

**Pembroke Planning Board
Meeting Minutes
(Approved November 23, 2021)
November 9, 2021**

MEMBERS PRESENT: Brian Seaworth, Chairman; Robert Bourque, Vice Chairman; Kathy Cruson, Brent Edmonds, Kevin Foss, Peter Gagy, Selectman's Rep.; Clint Hanson

ALTERNATES PRESENT:

MEMBERS EXCUSED:

STAFF PRESENT: Carolyn Cronin, Town Planner; Susan Gifford Recording Secretary

Chairman Seaworth called the meeting to order at 6:30 pm. Seven members were present.

Old Business

1. Proposed Zoning Changes for 2022 –

Planner Cronin provided a copy of an extensive email chain between the building inspector, Fire Department and herself on the authority to remedy unsafe structures. Rob Farley sent the State RSAs and suggested citing the RSAs for Board of Selectmen and Fire Department authority over unsafe structures. State Fire Marshall and Fire Department deal with hazardous and life safety issues and have authority over the building only. The Fire Department cannot order a fence. The Board of Selectmen and Code Enforcement Officer may order measures taken on the building or property. This may involve a court order if the property owner is in non-compliance.

Vice Chairman Bourque asked why Nadine Road was not open yet. Chairman Seaworth reported that at Roads Committee, Pembroke DPW was agreeable to removing the barrels and opening the road if a speed limit sign was posted. The acceptance of Nadine Road as a town road is on the Board of Selectmen agenda November 17, 2021. Selectmen's Rep Gagy asked if the authority over unsafe structures was mostly for property in the village area where the population is dense and there are people walking past. Planner Cronin said it was for all areas, but would likely come into play in those denser neighborhoods depending on the specifics.

Planner Cronin presented the suggested language for the two proposed 2022 zoning changes:

A property owner or lessee may accommodate one recreational vehicle of a nonpaying guest for a period not in excess of 60 days in any one year; and, In cases of extenuating circumstances, the Code Enforcement Officer, upon request, may increase the 60-day time limit at his/her discretion.

The purpose of Amendment #1 is to grant the Code Enforcement Officer the authority to extend time limits on temporary occupancy of recreational vehicles under extenuating circumstances.

E. If any structure or a portion of any structure in any zoning district is deemed unsafe due to fire, natural disaster, or other means of ruin, the Code Enforcement Officer shall require that the

owner ~~shall within one (1) year~~ commence removal or refilling the same to clear ground level or shall initiate repair of, or replacement of the structure **within one (1) year. This provision does not nullify the Board of Selectmen's authority to order a remedy pursuant to RSA 155-B or the Fire Chief's authority to order a remedy pursuant to RSA 153-14.**

The purpose of Amendment #2 is to add a provision to address unsafe or condemned structures that pose health and safety concerns.

Planner Cronin explained that a public hearing for the two proposed zoning amendments would be scheduled for the work session of January 11, 2022 once the language is finalized.

MOTION: Vice Chairman Bourque moved to send proposed amendment #1 regarding time limit on temporary occupancy of recreational vehicles to public hearing on January 11, 2022. Member Hanson seconded.

VOTE: B. Seaworth – Y P. Gagyi - Y C. Hanson- Y
B. Edmonds - Y R. Bourque – Y K. Foss-Y
K. Cruson - Y

MOTION TO SEND PROPOSED ZONING AMENDMENT #1 TO PUBLIC HEARING ON JANUARY 11, 2022 PASSED ON A 7-0 VOTE.

MOTION: Vice Chairman Bourque moved to send proposed amendment #2 regarding unsafe structures to public hearing on January 11, 2022. Member Hanson seconded.

VOTE: B. Seaworth – Y P. Gagyi - Y C. Hanson- Y
B. Edmonds - Y R. Bourque – Y K. Foss-Y
K. Cruson - Y

MOTION TO SEND PROPOSED ZONING AMENDMENT #2 TO PUBLIC HEARING ON JANUARY 11, 2022 PASSED ON A 7-0 VOTE.

2. Subdivision Regulations Update –

Planner Cronin provided updated language incorporating the second round of comments from legal counsel. Planner Cronin recapped the discussions for Selectman Peter Gagyi. Subdivision regulations dictate the requirements to create new lots. Most of the suggested changes are intended to update practices of the Planning Board and make administrative and design changes. The Planning Board has the authority to make recommendations for changes to the Subdivision Regulations. The board can hold a public hearing on the proposed changes at any time and adopted changes to will go into effect immediately following the hearing. Planner Cronin provided copies of the November 2nd legal review of proposed changes from Town Counsel, Laura Spector-Morgan. Discussion will occur to finalize the language for these eight items, if possible.

Page 12. Chairman Seaworth noted that Laura's comments are general, and this is regarding an extremely specific Board of Selectmen procedure to open a Class VI range road. This action can be a lengthy process. Applicants cannot submit plans to the Planning Board until a Board of Selectmen decision is made if a range road opening is requested. The Board of Selectmen decision to accept subdivision roads as town roads works fine. Planner Cronin proposed to keep "approve a Class V Road laid out over a Class VI Road" in the language. Vice Chairman Bourque noted that requiring the applicant to go to the Board of Selectmen first to request to open a Class VI Road prevents the Planning Board from wasting time. It also saves the applicant

engineering time and costs, and town staff time and costs. The process is specific to range roads. Chairman Seaworth noted this will continue to be a question in the future. Vice Chairman Bourque said the language for the proposed change is clearer and more organized.

Page 16, Planner Cronin said the intent is for the Planning Board to approve requests for extension of conditional approval in one-year increments, or up to one year. The Board shall not grant extensions for more than one year at a time. Vice Chairman Bourque stated I still think there should be a maximum limit on total extensions granted. Member Cruson agreed. Chairman Seaworth noted I expect that concern will be brought up at public hearing. Consensus is that Laura's language is an improvement.

Page 21, Planner Cronin noted that when designing new lots, the driveway for that house is required to be located on that lot. The regulation does not specify that the driveway needs to be on the frontage of the lot. Member Cruson asked if the board cares if the driveway starts on the frontage, as it must exit on a town road. Vice Chairman Bourque noted that with fifty feet on the back side of the property, an owner could locate a driveway in the back. Planner Cronin clarified that driveways must conform to town driveway permit regulations. What if a town road is in front, and a range road is behind the lot? What if the second road is a town road in another town? Planner Cronin said that "on the same lot" is key. Chairman Seaworth noted this is for new lots being created. Consensus is the board likes Laura's improvement to the language.

Page 27, Planner Cronin noted the intent is for new street layout. The word "proposed" could refer to a future phase of a neighboring development. Laura is suggesting we remove "proposed" and add a new sentence addressing "possible future rights of ways". Chairman Seaworth stated the phrase, "The planning board may, in its discretion, require applicants to provide connections with possible future rights of ways or developments" covers all past discussion.

Page 33, Planner Cronin noted the intent is to clarify the sidewalk provision within the R3 zone and within one mile of a school. Does the board want to add a clarifying sentence and incorporate it in the chart? What are thoughts on reformatting or wording? Member Edmonds stated we should define school as public not private. Chairman Seaworth stated we need to define school as the property, not the building. Vice Chairman Bourque stated the mile is measured from the closest edge of the school property to the closest edge of the subdivision. Member Hanson said "public school" is defined by the State of NH. Charter schools are public schools. Chairman Seaworth noted we could use the term "district schools." Planner Cronin noted that Safe Routes to School may have a definition of school. Member Hanson noted the town applied for funds from Safe Routes to School and used them for schools within the Pembroke School District. Planner Cronin will make the appropriate language changes in a numbered section and sub section. In the table format, all the information is abbreviated.

Chairman Seaworth noted that if sidewalks are not required for a proposal, people have trouble with the table and chart. Planner Cronin added we also have a chart for curbing. Member Edmonds said I am not familiar with the chart on curbing, but many consultants use sloped curbing against sidewalks. There should always be vertical granite curbing against sidewalk. The town should not allow sloped curb on sidewalks as it can be dangerous for pedestrians. Chairman Seaworth noted there is an environmental conflict in areas where threatened species live. NH Fish and Game prefer sloped curbing. Curbing is required for drainage and wetland

protection, not just on sidewalks. Member Edmonds said safety trumps environmental issues most of the time. Chairman Seaworth noted an applicant can put sloped granite curb in specific situations. Vice Chairman Bourque stated vertical curb is better for snow plowing. Planner Cronin summarized that “at Planning Board discretion, working with Fish and Game” should be in the language. Vice Chairman Bourque would like the regulation to specify vertical granite curb is the standard requirement. Member Hanson would add other curbing may be approved at the discretion of the Planning Board. Chairman Seaworth noted the Planning Board can always approve a waiver, if requested in writing. Planner Cronin proposed taking out “as approved by the Planning Board,” and keep in vertical granite curb and remove “precast concrete.”

Chairman Seaworth noted that when designing drainage, the engineer may require curbing on both sides. The Planning Board often waives the requirement for sidewalks on both sides of the road. Member Edmonds noted that there is a new product called extruded concrete curbing. It is used in commercial developments around islands, usually at malls. It is glued to pavement and is proving to be exceptionally durable. You can view this type of curbing at Dicks Sporting Goods/Pet Smart mall off Loudon Road in Concord, NH. Planner Cronin will reword this section for further review.

Pages 45 and 51, Planner Cronin noted that maintenance of roads constructed, but not yet accepted, are the responsibility of the property owner or Homeowner Association if there is one in place. Page 51, under Waivers, use RSA language.

Page 10, DRI time limit – Refer to NH RSA.

Page 26, Planner Cronin found language that encourages use of shared driveways. She will strike that sentence, as it is now contrary to the ordinance.

Chairman Seaworth asked the board to think about how the sentence on page 26 got into the ordinance. Member Cruson noted that Route 3 is a major arterial road, where a State driveway permit is required. Applicants can request Planning Board waiver if the State requires a shared driveway entrance. Vice Chairman Bourque noted there are several existing shared driveways on Academy Road, which is also State controlled. Planner Cronin will make the edit to page 26.

Page 30, defining the measurement of the six hundred feet limit for cul de sac. Planner Cronin noted that this maximum number was based on Pembroke Fire Department information that fire trucks usually carry 1,000 linear feet of hose. Factors are the length of the road, kinks in the hose and whether the hose can reach the curve of the cul de sac. Clarification will be that six hundred feet is measured linear form the intersection to the farthest edge of the cul de sac. Member Foss asked what about the presence of cisterns or fire hydrants? Planner Cronin agreed that the length of cul de sac is situational if the homes are sprinklered or there is a water source on site. Chairman Seaworth noted that by having a hard limit on length of cul de sac in the regulations, the applicant needs to work out the details with the Fire Chief. The Planning Board can grant a waiver if necessary. Part of the discussion for length of cul de sac is how far from the intersection the road is impassable with one emergency vehicle responding to a call.

Member Cruson spoke of an event she observed on Whittemore Road this weekend. Whittemore Road was closed due to an emergency further down (gas leak). Residents could not get in or out. Nadine Road is not open, but people drove around the barrels. Vice Chairman Bourque noted that another emergency would not allow an ambulance to enter. Chairman Seaworth noted

that at Roads Committee meeting, DPW indicated that if a speed limit sign were posted on Nadine Road, DPW could remove the barrels. Member Cruson's example shows the problem with barrels and the need for through roads. The town engineer inspected Nadine Road today and provided his report for consideration of road acceptance at the Board of Selectmen meeting. More awareness of public safety issues is needed. Member Hanson said safety issues need to be part of the overall road design. Planner Cronin will work on language to define the measuring points of cul de sac length.

Chairman Seaworth noted that the revised Subdivision Regulations may be ready for public hearing on January 11, 2022 along with proposed zoning amendments. Town meeting approval is not needed for subdivision regulations. It may be difficult for Planner Cronin to finalize language in time for review at the November 23, 2021 Planning Board meeting. December is a combined work session and business meeting. Vice Chairman Bourque noted that the Planning Board could discuss a shortened list of subdivision regulation changes at either meeting. However, changes to the Subdivision Regulations should not be rushed as they can go to public hearing any time.

Planner Cronin provided a list of items that have been shelved for further discussion over the last couple of years. She asked, how do we keep these items and long-term goals on our radar without losing them? At one point, we were keeping them at the end of the meeting agenda. The list grew and the items never made it to open discussion at a meeting. With a dedicated list and archive of information items, the items on the list may be pulled back out as needed.

Member Foss asked what was Pembroke Meadows? Planner Cronin explained that it was a residential proposal on the property across from Pembroke Academy. Two hundred units of housing were proposed, with an exit located at the lights on Route 3. Chairman Seaworth noted that there had been discussion of rezoning that area to allow mixed uses with limited housing and some commercial or retail use. There would be less traffic impact and the area would be an extension of the village with mixed uses to benefit residents. Chairman Seaworth agreed that some of the items do stay on the list for a long time. Town zoning should encourage solutions.

Minutes

October 26, 2021

MOTION: Vice Chairman Bourque moved to approve the minutes of October 26, 2021, as presented. Member Foss seconded.

VOTE:

B. Seaworth – Y	P. Gagy – Y	C. Hanson- Y
B. Edmonds - Y	R. Bourque – Y	K. Foss-Y
K. Cruson - Y		

MOTION TO APPROVE MINUTES OF OCTOBER 26, 2021, AS PRESENTED PASSED ON A 7-0 VOTE.

Miscellaneous

1. Correspondence – Laura email on Sign Ordinance – Planner Cronin reported that Laura clarified sign ordinance severability with pieces not in compliance. Her assessment was that temporary signs would be problematic. This email will be placed on the information item list for future reference when needed.

Stan email on Chichester Open Space- Planner Cronin reported that the Chichester Planning Board recently adopted an open space ordinance. CNHRPC helped draft their ordinance. The Town of Chichester has not tested the ordinance yet in practice. This item will be placed on the information item list for future reference when needed.

2. Committee Reports – Conservation Commission – Member Foss reported Conservation Commission met last night. Discussion focused on the proposed conservation land around the golf course. The proposal land is two hundred feet wide and very long. The Conservation Commission would like the acreage reshaped. Chairman Seaworth noted that the Conservation Commission is best qualified to provide guidance on wetland buffers. Member Cruson agreed their knowledge would be highly informative. Chairman Seaworth would like to receive written opinions from the Commission, either as an individual, or to carry more weight, from the Chair of the Conservation Commission. Conservation Commission narrative with reasons contained in TRC reviews is also welcome. Vice Chairman Bourque agreed that written testimony becomes part of a permanent record and can be referenced in the future as needed.

Central NH Regional Planning Committee- Member Cruson reported that results of a residential rental survey were discussed at CNHRPC meeting. The survey was sent to 25,000 recipients. Average rental cost in New Hampshire is \$1500 per month for a 2-bedroom unit. Vacancy rate in NH is 0.5% where 5% is considered a balanced rate. Building permits are slightly up from 2019. Commuting was also discussed. Commutesmartnh.org provides a link to other New England states to arrange ride sharing. Enterprise runs van pools to Boston, MA. The median house price in NH is currently \$319,000. The topic for the next meeting is cluster development and shared wealth.

Roads Commission – Chairman Seaworth reported that Roads met last week. The last of this year's projects is Hillcrest off Broadway. The contractor is working in another part of the state and cannot confirm whether the project will be completed this year. The town may need to extend this contract. Residential complaints of water damage at the middle of the road put this road as High Priority in past years. No work is planned at the top of the road.

Board of Selectmen – Peter Gagy, Selectmen's Rep, reported that the First Congregational Church cancelled their discussion with the board regarding easements. The Police Chief wants to add wording the signs on Class VI roads that will help them enforce laws. This matter was referred to legal counsel. It was noted that NH Fish and Game has some good sign language. One officer was promoted, and the police are down two officers. The board met with David Jodoin regarding the tax rate. Tax bills will be going out soon. The tax rate is anticipated to be somewhat less than last year.

Technical Review Committee – Vice Chairman Bourque noted that TRC was held this morning. Two cases were reviewed for John's Wrecker. One was for a change of use from warehouse to manufacturing, and the other was from auto service to retail. A pre-construction meeting was held for Pembroke Pines club house. The owner would like to pour the foundation before the ground freezes.

3. Other Business - none

4. Planner Items – Planner Cronin reported that December is a combined workshop and business meeting. There is only one applicant on the November 23, 2021 business meeting, so review of subdivision regulations can be placed on the November 23, 2021 meeting.
5. Board Member Items – Member Hanson noted that the former PACE building is still for sale. Two interested parties are a commercial company from Toronto (taxable) and the National Guard (non-taxable). If commitment to a sale is not obtained by December 31, 2021, the principal mortgage holder will foreclose and send the property to auction.
6. Audience Items – none

MOTION: Vice Chairman Bourque moved to adjourn the meeting. Seconded by Member Foss.

Without objection the meeting was adjourned at 8:55 p.m.

Respectfully submitted, Susan Gifford, Recording Secretary