

Pembroke Planning Board
Meeting Minutes
June 13, 2023
Approved June 27, 2023

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

MEMBERS EXCUSED: Kevin Foss

ALTERNATES PRESENT: Bryan Christiansen

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. Alternate Member Bryan Christiansen was designated to vote for Kevin Foss.

Old Business

1. Discussion Items for Future Zoning

a. Housing

i. Tiny Homes

1. Discussion with CNHRPC Rep Stan Brehm

Planner Cronin introduced Central NH Regional Planning Commission Rep Stan Brehm. Stan Brehm gave a presentation on using tiny houses to fill the need for affordable housing for employees. A Dover NH employer is building a complex of tiny houses as rental units for its employees. Stan Brehm discussed House Bill 588 that would have suggested standards for tiny houses in New Hampshire. Unfortunately, House Bill 588 did not pass. Planner Cronin noted that the State recently adopted Appendix Q to the residential building code. This appendix contains life safety requirements and standards for stairs and other elements of a building under six hundred square feet. Some towns are considering tiny houses as a possible detached Accessory Dwelling Unit (ADU). Stan Brehm encouraged the board to look at the PDF nhtoolbox.org developed by CNHRPC. Various chapters address cluster housing, mixed use, and grant funds available for planning and zoning. In the toolbox, Mike Tardiff, CNHRPC, makes suggestions for adjusting housing as NH residents grow older.

Stan Brehm stated he drove by the tiny house project in Dover NH. From the road, it was not impressive. The developer talked to neighbors and explained that forty-four units are planned with sewer and water on 4-6 acres. It reminds one of a trailer park. The rent will be 30 percent of the occupant's earnings. Daycare services will be available on site. The developer expects the occupant average age of residents to be 18-25 in careers such as firefighters and nurses. Dover has required that the dwellings will always be rentals. There is no state rule about monitoring the eligibility requirements of those who live there. Chairman Seaworth stated that the Planning Board talked about tiny homes at their last work session meeting. The next step was to bring Stan Brehm in with the CNHRPC presentation and then schedule a joint meeting with Pembroke Zoning Board of Adjustment.

Vice Chairman Bourque added that the Planning Board consensus was to put tiny homes on the back burner for now because contractors do not want to build them. The law is pushing for big incentives to build smaller units, such as a ratio of small homes for every

\$500,000 home built. Chairman Seaworth stated that Pembroke zoning does not direct developer to build larger homes. Member Cruson stated that at the CNHRPC meeting last week, people in construction feel that building, water, sewer, and road costs are forcing them to focus on larger houses when elderly housing and starter housing is needed. Chairman Seaworth noted that for every eight houses with water and sewer, it may only be possible to build five houses with well and septic. Member Cruson noted that one also pays higher property taxes with well, leach field and utility infrastructure on your property. Towns may have to consider locating housing in commercially zoned areas.

ii. Accessory Dwelling Units

Vice Chairman Bourque stated he provided Planning with some information from Zoning Board of Adjustment (ZBA). Chairman Seaworth stated the goal is to bring ZBA into a joint meeting with Planning Board on housing options. We want to hear from ZBA about their experience as they review Accessory Dwelling Units (ADU) and learn what parameters are out there. Vice Chairman Bourque reported that ZBA has come up with ideas on changes to zoning on ADUs. Town of Pembroke currently requires a Special Exception for an ADU while state law guarantees everyone an opportunity to place an ADU on a single family home lot. In research of surrounding towns, Vice Chairman Bourque found five towns require a building permit, Epsom and Concord require a Special Exception, and others allow ADU by conditional use permit. According to Pembroke zoning 143-18.1, an ADU must be attached or interior to the original building. A Special Exception is needed. The ZBA has not denied anyone to date because State law allows an ADU. If the applicant wants a detached ADU they must apply for a variance from 143-18 and pay fees. Member Cruson stated that process makes sense. Chairman Seaworth stated the other area to address is if the owner does go the variance route for a detached ADU, do standards need to be in zoning or do we leave it to the zoning process? Vice Chairman Bourque stated an ADU should be a maximum number of feet from the original residence. Alternate Member Christiansen suggested requiring a shared driveway. Chairman Seaworth stated that no separate utility meters are allowed for an ADU. If an ADU has its own well and septic, is it still an accessory dwelling? Vice Chairman Bourque stated the ZBA has acted on four variance cases for a detached ADU. Two cases were less than 30 feet from the primary residence, and two cases were over one hundred feet from the primary residence. The cases over one hundred feet from primary residence were denied. Vice Chairman Bourque stated that State RSA 674-72 allows placement of an ADU on a single family lot. The Town of Pembroke has not accepted detached ADUs in its zoning. What is a reasonable distance from primary residence to accessory dwelling unit? Member Cruson suggested fifty feet. Selectmen's Rep Frederickson asked what if the ADU is proposed in an existing barn? Vice Chairman Bourque stated the last ZBA case was an ADU in the top floor of a garage that proposed individual utility meters. Chairman Seaworth stated details of the proposal really matter. Vice Chairman Bourque stated in the garage case, there was an existing breezeway between the residence and the garage. An upper garage ADU was approved.

Member Edmonds asked what the significance was on the distance from the primary residence. Vice Chairman Bourque stated one reason is communication with an elderly relative in the ADU that may need help. Selectmen's Rep Frederickson asked if it would be reasonable to allow rental of an ADU in this housing crisis. Chairman Seaworth stated that the town cannot regulate the relationship of the ADU occupant, or order that the door

between the two remain unlocked. There are parameters within state law. An owner can also have multi-family housing on a lot. Rep Stan Brehm stated that we wrestled with this question of detached ADUs in Chichester NH. We determined that the ADU request goes to the Building Inspector and the owner must live in one unit. We already have barns with apartments. To make sure the sewer and water are safe, they must meet NH DES standards. Frontage and lot size are specified and the ADU cannot be subdivided off the original lot. Stan Brehm said that State law also requires a separate 911 address for each unit for emergency services response. Vice Chairman Bourque stated he had not heard about the separate 911 address. He agrees with not allowing condominium ownership and that the property owner needs to reside in one unit. Chairman Seaworth asked ten or twenty years down the road, how does the town regulate what a new owner may do. Planner Cronin noted that State law prohibits condominium ownership and subdivision. Chairman Seaworth stated it is a good idea to memorialize our conditions in case the state law changes its requirements for ADUs. An ADU cannot exceed 40% of the primary residence area, or 750 square feet. Chairman Seaworth stated the town cannot tell the owner which unit to occupy. Without violating State law, we can include our specific conditions for ADUs. Chairman Seaworth asked Planner Cronin to schedule a joint meeting with ZBA on a mutually convenient date. Alternate Member Christiansen asked if that joint meeting could begin at 6:00 pm rather than 6:30 pm in case the discussion runs long.

iii. Residential Standards in Mixed Use Developments

Planner Cronin described a recent conceptual proposal for residential use in the Soucook Development District as part of a mixed use plan. A past residential plan, Pembroke Meadows, did not go through but spurred conversation about mixed use development. A prime piece of commercial property in town is Kline Way at the intersection of Route 106 and Route 3 in the Soucook River Zoning District. This area was designated specifically for commercial use, but most proposals received have been for residential. Town of Pembroke invested in building the road. A TRC conceptual application for mixed use came in for warehouse, commercial and residential use. The residential would be a mix of single cottages, quads, and duplexes. In contrast, most mixed use in the village is retail downstairs and residential on the upper floor. Planner Cronin stated a proposal like this puts ZBA in the role of doing planning. Member Cruson asked the size of the property. It is about thirty acres. Planner Cronin would rather see a worksheet with standards, clarity, and a road map for discussion than to leave mixed use open ended.

Vice Chairman Bourque would like to see some ratio of commercial and residential use. There needs to be a second entrance/exit there, and a variance is required to build homes. Roads, water, and sewer need to have control of the layout. Member Cruson referenced mixed use on Manchester Street with spaces for retail and residential space for people of limited income. Alternate Member Christiansen mentioned separate buildings for commercial and residential, rather than an up and down layout. Chairman Seaworth stated it depends on the site. With central parking and walkable land, a developer could alternate apartments and offices. Member Cruson stated in the past, a small village concept included a market and other shops. Alternate Member Christiansen referenced development at the old Rockingham Park area in Salem NH. There are residential, big box retail and even a gym located in the complex. Selectmen's Rep Frederickson stated Pembroke could host a miniature version of that layout. Member Hanson stated the intent

was for commercial development in that area, but a 50/50 commercial/residential proposal may be reasonable. Stan Brehm asked if the Planning Board anticipated needing workforce or elderly housing in that area. Chairman Seaworth noted that there is federal money available for that type of housing. Member Edmonds stated that the old Concord drive-in property now has walking trails and mixed uses. The site is being prepared now. Member Cruson stated that Congestion Mitigation Air Quality grant funds could be used to extend the rail trail. Selectmen's Rep Frederickson stated that development on Kline Way could be the gateway to discussion with Concord sewer. Vice Chairman Bourque stated that Pembroke Sewer Commission is designing a new pump house, and that would have to be include in any future discussion.

Zoning Audit Recommendations – discuss at future meeting.

Minutes & Findings of Fact

The Planning Board reviewed and commended the May 23, 2023 Findings of Fact summary prepared by Planner Cronin.

May 23, 2023

MOTION: Vice Chairman Bourque moved to approve the May 23, 2023 minutes as amended (page 6, statement made by Planner Cronin not Member Cruson, page 9 clarification on Conservation Commission update). Selectmen's Rep Frederickson seconded.

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

MOTION TO APPROVE MAY 23, 2023 MINUTES AS AMENDED PASSED ON A 7-0 VOTE.

Miscellaneous

1. Correspondence – Planner Cronin reported that a DRI from City of Concord, regarding expansion of Capital City Subaru, 150 Manchester Street and 10 Integra Drive, was received this week. Plans include expanding sales and service areas, adding work bays, landscaping, lighting and a closed drainage system. The plan was declared a Development of Regional Impact by the Concord Zoning Board. Planner Cronin emailed Pembroke Water Works and will send back any comments received from them. Member Christiansen noted that the expansion was further down Integra Drive toward a utility plant and crematorium.
2. Committee Reports – Central NH Regional Planning Committee – Member Cruson reported that Mike Topliff provided a computer presentation on various incentives for building and highlighted the nhtoolbox.org PDF document discussed earlier in the tiny houses presentation. CNHRPC Rep Stan Brehm noted that some meeting attendees had not been to see the Dover employer housing project in Dover NH and more information would be coming. Member Cruson noted that some sidewalks in Pembroke are not functional and SADES funding may be available to assist with improvement. SADES is a congestion relief/auto emission grant. Member Hanson asked about funding to investigate the range roads to defer traffic from Pembroke Street. A recent survey of Pembroke residents showed one third preferred 3rd Range Road, one third preferred 4th Range Road, and one third had no preference. Member Hanson

suggested that efforts be made to increase support for the range road most convenient to connect with fewer limitations, which is 4th Range Road. Member Cruson asked if the town has indicated a willingness to pay for improvements to the road. The CNHRPC buildout options need a lot more in depth work but do look for developers to bear the cost of road improvements. Vice Chairman Bourque noted that sidewalks are not maintained timely in the winter. Member Hanson agreed and stated that is the reason school bus pickups are scheduled every few feet. Chairman Seaworth noted that an unresolved court case regarding Elm Street in Manchester prevents the town from requiring property owners to shovel their own sidewalks. Planner Cronin will confirm with NHMA that towns cannot require owners to shovel sidewalks. Chairman Seaworth stated that this winter Town of Pembroke contracted part of sidewalk plowing due to limited staff and equipment. Feedback has been positive, and sidewalks have been cleared sooner. Member Cruson stated Pembroke Hill has no sidewalks, and poison ivy is high and deep on the sides of the road. Will the town spray the poison ivy? Member Edmonds stated that Pembroke Street right of way does not exist. Member Hanson stated that five feet in on Broadway is considered a state road.

Roads Committee - Chairman Seaworth stated this year's road projects are proceeding as scheduled. Board of Selectmen – Selectmen's Rep Frederickson reported that the Board of Selectmen met with Energy and pulled it out of the future BOS agenda into a dedicated meeting of its own in the future due to time needed for discussion. The board met with Oddball Brewing regarding outdoor seating. It is not clear who owns the fire lane and who controls access. Oddball Brewing is asking permission to put a hard barrier to block the fire lane, but it would also impair access to dumpsters. The Board of Selectmen increased cemetery fees and is looking at a restriction in the contract that no burials can be done on Sundays or holidays unless it is an emergency. Eversource own all the poles, and Main Street project is moving along. The Board of Selectmen adopted a flow chart to review building permit requests on Class VI road and will make it available publicly on the town website and to Planning Board and ZBA members. CIP requests are due July 7, 2023. Technical Review Committee (TRC) – Vice Chairman Bourque stated that TRC met this morning. John Wichert, 8-14 Renault Avenue submitted Condominium plan and Manson Donaghey Trust submitted a three lot subdivision. Both cases are scheduled for the Planning Board June 27, 2023. Conservation Commission – Member Edmonds reported that Conservation Commission had a presentation from Resource Management regarding applying biosolids to lands. On Buck Street, the Hillman Farm is leased to a local farmer. Miscellaneous metals and PFAS have been found in biosolids. There is a lot to consider before agreeing to spread biosolids on public land, versus on private land.

3. Other Business - none
4. Planner Items – Planner Cronin is planning to go on a site walk of 3rd and 4th Range Roads with CNHRPC and Town Engineer Mike Vignale. Their findings will be input to economic feasibility studies.
5. Board Member Items
6. Audience Items

MOTION: Member Hanson moved to adjourn the meeting. Seconded by Selectmen's Rep Frederickson. Without objection the meeting was adjourned at 8:23 p.m.

Respectfully submitted, Susan Gifford, Recording Secretary