included as soon as Mr. Garvin has verified the accuracy of the historical marker locations, and other cultural features identified.

Ms. Cassulo said that there are 8 natural resource maps which Ms. Cronin will be attaching to the chapter and will also bring to the next meeting.

With regard to the Energy Chapter, it has been drafted and is awaiting review by Selectmen's Rep. Bond, Member Bourque, member Hanson, and Alternate Member Crean.

The Board thanked Ms. Cassulo for her hard work. She left the meeting at 7:45 pm.

Member Hanson said that he will give Ms. Cronin the energy audits that were prepared for the school buildings to be used as a template for the Energy Chapter.

Old Business

2. Discussion of Delayed Zoning Amendments

a. Corner Clearance

Ms. Cronin said that Dana Pendergast, the Code Enforcement Officer, felt that it would be helpful for him if he had some kind of regulation to fall back on if there was an issue with a structure/vegetation that was blocking sight distance at an intersection.

The printouts showed aerial map photos of town locations where there might be line of sight issues. The Board discussed corner clearance sizes - 25 ft. vs. 15 ft.

Alternate Member Crean said that vegetation growth is a hazard but suggested that the Board begin with public education before creating a separate ordinance. Possibly publicize the fact that vegetation can be a transportation hazard and see if land owners will make necessary changes.

Member Bourque said that the Code Enforcement Officer needs this tool now and was not in favor of waiting. He also said that he is in favor of 15 ft. on either side of a corner vs. 25 ft.

He asked how the Board would handle fences that are placed to the corner of a road.

Member Bourque said that the Town also has snow piles that are at the street corners which are also a traffic hazard. If something is going to be done with a 15 ft. regulation for obstruction of view, the Town should also not pile snow on street corners.

Ms. Cronin said that if vegetation is in the Town's right-of-way, the Department of Public Work's has the right to remove it if it interferes with maintenance.

Mr. Jodoin said that since every road is different, the Town gauges the right-of-way based on the location of the utility poles. Historically they have used poles for right-of-way easements.

Vice Chairman Topliff said that, in his opinion, the Planning Board would have jurisdiction over new developments and could make the 15 ft. rule a requirement of the project. From the standpoint of an existing property, it seems that it would fall under the jurisdiction of the Board of Selectmen.

Alternate Member Crean said that the Planning Board has the authority to propose amendments to the Zoning Ordinance. It is the Board's purview to review new proposals and to make recommendations for changes in the zoning regulations.

The consensus of the Board was to accept the 15 ft. corner clearance.

Ms. Cronin said that she would look at language from other towns.

b. Unsafe Structures

Vice Chairman Topliff said that the Board determined that there needs to be a limitation on how long it takes to take action on removing an unsafe structure.

Member Bourque said that every insurance circumstance is different. It took his neighbor 24 months to settle with an insurance company after a fire at their home.

Alternate Member Crean said that RSA 155-B, Hazardous and Dilapidated Buildings is a powerful statute. He said that there is a process to using it but ultimately the Town could tear the building down and get its costs reimbursed. It does not have to be a zoning regulation.

Ms. Cronin said that she would share this information with Mr. Pendergast.

She said that the zoning language drafted by Mr. Pendergast states that if there was a natural disaster or a house fire, the regulation would give him the authority to tell the owner to remove or repair the structure within one year. If it is not commenced within the one year period, it would be a zoning violation. Language could be added to allow the Code Enforcement Officer the discretion of allowing more time if needed.

Vice Chairman Topliff said that he would like to carefully review RSA 155-B. If it accomplishes everything that Mr. Pendergast wants without adding language to the Town's ordinance, he would prefer that.

c. Commercial Greenhouse

Vice Chairman Topliff said that greenhouses are allowed in every zone but not commercial greenhouses. He said that minor or major home business provides an opportunity for someone to do minimal business on their property from a greenhouse. In his opinion, unless it is a C1 zone, an operation like Nicole's Greenhouse does not belong on any street other than in a C1 zone.

As a recap, Ms. Cronin said that one of the zoning proposals has to do with permitted uses. In the Table of Uses there is a term called "commercial agricultural uses" which refers to "agricultural, horticulture, floricultural, and agricultural retail outlets, except commercial greenhouses". A separate use is "commercial greenhouse". She said that the Town considers a commercial greenhouse as something separate from commercial agricultural/horticultural uses. They each have different standards. A commercial agricultural operation is permitted in any zone except for the Village. A commercial greenhouse is permitted by special exception in certain zones.

The definition for commercial greenhouse is: A structure in which plants, vegetables, flowers, and similar materials are grown for retail or wholesale/distribution.

The topic came about because someone wanted this use in a zone that allowed the classification of “agricultural commercial”. If the business is called a commercial greenhouse, it requires a special exception.

Ms. Cronin went on to say that the State commercial agricultural definition includes greenhouses which is in conflict with the Town’s zoning. Legal counsel recommended striking “commercial greenhouse” since it conflicts with the commercial agricultural use. The result would be that all commercial agriculture would be covered under the same use. By doing so, the previous special exception use would be permitted.

She explained that the Planning Board has been discussing the difference between commercial greenhouse and commercial agriculture and how is it regulated.

Member Hanson said that commercial agriculture would not be growing in the winter and would be growing outside. A commercial greenhouse would be growing all year long. He said that it comes down to a building.

Vice Chairman Topliff said that they have to be careful with allowing activities in residential zones.

Alternate Member Crean said that the difference is the affect on neighboring properties -- the size and scope of the operation. The solution would be to add dimensional requirements to determine the difference between a commercial greenhouse and other types of activities.

Vice Chairman Topliff said that it is possible to have something small and still have traffic all year long. Minor and major home business addresses size and traffic.

Member Bourque pointed out the example of N. E. Flower Farm which is a commercial operation. It is not a retail agricultural outlet.

Vice Chairman Topliff said that he does not want a commercial greenhouse in a part of town that is a residential area.

He also said that he totally disagrees with Town Counsel. He asked Ms. Cronin to begin researching the RSAs on agricultural operations and see what leeway is still allowed outside of the RSAs.

Vice Chairman Topliff said that minor and major home business addresses traffic and retail. It is a tool in place to allow for that activity on a limited basis.

3. Discussion of Dead-end Street Design

Selectmen’s Rep. Bond said that the Master Plan says that we should not have all dead-end streets leading onto one main road.

Vice Chairman Topliff said that the Police Chief did not comment on this topic.

Member Bourque suggested limiting the number of homes on a street before requiring the street to loop back to a Class 5 road which would provide a second exit from the development.

Member Hanson said that the biggest difficulty was for school buses that had to turn around at the end of a dead-end road. No matter how many houses are on a road, there must be a way to turn the busses around safely.

A cul-de-sac is better than a hammerhead because school buses would not have to back up blindly.

Vice Chairman Topliff suggested asking the Police Chief's opinion on the subject. He also asked the Board to send their ideas to Ms. Cronin for future discussions.

The consensus of the Board was to place the Revised Planning Board Application Forms onto a future agenda.

New Business

4. Meeting time – Discuss possibility of 6:30 pm start time.

The consensus of the Board was to begin future meetings at 6:30 pm.

Since some members were absent, it was suggested that this topic be tabled to the next meeting.

Minutes:

May 28, 2019

MOTION: SELECTMEN'S REP. BOND MOVED TO ACCEPT THE MAY 28, 2019 MINUTES AS AMENDED. SECONDED BY MEMBER BOURQUE. UNANIMOUSLY APPROVED.

Miscellaneous

1. Correspondence

Ms. Cronin said that CNHRPC is attempting to draft guidelines for dealing with developments of regional impact. Mike Tardiff said that the Developments of Regional Impact Guidelines, which were forwarded to all Board members, would be considered for approval on June 13, 2019. He asked if the Board could submit their comments.

2. Committee Reports

Board of Selectmen: Selectmen's Rep. Bond said that a special meeting would be held with the Sewer Commission regarding the 4 Union Street building.

Representatives of the Traildogs spoke with the Selectmen about an issue on Thompson Road. The issue was repaired and will be inspected by one of the Selectmen.

A site walk at the San Ken Homes property will be held on June 15, 2019 at 10 a.m. A public meeting will be on Monday, June 17, 2019 for questions and answers.

3. Other Business

MOTION: Member Bourque moved to notify the Board of Selectmen in accordance with RSA 41:14-a that the Pembroke Planning Board is not interested in 4 and 6 Union Street. Seconded by Member Hanson.

VOTE: A. Topliff – Y R. Bourque – Y C. Hanson – Y
 D. Crean – Y Bond – Abstained

MOTION TO NOTIFY THE BOARD OF SELECTMEN IN ACCORDANCE WITH RSA 41:14-A THAT THE PEMBROKE PLANNING BOARD IS NOT INTERESTED IN 4 AND 6 UNION STREET PASSED WITH ONE ABSTENTION.

4. Planner Items

Ms. Cronin said that the CNHRPC is having a trails meeting in Epsom next Tuesday, June 18, 2019. It is open to the public.

Soake Pools will soon receive their occupancy permit.

MOTION: Member Bourque moved to adjourn the meeting. Seconded by Member Hanson. Unanimously approved.

The meeting was adjourned at 9:10 p.m.

Respectfully submitted,
Jocelyn Carlucci, Recording Secretary