

**Pembroke Planning Board
Minutes of Meeting
ADOPTED
January 12, 2016**

MEMBERS PRESENT: Alan Topliff, Chairman; Brian Seaworth, Vice Chairman; Kathy Cruson; Robert Bourque; Kevin Krebs; Fred Kline, Selectmen's Rep.

ALTERNATES PRESENT: Brent Edmonds

EXCUSED: Larry Young, Sr.

STAFF PRESENT: Stephanie Verdile, Town Planner; David Jodoin, Town Administrator; Matt Monahan, CNHRDC Circuit Rider; Everett Hodge, Code Enforcement Officer; Jocelyn Carlucci, Recording Secretary

Chairman Topliff called the meeting to order at 7:00 p.m. Alternate Member Edmonds agreed to vote in place of Member Young.

New Business – Public Hearing for 2016 Zoning Amendments.

Ms. Verdile said that Zoning Amendment #4 pertaining to non-conforming lots, setbacks, and applicant requirements is scheduled to be discussed at this evening's public hearing.

Mr. Hodge said that Zoning Board of Adjustment (ZBA) variances on the issue of setbacks as they relate to nonconforming lots have been rare. The only case that came to mind recently was the Kimball Street lot. He also pointed out that his suggestion at the last work session to add Note #5 it would have made the Kimball Street lot nonbuildable. He said that one house toward Glass Street is only 13' from the property line and the house toward Millard Street is 66' from the property line. If Note #5 was used, the setback for 16 Kimball Street would be 39-1/2'. The lot is only 50' wide. He suggested forgetting the changes to the setbacks and just say that the lot may be built upon if it meets the current setbacks, which was the regulation prior to the 2014 ordinance change. If the applicant cannot meet current setbacks, they can apply for a variance from the ZBA.

Chairman Topliff said that one of the Board's goals was to reduce the number of ZBA cases.

Mr. Hodge said that, in the past 2 years, the ZBA has had no cases pertaining to this problem.

Chairman Topliff asked if including Note #5 as discussed at the last worksession would be helpful.

Mr. Hodge said that it would make things worse, especially in the R3 zones because it would increase the setbacks.

When asked what Note #5 said, Mr. Hodge replied that the applicant would take the average of the setbacks on each side in order to determine the required setback or go before the ZBA for a variance.

Vice Chairman Seaworth said that the Board may be reacting to something that is not a real problem, especially considering Mr. Hodge's recent discovery that there were no problems with the pre-2014 ordinance. With the 2014 ordinance change, the Board created zero setbacks on 2 sides of the property which is problematic.

Town Counsel suggested allowing the applicant to meet 2 of the applicable setbacks for the particular zone.

Selectmen's Rep. Kline said that the Board may be trying to fix something that is not really broken.

Ms. Verdile pointed out the importance of setbacks such as privacy, life safety and maintenance (such as having room to paint without going onto the neighbor's property).

Chairman Topliff read aloud Section 143:102 Lot of Record. He also pointed out that it may not be necessary to change the ordinance for an occasional problem when the ZBA is in place specifically to address specific situations.

MOTION: Member Bourque moved not to accept the proposed language for Zoning Amendment #4. Seconded by Member Cruson.

Member Cruson said that the ZBA would be best to rule on each individual situation.

Ms. Verdile said that she could prepare language that would be similar to the pre-2014 ordinance change and present it at the January 26, 2016 meeting.

Chairman Topliff said he was hesitant to make any change to an ordinance that there does not seem to be frequent problems.

Member Bourque moved the question.

VOTE:	A. Topliff – Y	B. Seaworth – Y	F. Kline – Y
	K. Krebbs – Y	K. Cruson – Y	R. Bourque – Y
	B. Edmonds - Y		

MOTION TO NOT ACCEPT THE PROPOSED LANGUAGE FOR ZONING AMENDMENT #4 PASSED ON A 7-0 VOTE.

MOTION: Member Bourque moved to revert Zoning Ordinance §143-103 back to the original language prior to 2014. Seconded by Selectmen's Rep. Kline.

Since the Board was not familiar with the pre-2014 language for §143-103, Mr. Jodoin presented the appropriate Town Report containing the language.

Chairman Topliff read §143-103 aloud. Mr. Hodge said that the pre-2014 language was adopted in 2007. Selectmen's Rep. Kline pointed out that a number of words contained in the pre-2014 ordinance such as "parcel", "lot of record" have since been eliminated from the ordinance. The Board also found that the pre-2014 language was confusing.

After further discussion, the Board proposed the following language for Zoning Amendment #4:

Any non-conforming lot of record, as defined in §143-8, may be built upon provided the following conditions are met:

A. The lot of record complied with the minimum area, frontage, width, and depth requirements, if any of the Zoning Ordinance then in effect at the time it was created; or current setbacks and height restrictions of the applicable zone.

B. The lot of record has frontage on a Class V, or better, road.

The Board agreed to discuss the amendment until 8:15 p.m. and, if no decision was made, the Board would table the discussion.

Further discussion ensued.

MOTION: Member Krebs moved to accept the following Zoning Amendment #4 language:

Any non-conforming lot of record, as defined in §143-8, may be built upon provided the following conditions are met:

A. The lot of record complied with the minimum area, frontage, width, and depth requirements, of the Zoning Ordinance then in effect at the time it was created. If no zoning ordinance were in affect at the time of the lot creation, the lot of record must meet current zoning, setbacks, and height restrictions of the applicable zone.

B. The lot of record has frontage on a Class V, or better, road.

Seconded by Member Bourque.

MOTION: Member Bourque moved the question. Seconded by Chairman Topliff. Unanimously approved.

The Board then voted on Member Kreb's previous Motion.

VOTE:	A. Topliff – Y	B. Seaworth – N	F. Kline – Y
	K. Krebs – Y	K. Cruson – Y	R. Bourque – Y
	B. Edmonds - Y		

MOTION TO ACCEPT THE FOLLOWING ZONING AMENDMENT #4 LANGUAGE:

ANY NON-CONFORMING LOT OF RECORD, AS DEFINED IN §143-8, MAY BE BUILT UPON PROVIDED THE FOLLOWING CONDITIONS ARE MET:

- A. THE LOT OF RECORD COMPLIED WITH THE MINIMUM AREA, FRONTAGE, WIDTH, AND DEPTH REQUIREMENTS, OF THE ZONING ORDINANCE THEN IN EFFECT AT THE TIME IT WAS CREATED. IF NO ZONING ORDINANCE WERE IN AFFECT AT THE TIME OF THE LOT CREATION, THE LOT OF RECORD MUST MEET CURRENT ZONING, SETBACKS, AND HEIGHT RESTRICTIONS OF THE APPLICABLE ZONE.**
- B. THE LOT OF RECORD HAS FRONTAGE ON A CLASS V, OR BETTER, ROAD.**

PASSED ON A 6-1 VOTE.

Chairman Topliff suggested that the Board discuss Zoning Amendment #4 at a 2016 work session.

Member Bourque asked to discuss MSDS sheets. He said that he does not mind if Pembroke Water Works receives copies of the MSDS sheets but feels that the Planning Department should also retain a complete set.

Ms. Verdile said that the Planning Department keeps one set of all paperwork associated with an application. She said that the Planning Department is inundated with paperwork and binders associated with the MSDS requirement.

Member Bourque and Chairman Topliff suggested that the Planning Department require that the list of chemicals and MSDS sheets be submitted electronically (preferably a CD) for easy storage. An electronic copy should also be sent to the Pembroke Water Works since they are the experts.

Chairman Topliff said that it is important that the Planning Board have access to the MSDS sheets.

Ms. Verdile said that the ordinance requires the applicant to submit the MSDS to the Pembroke Water Works. The site plan and special use permits give the impression that they should be submitted to the Planning Department.

Chairman Topliff said that it is a Planning Department Ordinance and application and should be submitted to the Planning Department so that the Planning Department can make sure that the Pembroke Water Works receives the information if necessary. This

would ensure that all documents were received and copies appropriately distributed. He then asked Ms. Verdile to revise all pertinent documents such as checklists, Zoning Ordinances, etc. to require the list of chemicals and MSDS sheets to come directly to the Planning Department for distribution. The Board agreed.

Member Bourque also suggested that she require electronic MSDS sheets and lists of chemicals rather than paper copies.

Old Business – Minor Site Plan/TRC Committee requirements review

Ms. Verdile said that she was not prepared to discuss the Minor Site Plan Review Committee's findings and thresholds. She said that they looked at the differences between Minor and Major Site Plans.

Chairman Topliff said that the Simplified Site Plan language is ready to be voted on whenever the Board is inclined.

He asked Ms. Verdile to place Minor and Simplified Site Plans on the April Agenda.

The Board agreed that there was no need for Chairman Topliff to open a public hearing on the Zoning Amendments.

Minutes- December 8, 2015

MOTION: Member Bourque moved to approve the December 8, 2015 Minutes of Meeting as amended. Seconded by Selectmen's Rep. Kline. Approved with one abstention – Member Krebs.

Miscellaneous

1. Correspondence-

Ms. Verdile received the Business NH magazine.

She said that she received another abutter complaint about the crematorium. She sent all the abutters a copy of the Planning Department's initial letter about the complaints to Sabo and a copy of Sabo's response letter to the Town which lists Sabo's contact information along with the State departments responsible for crematoriums.

2. Committee Reports-

Board of Selectmen: Selectmen's Rep. Kline said that the Board has been working with the Budget Committee that is reviewing the school budget.

With regard to the Noise Ordinance, Selectmen's Rep. Kline said that he has not heard back from the attorney. Ms. Verdile will inquire on the status of the Ordinance with Town Counsel.

TIF Committee: Selectmen's Rep. Kline said that he has not received the Wetlands Permits from the State. They discussed granite curbing but it was deemed by the Wetlands Bureau and Animal Control Group that granite curbing is bad because some of the creatures cannot climb over the 6" curbs. The solution will be to install Cape Cod berms. It was also mentioned that they do not want a sump in the underwater storm water management systems in case a snake falls in and cannot get out.

Chairman Topliff said that he was pleased to see that there are serious discussions going on about the North Pembroke Road bridge.

3. Planner Items- Aquifer Conservation submission requirements, 2016 work session items

Ms. Verdile said that the goals for 2016 are to work on the Master Plan, rezoning language, and discuss working on a Community Facility Study.

Chairman Topliff said that a priority for 2016 should be to not spend a lot of time on a zoning amendment unless it is a critical issue. The Planning Board spent a lot of time in 2015 on zoning amendments that may not have been necessary.

With regard to the Pembroke Street development, he asked Ms. Verdile and Mr. Monahan to think about priorities that should be considered should the development come before the Board.

4. Audience Items-

MOTION: Selectmen's Rep. Kline moved to adjourn the meeting. Seconded Chairman Topliff. Unanimously approved.

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,
Jocelyn Carlucci, Recording Secretary