

**Pembroke Planning Board**  
**Meeting Minutes**  
**January 10, 2023**  
Approved January 24, 2023

**MEMBERS PRESENT:** Brian Seaworth, Chairman; Robert Bourque, Vice Chairman; Rick Frederickson, Selectmen's Rep; Kathy Cruson, Kevin Foss, Brent Edmonds

**ALTERNATES PRESENT:** Bryan Christiansen

**MEMBERS EXCUSED:** Clint Hanson

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

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

**Public Hearings**

**1. First Public Hearing on Proposed Zoning Amendments for 2023 Town Meeting**

Chairman Seaworth stated the first order of business is a public hearing on proposed zoning amendments for 2023 Town Meeting. Chairman Seaworth opened the public hearing on all three proposed zoning amendments at 6:32 p.m. He read the full text of proposed zoning amendment #1.

**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 §143-147, Special Use Permit Denial of Application, as follows: amend the reapplication process for Special Use Permits to provide that an applicant, after a denial, can only reapply if the new application materially differs from the previously denied application.

Planner Cronin reviewed amendment number 1. Chairman Seaworth stated that unlike site plan and subdivision, State law is vague on the process for appealing a denial of a Special Use Permit.

Chairman Seaworth read the full text of proposed zoning amendment #2.

**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 §143-21, Table of Dimensional and Density Regulations, to reformat the table and its associated notes into three new tables, revised for clarity and consistency. No substantive changes are proposed to the dimensional and density regulations.

Planner Cronin noted that the Word version is cleaner. Nothing significant has changed. It is simply a reformatting of information in one place. Vice Chairman Bourque asked how the zoning regulations would appear in final form. Planner Cronin stated the zoning regulations may have expanded margins or may appear across two pages. The presentation may include a fold out page. Chairman Bourque stated that if the notes are kept with the regulation it refers to, the format will be fine. Planner Cronin will check with

the printing company for options. Selectmen's Rep Frederickson asked to keep the font no smaller than the example provided to the Planning Board. This font is easy to read. Member Cruson asked if there should be a category for R3 sewer only, no water. There is a house on Deerpath in that category. Chairman Seaworth stated he had not thought about that. We should address all categories correctly and explicitly in our tables. Vice Chairman Bourque suggested adding a line "Without town water and with sewer." Chairman Seaworth stated it will matter on the third table. R1 with Town sewer only – R1 and LO have four different combination lines. Vice Chairman Bourque stated that R1 zone below 3<sup>rd</sup> Range Road should have conditions like R3 with town water. Chairman Seaworth noted that the amendment is to reformat the tables and not make substantive changes. The Board can look at making changes, if necessary, for a future town meeting.

Chairman Seaworth read the full text of proposed zoning amendment #3.

### **Amendment #3**

Are you in favor of the adoption of Amendment #3, as proposed by the Planning Board, to amend the Pembroke Zoning Ordinance by reformatting text boxes into applicable sections of the ordinance, deleting redundancies, and updating references to State statutes. No substantive changes are proposed to the Ordinance.

Planner Cronin printed a full copy of the zoning ordinance reformatted. Applicable sections will cite references to State RSA. The Planning Board decided to keep references with the section they refer to. Member Foss found a misspelling of "awning" in the sign ordinance. This will be corrected in section 143-62. Planner Cronin stated a misspelling is not a substantive change. Vice Chairman Bourque stated that the Planning Board has its own running list of items to address from the zoning audit. Vice Chairman Bourque noted that one item the Planning Board wants to change is definitions that are regulations. 'Height' is an example where the regulation is in the definition.

There being no further comment, Chairman Seaworth closed the public hearing at 7:30 p.m.

**MOTION:** Member Foss moved to send proposed zoning amendment #1, amendment #2 and amendment #3 to Town Meeting March 2023. Vice Chairman Bourque seconded.

**VOTE:** B. Seaworth – Y R. Frederickson- Y K. Foss - Y  
B. Edmonds - Y B. Christiansen - Y K. Cruson - Y  
R. Bourque - Y

**MOTION TO SEND PROPOSED ZONING AMENDMENTS #1, #2 AND #3 TO TOWN MEETING PASSED ON A 7-0 VOTE.**

### **Minutes**

December 13, 2022

**MOTION:** Vice Chairman Bourque moved to approve the December 13, 2022 minutes as presented. Selectmen's Rep Frederickson seconded.

**VOTE:** B. Seaworth – Y R. Frederickson- Y K. Foss - Abstain  
B. Edmonds - Y B. Christiansen - Y K. Cruson-Abstain  
R. Bourque - Y

**MOTION TO APPROVE DECEMBER 13, 2022 MINUTES AS PRESENTED PASSED  
ON A 5-0-2 ABSTAIN VOTE.**

**Miscellaneous**

1. Correspondence - none

2. Committee Reports – Board of Selectmen – Selectmen's Rep Frederickson stated that Mr. and Mrs. Hill came in to discuss a plan to subdivide a lot on 3<sup>rd</sup> Range Road. The lot is the last property on pavement and the Hill's own down to Pembroke Street. The lot has 500 feet of frontage and falls under current laws "not a Class V Road". The road would have to be upgraded along the whole frontage. Mr. and Mrs. Hill came in to discuss before engaging engineers. The process would start with the Board of Selectmen and would require abutter notification. Member Cruson stated that more access to a range road would be a benefit to the public. Member Cruson clarified that for a subdivision, they would need to improve the road up to the frontage of the next property, not to the end of 3<sup>rd</sup> Range Road.

Selectmen's Rep Frederickson reported discussion with the Energy Committee Coalition. He explained that Eversource is the current default electricity provider. The Energy Committee Coalition would notify prospective customers that they have a broker set up who purchases energy in six month blocks, which avoids spikes in price. The price would be equal to or lower than Eversource. Any profit would go into capital reserve. If the proposal passes town meeting, the default electric supplier would be Energy Committee Coalition. Customers can opt out at any time. Chairman Seaworth noted that Eversource owns the transmission lines, and the coalition would be the entity listed on the bottom of the bill. Vice Chairman Bourque stated this creates a coop with a consistent cost. Customers default to automatic opt in but can then opt out if they choose. Chairman Seaworth noted that 80% of people do nothing when they receive an energy notification. The coalition is not treated as a regulated supplier. Selectmen's Rep Frederickson stated that some changes were made to elderly tax exemption.

Technical Review Committee - Vice Chairman Bourque stated that TRC was held today for a 2 lot subdivision at 485 4<sup>th</sup> Range Road. Tips on upgrades were provided to the applicant.

3. Other Business

**A. Selectmen Policy Adopted – Building Permits on Class VI Roads**

Planner Cronin stated that the Board of Selectmen recently adopted a Building Permit on Class VI Roads policy. Town attorney Steven Whitley was involved with writing the policy for consideration of Building Permits on Class VI Roads. The Applicant provides a detailed plan for road improvement and must meet criteria for consideration of a building permit. It includes width and compaction of road, distance to a Class V Road of 200 feet or less (from Fire Department input), and requirement to sign off on a liability waiver. Planner Cronin reiterated that this is a policy, not a regulation. It provides rational basis for decision making and allows flexibility. Vice Chairman Bourque stated this is a consistent process with the main concern for life safety. NH Housing Appeals Board would find a denial decision based on policy is not arbitrary. Chairman Seaworth noted that the Town of Pembroke was overly restrictive by requiring frontage on a Class V Road to obtain a building permit. This new policy allows some development on Class VI roads. Class V means maintained by the town, not that the road is paved. Chairman Seaworth noted that the Planning Board will revisit this policy later this year.

4. Planner Items – Planner Cronin stated that there is one minor subdivision application on the January 24, 2023 agenda.
5. Board Member Items- Chairman Seaworth noted that at a recent Budget Committee meeting, the School Department praised Carolyn Cronin for her help estimating school attendance for two years out, along with expenses and revenues. Planner Cronin was very knowledgeable and personable.

Class V or better road – Chairman Seaworth noted that Pembroke refers to Class V or better road for obtaining a building permit. Some roads are privately maintained. State roads are rated a lower number, which means they receive a higher level of maintenance. For example, Class I would be an interstate. NH DOT maintains a list of road classifications on their website. Member Edmonds noted that the class determination also has criteria of limited access, controlled access, amount of traffic the road is intended to handle, and thickness of pavement factored into the rating.

6. Audience Items – None.

**MOTION:** Vice Chairman Bourque moved to adjourn the meeting. Seconded by Selectmen's Rep Frederickson.

Without objection the meeting was adjourned at 7:52 p.m.

Respectfully submitted, Susan Gifford, Recording Secretary