

Pembroke Planning Board
Meeting Minutes
September 12, 2023
(Approved September 26, 2023)

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

MEMBERS EXCUSED: Robert Bourque, Vice Chairman

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 Planning Board members were present. One alternate member was present. Chairman Seaworth designated Bryan Christiansen to vote for Robert Bourque.

Old Business

1. Discussion Items for Future Zoning

a. Housing

i. Accessory Dwelling Units

Planner Cronin reported that she received a memo from Zoning Board of Adjustment. At their last meeting, they discussed whether they wanted the process for an ADU to change from needing a Special Exception to being allowed by right. The majority of the board voted to keep the Accessory Dwelling Unit process as it is. Six members voted to keep the process as is and two members voted to allow ADU by right. So for now all ADU applications will go to Zoning Board. A state law is being proposed that would allow two accessory dwellings on a single family lot, and increase the maximum size of the unit. Chairman Seaworth explained that a special committee on housing was formed to present ideas for consideration as a bill next year. There seems to be a disconnect between allowing ADUs with town water and sewer versus well and septic. The hope is that a bill could reconcile affordable housing with small, community nature. Member Cruson stated affordable housing is not inexpensive. Selectmen's Rep Frederickson stated workforce housing is actually professional housing. Member Hanson stated the average cost of a house in NH is now \$490,000. Pembroke has land available, but not with access to water and sewer. If the town were proactive, it would make improving 4th Range Road a town issue. Road improvement costs increase the cost of building on a Range Road lot.

ii. Residential Standards in Mixed Use Developments

Chairman Seaworth complimented Planner Cronin for taking his six pages of notes and condensing it down to about a page of regulations. Planner Cronin stated she took the concepts and merged them into the Town of Newmarket template. Planner Cronin provided board members the entire packet of Article IXA – Soucook River Development District. The mixed use development section is the last three pages. Title of section is 143-72.23 Mixed Use Special Use Permit. Planner Cronin added language to the Purpose, Criteria, Design Requirements, and Waivers sections. The purpose is the big picture, making the intent and process for applying clear. The criteria provides details for adequate, appropriate facilities taken from the Newmarket ordinance and zoning ordinance language. The design requirements give technical details about buffers, plans and

studies, and the waiver section provides flexibility. Planner Cronin provided a simple, rough first draft for discussion by the board.

Chairman Seaworth asked if there was any language Planner Cronin did not include in the draft. Planner Cronin left out the mill building criteria specific to Newmarket. Chairman Seaworth stated he got caught up in thinking about special cases. The waiver process allows the Planning Board that ability if the purpose has been served. The board can figure out the design when we know what proposal we are looking at. Planner Cronin stated that she addressed all the comments in Chairman Seaworth's notes. Member Cruson stated that the Planning Board is proud of the result. Member Cruson asked if there was any reason to add language about limiting lighting spillover. Planner Cronin stated that there may be some language in design requirements. Chairman Seaworth stated he had similar concerns about parking. Pembroke has light and parking requirements by zone. Whatever the town applies to the B1 zoning district may also apply here. After receiving a Mixed Use Special Use Permit, a proposed plan would still need to go through Site Plan Review.

Planner Cronin agreed that proposals are covered by the parking requirements in every zoning district. A Mixed Use Special Use Permit would always be approved in conjunction with either a site plan or subdivision plan.

Chairman Seaworth noted that the Town of Pembroke encourages centralized parking in the B2 district. If a municipal parking lot is located within reasonable distance, the parking requirement is met. If someone proposes a mixed development that meets the purpose, the board can waive whatever is necessary to allow it. Alternate Member Christiansen suggested using either commercial or industrial limits for a proposal. Chairman Seaworth suggested language that "no more than x% of non-residential use."

Planner Cronin suggested that if the purpose of the proposal captures all of what we want to achieve, then the proposal is clear and defensible. Selectmen's Rep Frederickson dislikes the use of words like "harmonious" and "symbiotic" in the purpose. Chairman Seaworth stated the terms do not limit a proposal as they are reflected in the eyes of the beholder. Member Cruson agreed that these terms are subjective. Selectmen's Rep Frederickson stated that ambiguous language allows the board to determine how the applicant complies with the purpose. Engineers and contract specialists prefer very specific language to judge if they meet the criteria. Member Cruson asked is it an advantage if we get more specific with the language, or is it a disadvantage? Chairman Seaworth stated that there is mitigation in the rest of the document using the design criteria. This allows the applicant to possibly build something better. Member Foss noted that the criteria allows the board to defend the finding of facts, while still leaving room for interpretation. Selectmen's Rep Frederickson said the main goal for the applicant is to prove the mixed development proposal meets the purpose. Chairman Seaworth said the goal is also to show that the combination of uses adds value to each use separately. Alternate Member Christiansen stated that the proposed uses next to each other must be harmonious. Selectmen's Rep Frederickson suggested putting something in Definitions to describe "harmonious."

Planner Cronin agreed that key verbiage that resonated with her was “some residential development”, “to encourage growth”, “goals of the master plan”, and “design, aesthetics and function”. Alternate Member Christiansen stated the term “complementary” was key. The proposal cannot capture everything in the purpose. The plans are still up for interpretation. Chairman Seaworth asked if members would like to strike the last sentence in the paragraph under discussion. Alternate Member Christiansen suggested placing “including, but not limited to,” before the verbiage listed by Planner Cronin. Member Edmonds stated he agrees beauty is in the eye of the beholder. Criteria that is too specific could stifle creativity. Chairman Seaworth noted that there are additional studies that the Planning Board can request after the proposal is submitted, such as fiscal impact and cost/benefit analysis, if warranted. Planning Board members will review and discuss further the draft at a future work session. Again, thank you to Planner Cronin for incorporating Chairman Seaworth’s six pages of notes.

b. Sign Ordinance

Planner Cronin noted that Pembroke Pines recently applied to the Zoning Board of Adjustment for a variance for signs, including an electronic sign at the corner of Whittemore Road and Route 3. They also requested two larger signs further down Whittemore Road. The golf course clubhouse is in the R1 zone which only allows a certain size sign. Planner Cronin has sent the draft Sign Ordinance amendments for attorney review before the Planning Board gets too far into reviewing the sign ordinance. Chairman Seaworth asked members to think about the direction the board would like to go with the sign ordinance for the 2024 Town Meeting. Some housekeeping changes to the sign ordinance are needed, and these can be completed without substantial changes. Planner Cronin said there are three more work shop sessions before the revised sign ordinance would need to be posted for public hearing prior to town meeting. Chairman Seaworth stated there is not a large amount of work to do on the sign ordinance. The harder task would be creating a way to explain to residents what the changes are and how they affect the ordinance. Member Hanson noted that if one issue is housekeeping, and the other is changes that must be explained, perhaps there should be two separate votes. Planner Cronin suggested that she could put together a voter guide to explain what was changed and the reason for the changes.

c. Zoning Audit Recommendations – carry over to future agenda.

Minutes

August 8, 2023

MOTION: Member Foss moved to approve the August 8, 2023 minutes as presented. Member Hanson seconded.

Discussion: On page 4, last paragraph, Member Cruson asked for clarification that schools/all government entities are exempt. Chairman Seaworth stated that school districts are exempt because the State of NH is exempt. Member Hanson stated that the school district did need to apply for an electrical permit from the Town of Pembroke for the electronic sign installed at Pembroke Academy. Government agencies are subject to meeting applicable building code and local permit processes.

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

**MOTION TO APPROVE AUGUST 8, 2023 MINUTES AS PRESENTED PASSED ON
A 6-0-1 ABSTAIN VOTE.**

Miscellaneous

1. Correspondence- none

2. Committee Reports – Conservation Commission - Member Edmonds

reported that Conservation Commission met last night. Along with regular business the commission received a notice from the Town Administrator referring to the need for anyone looking to replace, repair, construct or do any type of work on town property to have Board of Selectmen approval. Kevin Gagne met with Conservation to discuss rerouting snowmobile trail 15N through town property on Cross Country Road.

Board of Selectmen – Selectmen's Rep Frederickson reported that Kevin Gagne met with the Board of Selectmen to discuss rerouting a snowmobile trail through town properties. He was asked to come back to the board with detailed plans of every part of town property the trail would come through. Board approved MS1 and is waiting for School MS4.

Obsolete town items will be sold at St Jean auction on Saturday, October 21, 2023 at 8:30 am. A new cardiac monitor costing approximately \$40,000 was purchased for the new ambulance. Pembroke and Allentown will each keep an older monitor. Jill McNeil, minute taker for the Board of Selectmen is stepping down. Someone is needed for that open position. Franklin the police dog has joined his handler Officer St. Jacques on the police force. Next meeting is September 20, 2023.

Roads Committee - Chairman Seaworth reported that Roads Committee met last Tuesday. He asked the question about water improvements to Bow Lane. Pembroke Water Works put in a new main at the top of Bow Lane, and replaced valves on lower Bow Lane before the paving project started. The last lines have been respliced on Main Street. The removal of obsolete poles is slated to be complete this season. Next year's road project list and proposed priorities were discussed. Fairview and Renarl off Broadway have drainage issues and icing on the street. Town Engineer has provided estimates for work. We have two years worth of budget items we hope to complete in 2024. Selectmen's Rep Frederickson noted that the most expensive fix at \$760,000 would mean another bond. Do we do more upfront and pay in future years? The Main Street bond wraps up next year. Chairman Seaworth said that the numbers from the Regional Planning software on use and condition of roads are reviewed on a spreadsheet to assist with determining priority.

CIP – Member Foss reported that CIP process is complete for 2024. School District was discussed at the last meeting. Gerry is presenting to the Board of Selectmen on September 20, 2023. Information was provided on the bond for renovations at Hill School. The newest part of the building was built in 1984 and bathrooms date to 1960. The 1960 portion has no ventilation. There are just two electrical outlets in each room, one in front and one in the back. Parking, drainage and renovations to meet code are all included in the project. Estimates of \$450,000 were received to replace the track at Pembroke Academy. The track was installed in the 1990's but is in good condition for its age.

3. Other Business

A. Bond Estimate – San Ken Homes Phase II Roadway

Planner Cronin stated that the office received an estimate prepared by the Town Engineer. The Planning Board reviews and votes to approve the estimate. Once the applicant has secured a bond in that amount, the Board of Selectmen vote to accept the bond.

MOTION: Member Hanson moved to approve the Roadway Construction Bond Estimate for San Ken Homes Phase II in the amount of \$515,500. Member Foss seconded.

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

MOTION TO APPROVE THE ROADWAY CONSTRUCTION BOND ESTIMATE FOR SAN KEN HOMES PHASE II AS PRESENTED ON A 7-0 VOTE.

- B.** Planner Cronin reported that NHMA and NH Department of Business & Economic Affairs has put together a summary of newly approved state bills that may affect Planning and Zoning boards. One of these is HB42 which requires a public hearing before Land Use Appeals and application to Planning Board before dissolving a Home Owner Association. The Planning Board sets a condition for maintaining a Home Owner Association for developments that propose private roads. Member Hanson said that notification would be the first step for a home owner association to reverse the process.
- 4.** Planner Items - Planner Cronin reported that the Planning Board did not receive any new applications in September. There will not be a regular business meeting on September 26, 2023. The Planning Board decided to hold a workshop meeting on that date instead. Member Foss stated that would likely be his last Planning Board meeting. He will be submitting a letter of resignation due to conflicting obligations. Chairman Seaworth asked if Bryan Christiansen could be made a full member upon Member Foss' resignation. That process would leave no Alternate Planning Board members. Please contact Planner Cronin if someone you know may be interested in an Alternate position.
- 5.** Board Member Items – None.
- 6.** Audience Items – None.

MOTION: Member Hanson moved to adjourn the meeting. Seconded by Selectmen's Rep Frederickson. Without objection the meeting was adjourned at 8:25 p.m.

Respectfully submitted, Susan Gifford, Recording Secretary