

Pembroke Planning Board
Meeting Minutes
January 11, 2022
(Approved January 25, 2022)

MEMBERS PRESENT: Robert Bourque, Vice Chairman; Brent Edmonds, Clint Hanson, Kathy Cruson

ALTERNATES PRESENT:

MEMBERS EXCUSED: Brian Seaworth, Chairman; Kevin Foss, Peter Gagyi, Selectman's Rep.

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

Vice Chairman Bourque called the meeting to order at 7:02 pm. Four members were present. Meeting was delayed by lack of four members to make quorum.

Public Hearings

1. First Public Hearing on Proposed Zoning Amendments for 2022 Town Meeting

Planner Cronin explained the January 17, 2022 is the last day for the first public hearing on proposed Zoning Amendments. January 31, 2022 is the last day for a second public hearing on zoning amendments.

Vice Chairman Bourque opened the public hearing on proposed zoning amendment number 1 at 7:03 p.m. He read the full text of the amendment.

Amendment #1

Are you in favor of the adoption of Amendment #1, as proposed by the Planning Board, for the Pembroke Zoning Ordinance to amend §143-31.B., Recreational Vehicle to grant the Code Enforcement Officer the authority to, upon request, extend the 60-day time limit on a guest occupying a recreational vehicle at a private property in cases of extenuating circumstances.

Member Edmonds clarified that the extension would be considered on a case by case basis. Vice Chairman Bourque stated correct. An example would be a house destroyed in a fire taking two years to reach a final settlement. Another option would be to seek a variance, but a variance would stay with the property if granted.

James Quinzani, 6th Range Road, stated he thought that two years was the time limit a recreational vehicle could be occupied on a property.

There being no further comment, Vice Chairman Bourque closed the public hearing at 7:05 p.m.

MOTION: Member Hanson moved to send proposed zoning amendment #1 to Town Meeting March 2022. Member Edmonds seconded.

VOTE: K. Cruson - Y C. Hanson- Y
B. Edmonds - Y R. Bourque – Y

MOTION TO SEND PROPOSED ZONING AMENDMENT TO TOWN MEETING PASSED ON A 4-0 VOTE.

Vice Chairman Bourque opened the public hearing on proposed zoning amendment number 2 at 7:08 p.m. He read the full text of the amendment.

Amendment #2

Are you in favor of the adoption of Amendment #2, as proposed by the Planning Board, for the Pembroke Zoning Ordinance to amend §143-122, Permit Required, to add a provision that grants the Code Enforcement Officer the authority to require an owner remedy an unsafe structure, as a result of fire, natural disaster, or other means of ruin, with one year in order to address unsafe structures that pose a health and safety concern.

James Quinzani, 6th Range Road, stated that he has compiled years of research on the vacant structure in front of his home. That structure should not have been rebuilt after a fire. The situation does not seem to fall under any specific NH RSA. I have information that the empty septic system was supposed to be removed. I have a photo of a rat shot by my wife with a pellet gun that I sent to the State. I lived in that structure years ago. My mother should never have built the house there as it sits on the watershed.

Vice Chairman Bourque asked James Quinzani if he discussed the structure with the Code Enforcement Officer. James Quinzani stated that an attorney, Amy Manzelli, started a case that has not gone to court. A stream flows under the house. Vice Chairman Bourque stated that the Planning Board has no control over unsafe structures. The Code Enforcement Officer can enforce the issue and order the structure torn down, repaired, or removed. Have you talked to the State Health Department about infestation? James Quinzani said he had not. No one lives in the house now, but it is an unsafe structure. Vice Chairman Bourque noted that this proposed amendment will be voted on at Town Meeting. He advised James Quinzani to talk to Paul Bacon, Code Enforcement Officer, to obtain guidance on an entity in the State Health Department that may be able to help. Member Cruson asked if James Quinzani had talked to Doc Greco, Pembroke Health Officer. He had not but will call Town Hall tomorrow.

There being no further comment, Vice Chairman Bourque closed the public hearing at 7:20 p.m.

MOTION: Member Hanson moved to send proposed zoning amendment #2 to Town Meeting March 2022. Member Edmonds seconded.

VOTE: K. Cruson - Y C. Hanson- Y
B. Edmonds - Y R. Bourque – Y

MOTION TO SEND PROPOSED ZONING AMENDMENT TO TOWN MEETING PASSED ON A 4-0 VOTE.

2. Amendments to Subdivision Review Regulations

To amend Chapter 205, Town of Pembroke Subdivision of Land Regulations to make updates to reflect changes in Town ordinances and State statutes, to update outdated

language to reflect current practices, to provide clarification on ambiguous language, and to make grammatical corrections.

Vice Chairman Bourque suggested going through the proposed changes in page order, one by one, and stopping for discussion where needed. All members agreed.

Page 6, temporary dead end road definition. Page 9 and 10, make the Development of Regional Impact process consistent with State practice. Page 12, number of days for submittal deadline changed from 30 to 21. Page 12, subdivision plans that rely on a Class VI to Class V approval, shall secure that approval prior to submitting to Planning Board. Page 16, extension of written approval for extenuating circumstances. Page 21, driveway must be located on the lot it serves. Page 26, remove reference to 'shared driveways'.

Planner Cronin stated this is to discourage development off primary or secondary arterial roads. Primary and secondary arterial roads move through traffic to other towns and cities. Member Cruson noted that for example, a driveway access could be made off Cross Road. Member Hanson asked if the language needs to be there if the town does not have authority to approve access on primary and secondary arterial roads that require State driveway permits. Vice Chairman Bourque asked if the section could be rewritten. Member Cruson suggested leaving as is for now and revisiting the section another year. Page 27, street layout, curves shall be avoided and cul de sacs discouraged. At least two entrances/exits are recommended in development design. Page 27, permanent efficient drainage in harmony with existing infrastructure. Minor grammar change made on rights of way.

Page 28, item 3, temporary dead-end roads are allowed for only one year. Page 30, all cul de sac turnarounds have a length limit of 600 feet. Member Hanson said the cul de sac width must be at least 20 feet. Vice Chairman Bourque stated the wording is that the town declines maintenance of the cul de sac island. However, if the responsible party does not maintain the island, it falls to the town. Member Edmonds said if there is no direct party assigned responsibility for plantings on an island, Homeowner Associations cannot be depended upon to keep up with maintenance as years go by and members of their board change. The town may need to take over maintenance of islands after time goes on. Member Hanson would prefer no center islands, period. Planner Cronin noted that the proposed language is town legal approved. Vice Chairman Bourque stated the town should not own cul de sac center islands. He would like to see the second option in the language go away. Member Hanson agreed and noted an applicant could always come forward for a variance.

Vice Chairman Bourque would like to hold page 30, cul de sacs, open until the full board is present to revisit this topic.

Page 33, sidewalks. Member Cruson noted that #2 and #3 both reference the R3 zone. Member Hanson stated that #3 is an exception to #2 where vertical granite curbing is required. Page 38, water supply for potable and fire protection. Page 40, Planner Cronin noted there is no page 39. Individual private roads, well radius must be contained on the lot it is serving. Page 41, financial guarantees. Before any site work or utility work is undertaken, the applicant must post a bond/surety as approved by the Planning Board. Planner Cronin noted that the financial estimate must be approved and posted before a pre-construction meeting will be scheduled.

Page 45, maintenance of roadways in a subdivision, not yet accepted by the town, are the responsibility of the developer. Page 51, process for granting waiver requests. Vice Chairman Bourque stated that covers discussion of all the proposed changes.

At 7:57 p.m. Vice Chairman Bourque opened the public hearing on Amendments to Subdivision Review Regulations.

James Quinzani, 6th Range Road, stated I live on a dead-end road. I am not in a subdivision, but I saw a need for a hammerhead at the end of the road when DPW could not turn around. I am creating a turnaround on my own property. There should be a way to turn around on 6th Range Road.

Vice Chairman Bourque asked how long it has been a dead-end road. James Quinzani said forever, the road is too narrow and there is a cemetery at the top. I would like to see the turnaround go around a tree I do not want to cut down. Vice Chairman Bourque asked James Quinzani to discuss his plans with the Department of Public Works and the Code Enforcement Officer. Member Edmonds stated that even though the turnaround is all on your property, you need agreement from the town to use it as a turnaround. Vice Chairman Bourque thanked James Quinzani for his comments.

There being no further comments, Vice Chairman Bourque closed the public hearing on amendments to subdivision review regulations at 8:05 p.m. Vice Chairman Bourque noted that we have one item not resolved that needs input from the full board.

MOTION: Member Hanson moved to continue the public hearing on amendments to subdivision review regulations to the January 25, 2022 meeting for full board discussion. Member Edmonds seconded.

VOTE: K. Cruson - Y C. Hanson- Y
B. Edmonds - Y R. Bourque – Y

MOTION TO CONTINUE PUBLIC HEARING TO JANUARY 25, 2022 PASSED ON A 4-0 VOTE.

Discussion Item

3. Scott Rieff, WINP Realty, LLC, 15 Mill Falls

Scott Rieff, WINP Realty, LLC stated he has come to the Planning Board for informal discussion regarding 15 Mill Falls prior to submitting a formal application. Someone has repaved the parking area, mostly on our property, without our knowledge. We think it may have been one of our commercial tenants, but no one admits authorizing repaving work.

Scott Rieff noted there is no acknowledgement of the paving work done. He has checked with paving companies, and none have any record of work at this address. The paving issue may come up in a future application that we will submit. WINP Realty did not pay for the paving or approve it. Planner Cronin informed us that there is little difference between repaving v. new paving requirements. Scott Rieff stated the paving was done, I do not agree with it being done and it hampers our 20-year lease. We have no funds for a full proper paving project including engineering. We do not have a survey of the property and there would be drainage costs. The area repaved is approximately 10 feet deep and 40 feet wide. It is the existing paving we were given in poor shape ten years ago. When we purchased the property, it was noted that the diagram of the property did not match the deed or the town records. WINP Realty applied for a lot line adjustment of eight inches, so the town records would match the Registry of Deed records.

Vice Chairman Bourque asked if a survey was done when Scott Rieff purchased the property. Scott Rieff said no, it was a foreclosure, and the lot frontage was non-conforming. After the lot line adjustment of eight inches was approved, the property was still non-conforming. It is a 200-year-old lot. We plan to request waivers with our future application.

Vice Chairman Bourque stated that the property owner(s) must either submit a complete minor site plan or remove the paving. He suggested that Scott Rieff talk to property owners of other downtown lots that were not accurate in the early 1980's. Vice Chairman Bourque stated he cannot comment on what the full board will do when the minor site plan is submitted.

The Planning Board will go through the Minor Site Plan process. Whoever installed the paving on someone else's property needs to be involved in the solution.

Scott Rieff, WINP Realty, LLC, stated he is unable to find records of a paving company coming out to do this paving. We realize this matter is on our shoulders as the property owner. Vice Chairman Bourque noted it would be a legal question on encroachment. Member Hanson noted there are aquifer rules that apply to this property. Member Cruson noted that Code Enforcement records state "Code Enforcement Officer told a crew to stop the paving work on a weekend in 2020" until appropriate applications were submitted. Scott Rieff said that his tenants stated they know nothing about the paving that occurred. Vice Chairman Bourque stated that anyone can buy pavement material in Hooksett, NH and rent equipment. Member Edmonds stated that it is not unusual for an owner of a partial truck of hot pavement material to pass it on to another person if it can be used. Member Edmonds stated that this matter may not merit full oversight. However, it warrants minimum documentation to find common ground.

New Business

Minutes

December 14, 2021

MOTION: Member Hanson moved to approve the minutes of December 14, 2021, as presented. Member Edmonds seconded.

VOTE: K. Cruson - Abstain C. Hanson- Y
B. Edmonds - Y R. Bourque – Y

MOTION TO APPROVE MINUTES OF DECEMBER 14, 2021, AS PRESENTED PASSED ON A 3-0-1 ABSTAIN VOTE.

Miscellaneous

1. Correspondence – none
2. Committee Reports – none
3. Other Business - none
4. Planner Items – Planner Cronin reported that she received a Wetlands Special Use application for a driveway with four wetland crossings. A copy of the NH DES application was received last month.
5. Board Member Items – Member Hanson reported that the PACE sale of property is closing on January 28, 2022. All debts will be paid off and any residual assets will go to Pembroke School District.
6. Audience Items – James Quinzani reported that he has to address boundary issues with abutters. Vice Chairman Bourque advised him to speak with Planner Cronin about the matter. If it requires board action, Carolyn Cronin will set it up on an agenda.

MOTION: Member Hanson moved to adjourn the meeting. Seconded by Member Edmonds.

Without objection the meeting was adjourned at 8:35 p.m.

Respectfully submitted, Susan Gifford, Recording Secretary