

**Pembroke Planning Board  
Minutes of Meeting  
(Approved January 23, 2018)  
December 12, 2017**

**MEMBERS PRESENT:** Alan Topliff, Chairman; Brian Seaworth, Vice Chairman; Kathy Cruson; Richard Bean; Brent Edmonds

**ALTERNATES PRESENT:** Robert Bourque

**EXCUSED:** Larry Young, Sr.; Selectman's Rep Sandy Goulet; Kellie Dyjak

**STAFF PRESENT:** Everett Hodge, Code Enforcement Officer; Stephanie Verdile, Town Planner; Jocelyn Carlucci, Recording Secretary

Chairman Topliff called the meeting to order at 7:00 pm.

Alternate Member Bourque agreed to vote in place of Member Young.

**Old Business—**

**Special Use Permit Application SUP-AC #17-304, Timothy Peloquin, Promised Land Survey, LLC, acting as the applicant on behalf of Keystone Pembroke, LLC, 17 Bridge Street, Unit 103 Billerica, MA, owner of Tax Map 634 Lot 1, located at 31-39 Whittemore Road in the Medium Density (R1) Residential Zone, the Aquifer Conservation (AC) District, the Wetlands Protection (WP) District.** The applicant requests a Special Use Permit from Article 143-68.E, Aquifer Conservation District for construction roads, utilities, infrastructure, and building lots for a three (3) lot subdivision and an Open Space Development. A Special Use Permit is required for any activity taking place within the Aquifer Conservation (AC) District. This permit is associated with the Major Subdivision Plan Application #17-03.

*Continued from November 28, 2017*

**Special Use Permit Application, SUP-WP #17-305, Timothy Peloquin, Promised Land Survey, LLC, acting as the applicant on behalf of Keystone Pembroke, LLC, 17 Bridge Street, Unit 103 Billerica, MA, owner of Tax Map 634 Lot 1, located at 31-39 Whittemore Road in the Medium Density (R1) Residential Zone, the Aquifer Conservation (AC) District, the Wetlands Protection (WP) District.** The applicant requests a Special Use Permit from Article 143.72. D (2), Wetlands Protection District, which is required for the construction of streets, roads, and other access ways and utility rights-of-way, if

essential to the productive use of adjoining land. This permit is associated with the Major Subdivision Plan Application #17-03.

*Continued from November 28, 2017*

**Special Use Permit Application, SUP-OSD #17-306, Timothy Peloquin, Promised Land Survey, LLC, acting as the applicant on behalf of Keystone Pembroke, LLC, 17 Bridge Street, Unit 103 Billerica, MA, owner of Tax Map 634 Lot 1, located at 31-39 Whittemore Road in the Medium Density (R1) Residential Zone, the Aquifer Conservation (AC) District, the Wetlands Protection (WP) District.** The applicant requests a Special Use Permit per Article XVIII Special Use Permits and Article X Open Space Development for the design and construction of an Open Space Development (OSD) and for OSD Reduction in Specification Standards. This permit is associated with the Major Subdivision Plan Application #17-03.

*Continued from November 28, 2017*

**Major Subdivision Plan #17-03, Timothy Peloquin, Promised Land Survey, LLC, acting as the applicant on behalf of Keystone Pembroke, LLC, 17 Bridge Street, Unit 103 Billerica, MA, owner of Tax Map 634 Lot 1, located at 31-39 Whittemore Road in the Medium Density (R1) Residential Zone, the Aquifer Conservation (AC) District, the Wetlands Protection (WP) District.** The applicant proposes to subdivide Map 634 Lot 1 into three (3) single family lots and construct an Open Space Development consisting of eighteen (18) 4-plex two-bedroom units for a total of 75 residential dwelling units. The total area of the lot is approximately 88.8 acres with 23.54 acres developed for residential use, approximately 31.99 acres reserved for future activity for the Pembroke Pines Golf Course, and 33.3 acres to be dedicated/deeded to the Town of Pembroke/Conservation Commission. *Continued from November 28, 2017*

**Present:** Timothy Peloquin of Promised Land Survey, LLC; Robert MacCormack of Keystone Pembroke, LLC; Charles Cleary, Esquire

Chairman Topliff recapped that at the last meeting, Alternate Member Bourque pointed out that the Open Space Ordinance was voted in at the 2010 Town Meeting but had not been used since that time. He asked that the Applicant and the public be patient as the Board reviews and works through the ordinance as written.

He read aloud a few highlights of the Ordinance.

**§143-73 Purpose.** This Open Space Development ordinance is intended to encourage environmentally sound planning to conserve open space, to retain and protect important natural and cultural features, and to provide for efficient use of land and community services so as to advance the goals stated in the master plan.

**§143-74 Objectives.**

A. To preserve the natural beauty of existing areas within the Town of Pembroke, preserving farmland, forests and maintaining rural viewsapes.

B. To preserve those areas of a site that have high ecological value (including, for example, wildlife habitats, especially large unfragmented blocks of undeveloped land, and areas of highest habitat condition (as identified in the NH Fish and Game's Wildlife Action Plan) and important water resources (for example drinking water supply areas and watersheds, wetlands, streams, and rivers)).

C. To locate buildings and structures on those portions of a site that are the most appropriate for development and to avoid developing in areas that are ill-suited for development (including, for example, areas with poor soil conditions, with a high water table, with frequent flooding, or with excessively steep slopes).

D. To preserve historic, archeological, and cultural features located on a site.

E. To create a contiguous network of open spaces or "greenways" by linking the common open spaces within a subdivision to open space on adjoining lands wherever possible.

F. To reduce the impacts on water resources by minimizing land disturbance and the creation of impervious surfaces and storm water runoff.

G. To reduce the amount of roads, sidewalks, and storm water management structures that must be built and maintained.

H. To minimize the impact of residential development on the municipality, on neighboring properties, and on the natural environment.

Chairman Topliff said that another very important thing that Alternate Member Bourque also pointed out at the last meeting, was

**§143-78, Open Space Requirements.**

A. As an absolute minimum at least 50 percent of the buildable area that was used to calculate density requirements for the parcel shall be permanently protected as designated open space. Furthermore the designated open space shall represent no less than 50 percent of the total area of the parcel subject to the additional conditions below. The Planning Board may authorize up to a maximum 5 percent reduction in the open space area or the buildable area set aside as open space (but not both) by special use permit, when it finds that (1) the reduction is necessary to enable the use of the open space development approach based on the characteristics of the parcel, and (2) the proposed subdivision adequately meets all other requirements of this ordinance.

Chairman Topliff said that, one paragraph of §143-78 of particular interest was Paragraph G.

G. The removal of soil, trees and other natural features from the designated open space is prohibited, except as consistent with conservation objectives or permitted uses as provided above.

H. The designated open space shall be retained in a natural, undisturbed state, except for those activities permitted and approved as provided above, or as required for active management according to a conservation agreement and management plan written by a qualified natural resource professional.

He said that it is helpful to keep in mind of the intention of this particular ordinance and its opportunity for preserving the value of land along with its natural features and to recognize some of the requirements that the Board needs to look at. Chairman Topliff said that under §143, the Planning Board can only grant relief to the extent that Chapter §143 provides. Relief beyond what is specifically

authorized is the purview of the Zoning Board of Adjustment (ZBA). Site Plan Chapters 203 and Subdivision of Land Chapter 205 are chapters that the Planning Board has the opportunity to grant relief, but this application is dealing with the Open Space Ordinance.

Ms. Verdile said that there was additional information from the Applicant included in the Board's packet regarding open space and ownership of the land which may require discussion and clarification.

She also said that the Planning Department received a letter from Attorney Manzelli today via e-mail. She gave a copy to each Board member and the Applicant. Ms. Verdile said that she responded to the agent for Attorney Manzelli explaining that it is the Board's policy not to accept documents the day of the meeting and/or at the meeting because they do not have time to properly review them. She also informed the agent that the letter will not be reviewed at the meeting but would be accepted as part of the record.

Alternate Member Bourque agreed that it should be noted in the minutes that the letter from Attorney Manzelli was received and that no action would be taken by the Board at this meeting.

Chairman Topliff explained that, in the past, the Board received many last minute documents that would be on the table as the Board arrived for its Planning Board meeting. He said that the unfortunate part is that the Board does not have time to read, understand, and digest the material. The Board felt that it was a disservice to the Applicant who submitted the material and the Board because they are not able to understand the material and have appreciation for its content before the meeting.

He continued to say that the letter will be part of the record, and, assuming that the application is continued, the Board will consider it at the next meeting.

Chairman Topliff reopened the public hearing on Agenda 1, 2, 3, and 4 at 7:12 p.m.

He asked that anyone wishing to speak to rise, and state their name clearly for the record because it is an important part of the minutes. He also asked that all comments be addressed to the Chairman and that everyone be respectful.

Mr. Peloquin gave an overview of the project: It is an 88.8 acre parcel of land, of which the proposal before the Board is to develop 25 acres with 75 residential units

on the higher plateau. A middle portion would be reserved for future ancillary golf course use. The Applicant is aware that they will be required to come before the Planning Board for any additional golf holes or future expansion.

The remaining 33.3 acres near the river, of which an old rail bed is used for ATV and pedestrian traffic, connects to the Whites Sand Conservation Area. The Applicant's proposal is to deed the 33.3 acres to the Town upon approval of the plan. Mr. Peloquin said that the Applicant realized at the onset of the project that the land by the river was very ecologically valuable. Mr. Peloquin said that, as a good gesture, Mr. MacCormack decided to deed the 33.3 acres to the Town and to develop the top piece and keep the middle portion of the 88.8 acres for expansion, if needed, in the future. The middle piece will not be for residential purposes.

Mr. Peloquin said that the alternative is cited on Page 2 of the Yield Plan. Their realistic best development possible is to develop Parcel 1 and keep a buffer between the development and the conservation area.

He also pointed out that there were traffic concerns and so the Applicant hired Steve Pernaw, a Traffic Engineer, who has one of the best reputations in the area on traffic. Mr. Pernaw had the utmost confidence in the numbers that he provided. He performed a study in January and one in the summer. The January study reflected school bus traffic. The August traffic report accounted for the golf course being open and traffic on Whittemore Road and the golf course. Mr. Peloquin said that the report was a good and fair traffic report.

Mr. Peloquin said that it was recommended to have another traffic report done. He asked the Board to consider, rather than having a whole other traffic report done; having a third-party review from a traffic engineer or qualified consultant that would review Mr. Pernaw's two reports and then offer his comments. He said that if traffic issues continue to accumulate, the Applicant would be willing to discuss another traffic study at that time. It was his opinion that that recommendation would be a better protocol.

Mr. Peloquin said that the Applicant went to the ZBA a few times, regarding the proposed gate. As a result of a neighborhood being adverse to the project, the Applicant offered a gate as a solution since the traffic was the biggest issue at that time. The gate would separate the Applicant's community from theirs. The ZBA put the gate as a restriction. The Applicant has the gate as part of its proposal but is open to either having or not having a gate.

Lastly, Mr. Peloquin said that based on Ms. Verdile's report, there may be confusion as to Parcels A, B, and C. He said that Attorney Cleary wrote a letter to the Board to try and clarify some of those questions and he was prepared to speak to the intentions.

Ms. Verdile said that part of the confusion is ownership of the opens space land. The Applicant would like to transfer a portion to the Conservation Commission but the question is whether the portion being transferred should stay with the land and be part of an easement.

She said that she finds it confusing to have parcels that are not lots. She said that a parcel cannot be merged with an existing lot. She said that there is a difference between a parcel and a lot in this particular scenario. She said that a parcel cannot be merged unless there are metes and bounds. From the plan, there does not seem to be any legal bounds proposed.

Chairman Topliff said that the way he understood it was that presently it is all one lot. Naming the parcels, A, B, and C was just a way to delineate the use of each portion of the lot. What happens to each parcel, with regard to ownership (whether a portion is transferred to the Conservation Commission or Mr. MacCormack retains ownership) is a detail that can be discussed down the road.

Mr. Peloquin said that Sheets 10 and 11 of the Plan is attempting to clarify what would happen with Parcels A, B, and C when merged with the abutting parcels upon approval. He said that Parcel B would always have a deed restriction of non-residential use and would serve as a buffer for Parcel C for conservation down by the river.

Chairman Topliff said that he understood that Ms. Verdile was struggling with the fact that the lot is all one piece now and cannot be changed into separate parcels unless a subdivision is done which the Applicant has not proposed.

He also continued to explain that the Applicant cannot take Parcel B and merge it with the golf course land unless it is subdivided first. He said that, according to the Town's regulations, in order to do a merge, it would constitute taking two separate lots, which could have common ownership, and if they are recorded as two separate lots on the tax maps then they could be merged. In this case, Chairman Topliff said that his understanding is that it presently is all one lot under common ownership.

Mr. Peloquin agreed that it is all one lot under common ownership today, however, Sheets 10 and 11 of the Plan constitute that Parcels A, B, and C be subdivided off and eventually be separate lots of record. Parcel B would be merged into the golf course, never to be used for residential use. Parcel C would be deeded to the Town or the Conservation Commission and merged with the White Sands parcel.

Mr. Peloquin said that the Applicant cannot subdivide Parcels B and C because they have no road frontage as they currently stand. They would need to be merged with each piece so they would have the proper road frontage. He continued to say that a landlocked parcel cannot be subdivided, therefore, in order for Parcel B to be a legal lot of record, it would have to be merged with the golf course in order to gain frontage on Whittemore Drive.

Mr. Peloquin continued to say that if the 33.3 acres by the river were to become deeded ownership; it would have to be merged with a piece that would have road frontage.

Chairman Topliff said that the Board would have to research if land could be subdivided without road frontage and then be merged with a parcel that has road frontage. He did not remember ever having encountered that type of scenario before.

Attorney Cleary said that the way that he would see it done would be as a condition of a subdivision approval and a merger application would be submitted and approved by the Planning Board which would be required as part of the Board's approval.

Chairman Topliff asked if it was part of their application today.

Attorney Cleary said that the Applicant is open to suggestions from the Board for a better way to do it. Attorney Cleary said that they were not sure if transferring Parcel C to the Conservation Commission outright would be seen favorably by the Board or if the Board would prefer that the Applicant give the Commission or someone else an easement. He said that the general principals are conservation land, golf-course restricted open space land, and a development. He said that how the Applicant arrives at his goal is up to the Board. Attorney Cleary said that it can be achieved in a number of ways.

He also said that the open space definition allows open space easements, recreational use, and it gives the Planning Board all sorts of options to accomplish the Applicant's goal. He said that they are looking for guidance from the Board.

Chairman Topliff asked the Applicant and his team to keep in mind that this is the first time that the Board has worked with the open space ordinance since it was written.

Ms. Verdile said that, for discussion purposes, part of her confusion was that the purpose of the open space ordinance was to gain more density in a smaller piece of land. She said that the portion that would be left for the allowance of the density on the 20 acres parcel is questionable.

She continued to say that it seemed as if the Applicant allowed for the concession of the increased density in one area but the remainder of the property was not staying attached with the density allowance.

Mr. Peloquin said that Sheet 2 demonstrates a build-out plan along with density notes. He said that, after removing right-of-ways, wetlands, steep slopes, and flood plains, constrained land and unconstrained lands as termed in the calculation as to what they could get on the piece of land was 125 residential units according to the Town's ordinance. If Parcels A and C are combined, 123 residential units are possible. He said that the calculations are part of the plan set.

Chairman Topliff said that the reason why he read the Open Space Ordinance at the beginning of the meeting is because Alternate Member Bourque pointed out the 50% open space requirement.

Chairman Topliff read aloud a portion of §143-78: "... designated open space shall represent no less than 50 percent of the total area of the parcel ..." and "As an absolute minimum at least 50 percent of the buildable area that was used to calculate density requirements for the parcel shall be permanently protected as designated open space."

Chairman Topliff said that that question is on the minds of many of the Board members. He asked Mr. Peloquin to help the Board understand, with a total of 88.8 acres, where 44.4 acres of buildable land is permanently set aside and not disturbed.

Alternate Member Bourque also said that on the Yield Plan, he did not believe that they had 112 building lots once the wetlands, buffers, steep slopes, etc. are removed. He said that there are 7 or 8 lots in the upper left corner that are in high percentage of topo and did not understand how Mr. Peloquin could be counting those.

He also asked about shoreland protection. Alternate Member Bourque said that by looking at the plan, he did not think that the yield plan was truthful.

Mr. Peloquin said that all his points were calculated in the plan.

Member Bean asked where the rail trail system goes through the property. Mr. Peloquin pointed it out. He asked if the property owner owned the rail trail. Mr. Peloquin said yes. Member Bean asked if there was an easement presently on the land for the rail trail system. Mr. Peloquin said no and that there is no rail trail bed that the Town has ownership. Mr. MacCormack owns it.

With regard to Alternate Member Bourque's comments, Mr. Peloquin said that he respectfully disagreed. He said that he laid it out and if there are steep slopes in the area that Alternate Member Bourque pointed out, they are 100% all sand banked (which is part of the old gravel pit) and can be taken down. He continued to say that there are no wetland impacts as part of the plan layout. He also said that the roads are configured in such a way that the percent slopes and other things can work. The flood zone line and protection line are at the bottom of the plan. Mr. Peloquin said that the calculations say that 145 units are possible but he could not geometrically fit 145 units there, so he engineered a simplistic plan to show how many units would realistically be placed on the site, which resulted in 112.

Alternate Member Bourque asked about the 50 percent of open space.

Mr. Peloquin said that they would not need that as part of the yield plan.

Chairman Topliff said yes, but with what the Applicant is proposing, they would need the 50% of open space. He asked how many acres accounts for the buildable land in the yield plan.

Attorney Cleary said that the buildable land yield plan shows most of it is buildable.

Chairman Topliff asked for a ballpark number of how many acres are buildable.

Mr. Peloquin said that on Sheet 2 of the yield plan density notes, it shows 66.72 acres of unconstrained area as buildable. The 66.72 acres is entirely developable outside of steep slopes, wetlands, floodplains, and the right-of-way.

Chairman Topliff asked if that was how Mr. Peloquin came up with 33.3 acres for Parcel C.

Mr. Peloquin said no, that Parcel C was randomly divided. It was just a generous offer down by the river and a demarcation line was placed on the map. There was no magic to that number.

Chairman Topliff said that §143-78 requires

“... an absolute minimum of 50% of the buildable area that was used to calculate the density requirements for the parcel. shall be permanently protected as designated open space. Furthermore the designated open space shall represent no less than 50 percent of the total area of the parcel subject to the additional conditions below.”

He asked Mr. Peloquin to help the Board understand how they have met those requirements.

Mr. Peloquin asked about the 5 percent Planning Board flexibility.

Chairman Topliff read from §143-78:

“The Planning Board may authorize up to a maximum 5 percent reduction in the open space area or the buildable area set aside as open space (but not both) by special use permit, when it finds that (1) the reduction is necessary to enable the use of the open space development approach based on the characteristics of the parcel, and (2) the proposed subdivision adequately meets all other requirements of this ordinance.”

Vice Chairman Seaworth said that the examples given with §143-78 were helpful. He explained that one example was if a road was necessary to get through to the property but disproportionately impacts the buildable land to be set aside for open space, that was the sort of thing that the Planning Board may give a 5% reduction

because the Board would not want to penalize the Applicant for something that is outside their control.

Chairman Topliff said that the Board just wants to understand that the proposal meets the Town's requirements.

Mr. Peloquin said that his answer to this is: 25 acres of 88.8 acres is being developed as part of the residential involvement, which is 100% of what they are proposing. 2/3 of the land (more than 50%) is open space for perpetuity, so, in his opinion, they have met that requirement.

Chairman Topliff said that Parcel 2 is potentially being used for the golf course.

Mr. Peloquin said that Attorney Cleary pointed out that recreational use can have easements.

Chairman Topliff agreed but then read §143-78 G:

G. The removal of soil, trees and other natural features from the designated open space is prohibited, except as consistent with conservation objectives or permitted uses as provided above.

H. The designated open space shall be retained in a natural, undisturbed state, except for those activities permitted and approved as provided above, or as required for active management according to a conservation agreement and management plan written by a qualified natural resource professional.

Chairman Topliff said that "provided above" does not include using the land for a golf course.

Mr. Peloquin said that Rick Van de Poll, who performed the environmental report, pointed out clearly that the area serving as a buffer for this valuable land is a very valuable resource for wildlife corridor, conservation, and open space.

Attorney Cleary explained that the Town's open space definition in the first part of the ordinance and what Chairman Topliff read is not conservation land. It is open land that can be used for private or public use, recreation, preservation of environmentally sensitive areas, agriculture. He explained that it is just open space and not developed or for residential build out. He said that the condominium has

an open common area that will remain undeveloped. He pointed to another piece on the map that he said would remain largely undeveloped which the golf course will use. He explained that a golf course is grass, trees, and sand. The conservation lot will remain undeveloped. He said that it all meets the open space definition in the ordinance.

Chairman Topliff said that the ordinance says that it shall remain in a natural and undisturbed state.

Attorney Cleary said that “except as permitted.” He said that the Board permits the use of the open space. He asked that the Board tell them what they would permit on the land and those are the only uses that would be made of it. He said that it could be a farm or a soccer field.

Member Cruson said no, a soccer field is not open space.

Attorney Cleary asked what type of recreation the Board was talking about.

Member Cruson replied hiking, walking, and snow shoeing. She emphasized that it says “not to be disturbed”.

Attorney Cleary interjected, “except as permitted”.

Ms. Verdile said that her Staff Report Section D says “Any use of designated open space is subject to approval of the Planning Board, with advice from the Conservation Commission, and shall demonstrate that such uses shall not negatively impact the natural and/or cultural amenities preserved through the open space development design.”

She continued to say that the issue is conflicting because D says that any use of the open space is subject to the approval of the Planning Board with the Conservation Commission and, as Chairman Topliff pointed out, that it later says that it cannot be disturbed and must remain natural.

Ms. Verdile again said that F states that “A note shall be affixed to the approved site plan stating that any proposed change of use or change of character of the designated open space shall be proposed in advance of any changes to the Town Planner by the entity assuming responsibility for the designated open space. Furthermore, any changes of use or character of designated open space shall be prohibited unless approved in writing by the Town Planner.”

In her opinion, the sections are conflicting. One says that it shall remain open and the other says that it can be subject to approval with the Planning Board and the Conservation Commission.

Chairman Topliff said with that aside, the Board has had a number of applications before them which included open space proposals as part of their application, and the Board, to the best of his knowledge, never entertained the use of open space for anything other than its natural state as it was at the time that the application was presented. Therefore, the concept of cutting down trees, grading and leveling, and creating a golf course on open space is not something that the Board has ever been asked to consider. He said that he could not tell the Applicant how the Board would rule on that.

Attorney Cleary said that he was not aware of that.

Chairman Topliff continued to say that open space to the Board is land that is kept in its natural state at the time of the application. He said that people have put in trails for walking, or to maintain trails for snow mobile access, or cut some brush along a brook to allow better enjoyment such as for a picnic table or two for family use, but they have never had anyone come before them wanting to do something major with the land which would involve any significant disturbance.

Attorney Cleary said that the definition of Open Space Easement says that the easement could “allow or disallow recreational development” so he assumed that it was allowed.

Chairman Topliff said that in the industry, that is not recreational development.

Attorney Cleary said that it is not clear in the Town’s language.

Mr. Peloquin asked if they would meet the 50 percent as described if: (1) the upper parcel of the development was connected, (2) they provided a 25-ft. access easement on the plan from Parcel A to Parcel C for anyone’s use, in order to allow a trail to Parcel C, (3) Parcel B came off the table, (4) there was a lot line adjustment to make the piece go with the golf course, (5) Parcels A and C stood alone, (6) there was 25 acres of developed area, and (7) there was 33 acres of conservation area.

For clarification, Chairman Topliff asked if Mr. Peloquin was suggesting that he would propose to subdivide Parcel B before doing anything else with the application.

Mr. Peloquin said yes. Parcel C would be added to Parcel A.

Alternate Member Bourque said that he would be changing density on the yield plan by attaching the center piece to the golf course.

Mr. Peloquin said that they still have a calculation that shows plenty of density to do what they need to.

Chairman Topliff said that he thought that what Alternate Member Bourque was asking was that if they were to do the yield plan without Parcel B's acreage, would there still be adequate buildable space on a conventional subdivision to build that many units.

Mr. Peloquin said that the answer was quantified on sheet 2 of the Yield Plan, he because he knew that those questions would come up. He continued to say that it was on his original application, that Parcels A and C . . .

Chairman Topliff interrupted Mr. Peloquin and said that the Board did not consist of engineers and that it was not helpful to continue to say that "on the application on Sheet so and so" because it was kind of insulting.

Mr. Peloquin said that he did not want the Board to think that they were being secretive.

Chairman Topliff asked him to stick to the presentation and to not point out that the Board should have looked at the application. He said that the message that Mr. Peloquin is sending is that the Board should have done their homework.

Mr. Peloquin apologized and said that that was not what he was trying to do. He said that he was trying to say that if Parcels A and C stood alone, based on the calculations of steep slopes, wetlands, and floodplain, they would equate to the density needed. He said that he could not lay it out according to this because they cannot connect a road to a 25-ft. access way. They could increase that by preparing a different design to try to demonstrate that, but that was an effort that they were not prepared to do.

Again, Mr. Peloquin apologized.

Mr. MacCormack said that he spoke with Ms. Verdile about this issue and that she raised the issue of Parcels A, B, and C and merging Lots B and C together. He said that he thought in Attorney Cleary's letter to the Town, it said that they did what they thought was best for the lot. They were basing it on the best use of the land. The top is the best land for development while preserving the lowest parcel for conservation. He said that he is not objecting to merging those lots if they could get some kind of easement saying that they could use some of the land for the golf course. Mr. MacCormack said that one of the biggest uses on the plan shows a potential driving range which is something that they submitted a year ago with their first plan.

Mr. MacCormack continued to say that he had no objection to wording it in any way that the Town found it acceptable. He felt that they were putting in 66 units when they had the density for 112 on the parcel. He said that he would like the Board's advice.

He continued to say that when he spoke with Ms. Verdile, she was going to have the letter reviewed by Town Counsel and then return with recommendations. He said that the best way to proceed would be to not tell the Board something that they do not feel is right by law but rather for the Town to come back, if possible, to them and say what would be acceptable.

Chairman Topliff said that, again, it is uncharted ground for the Board. They have never had an application that comes in under the open space ordinance, so it is a learning process and a challenge for everyone. He said that the Board is bound by their ordinance and can only do what the language allows.

He continued to say that it sounded as if there were multiple ways to interpret the ordinance. He said that the Board has to be very cautious about anything that constitutes an interpretation because that is all subject to challenge. He said that he does not think that anyone wants to spend a lot of money and energy on something only to find out that the Board missed a key point which resulted in a legal challenge which forces them to go back to square one. It does not serve anyone any useful purpose. He said that the goal is for the Board to try to understand what it is that the Applicant has in mind, to figure out what the ordinance means (he said that he thinks the Board understand the ordinance), and to understand the Applicant has in mind based on their interpretation of the ordinance. It is clear that

there is a disconnect. He asked that they let the information sit for a while and see if there are questions on a different topic.

Member Bean asked if, on Map Lots 634-7-1 and 634-2, there was a road across from the club house to gain access to the golf course lot.

Mr. MacCormack said that there is a road near the maintenance building.

Member Bean asked if there would be a right-of-way put in to access that land if the Town acquiesced to the exception of both Parcels B and C.

Mr. Peloquin said that the 25-ft. access was strategically placed to show that there would never be a road there. It is a pedestrian way.

Member Edmonds asked if they could explain how they would handle the sewage and septic disposal.

Mr. Peloquin said that they have an agreement with the Sewer Commission for 33 units to be sewerred. At the present time there is a lawsuit still pending with Allenstown. They would only be given permits for 33 units but the project would be phased anyway. Water will service the entire project. It is under water and sewer and they have water approval. There is no septic with this application.

Member Edmonds said that water will service the entire project.

Mr. Peloquin said yes.

Member Edmonds said that the Applicant only has a minimum amount of sewer (33).

Mr. Peloquin said yes.

Member Edmonds said that the remainder would have to be on individual sewer systems or a community system.

Mr. Peloquin said that their understanding was that the lawsuit was not related to sewer capacity. They are waiting for the Sewer Commission's approval for the entire project to be sewerred.

Ms. Verdile said that Pembroke is appealing the Court's decision.

Member Edmonds asked if their plans are to sewer the entire project.

Mr. Peloquin said yes.

Alternate Member Bourque clarified that the applicant has proposed 72 units but they would only have 33 sewer hookups available.

Mr. Peloquin said yes.

Alternate Member Bourque asked if they were going to phase the project.

Mr. Peloquin said yes.

Alternate Member Bourque asked if, as a contingent, they had adequate room to put septic systems for the 18 quads.

Ms. Verdile said that the community system would be on Parcel B, if necessary and as required by the ordinance. She said that community sewer systems can be located in the open space.

Alternate Member Bourque asked Mr. Hodge if there was a distance issue on that ordinance.

Mr. Hodge said that, for a sewer system, there would have to be a manhole or a cleanout every 100 ft.

Mr. MacCormack said that pragmatically in that division, they would put in the main road that would run the 800 ft. between Nadine and Whittemore. They would put in the 33 units along that road and would not install Birdie Way or the cul-de-sac until they had more permits. They would do it as another phase.

Member Edmonds asked if Mr. MacCormack would only build the number of units that he had permits for.

Mr. MacCormack said yes. They would not be given a building permit until they had sewer on the rest of the units

Member Bean asked if this would be a Town-maintained road.

Mr. Peloquin said yes. The plan is to turn it over to the Town.

Chairman Topliff read aloud the Open Space definition:

“Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring open space.”

He then asked the Applicant to help him understand, given the phrase “Any parcel or area of land or water essentially unimproved . . .” how they could build a golf course on unimproved land.

Attorney Cleary said that he would not argue the point and that they did not discuss this in the first two meetings. He said that if the Board has a policy that it does not want anything but hiking trails on open space, then they will figure a way around it. He said that they just needed to know that.

Chairman Topliff said that the Board has never had anyone come before them and propose anything on open space land other than to leave the land as open space.

Attorney Cleary said that the case went to the ZBA which interprets the ordinance and they did not mention this.

Chairman Topliff said that the ZBA is only going to address the specific relief that the Applicant requests. They are not going to go through all the details of the application – that is the Planning Board’s responsibility along with the Town Planner and the Planning Staff which includes Everett Hodge.

He continued to say that he would not say that the door was closed, but that the Board was really struggling.

Member Edmonds said to Chairman Topliff that he quoted from the ordinance and Ms. Verdile said that it is permissible to build a septic system there. He said that he was equally confused. He said that it should be one or the other.

Ms. Verdile said that she thought that she read somewhere that the septic system was allowed on open space land. She began to look through the ordinance.

Chairman Topliff asked Ms. Verdile where she found reference to a community septic system.

Ms. Verdile said that maybe she was confusing it with community wells. She read 143-78E.

E. Community wells are required in the designated open space, provided that this use was approved as part of the subdivision plan and that appropriate legal arrangements are established and approved by the Planning Board for the maintenance and operation of these facilities.

Mr. Hodge and Ms. Verdile then said that they were not aware of anything that mentions community septic systems in the open space.

Ms. Verdile then said that at the initial meeting with TRC, there was discussion about what land was being included to get buildable and open space land. At that time, it was her understanding that they were including Parcel B as part of the calculation.

Mr. Peloquin said yes.

Ms. Verdile continued to say that the Applicant was now talking about taking Parcel B out of the calculations for density and open space. If Parcel B is not used in the calculations for the open space or density, then using Parcel B as the golf course does not impact the open space status.

Chairman Topliff said that is true if it was not part of the 88.8 acres, but as it stands, they are proposing all one parcel.

Then Member Cruson said that, theoretically, if the Applicant subdivided and removed Parcel B, it could be golf course area and the remainder could be one unit, one parcel, or A and C could become a parcel of land that could be then treated for development and for conservation.

Ms. Verdile then asked why the Applicant could not follow D and/or F and designate Parcel B.

Chairman Topliff said that that was not on the table right now. Paragraph F is post Planning Board action. That would be a change of use. The Board is not presently dealing with a change of use.

Ms. Verdile said that they would still have to put a note on the plan and, at some point; the Applicant would have to comply with affixing a note on the plan.

She went on to say that since the Applicant meets the open space, the open space by the river is not going to be disturbed, and they also meet the 50 percent and buildable area, couldn't Parcel B still have 42 D, a proposed golf course use because it is not impacting the open space attached to the subdivision.

Chairman Topliff said that that was not the proposal now. It presently is 88.8 acres. He asked if there was a request as part of the application to subdivide these lots.

Ms. Verdile said no.

He continued to say that as of today there is no proposal for a subdivision. If they were to modify their application to include a subdivision of land so that, for example, Parcels A and C were retained as part of the original parcel and Parcel B was subdivided, that would be okay as long as it met the other requirements. He referred to Mr. Peloquin's statement that they cannot subdivide a lot which would, in this case, potentially be Parcel C, that does not have frontage.

Ms. Verdile said that they could create a back lot with a 50 ft. access.

Ms. Verdile said that there is provision that the Board can approve back lots which would be like a flag lot. Parcel C would be a flag lot.

Mr. Peloquin asked if Ms. Verdile was saying that the easement would be increased from 25 ft. to 50 ft.

Member Bean said that it also has to be connected.

Mr. MacCormack said that, at the present time, he was just as thoroughly confused as everyone else. He said that he initially thought that he had the land divided into three sections -- a buildable area at the top, a conservation area below with the conservation area being the open space which the 33 acres offset the 26 acres. They connected those two lots by the 25 ft. path that would all become one parcel.

He continued to say that what they thought, at that time, was that the Conservation Commission would take deed to that parcel and it would become part of the White Sands beach area which now had frontage. Lot B would have been subdivided and would have become part of the golf course which has frontage. He said that he understands how complicated it has become but, at the time, that was their original intention.

Chairman Topliff said that there are a few challenges. Ms. Verdile clarified that the application, as it stands, does not include the request to subdivide land, therefore, the Board does not have the ability to consider this as a lot comprised of Parcels A and C. The Board can only deal with the application before them.

He said that, in terms of the Conservation Commission, and whether they would like the land deeded, or whether Mr. MacCormack continued to own it, along with its designated open space, the Board would have to speak with the Board of Selectmen and the Conservation Commission. He said that the Planning Board was not in a position to provide any real guidance on that at this point.

Mr. MacCormack suggested that they adjourn the meeting because it was obvious to him that they had no clear path. He suggested that the Board allow them to try “to clean it up” and try to meet the Board’s standards.

Chairman Topliff noticed that there was one gentleman in the audience and asked if he had any comments.

The gentleman said that he was waiting until the Board had all their questions answered.

Alternate Member Bourque suggested that if the Applicant was thinking of taking Parcel B out of the picture and only consider Parcels A and C, they should review the yield plan in order to establish how many homes can be built on that amount of property after they removing slopes, wetlands, buffers, etc. He asked if there was a minimum between Parcels A and C for the roadway.

Chairman Topliff said that there is a 50 ft. minimum.

Alternate Member Bourque then said that the Applicant would then have to change to a 50 ft. road if they wanted to connect Parcels A and C (for density) and then it would have to be monumented.

Ms. Verdile read aloud:

§ 143-23 Back-lot access. Subject to the approval of the Planning Board, any lot may be laid out by plan that has minimum frontage equal to or greater than the maximum required right-of-way width for a town road according to the subdivision regulations in effect at the time.

Vice Chairman Seaworth said that, in this case, to make the math work, if they subdivided Parcels B, Parcels A and C would have to remain one parcel because if they divided those in two, they would lose the whole open space concept.

Although Ms. Verdile talked about what might be done to make Parcel C one lot, Vice Chairman Seaworth said that the hurdle is to keep Parcels A and C together and subdivided Parcel B in order to make the math work.

Ms. Verdile asked if Parcel B had frontage.

Mr. MacCormack said that Parcel B would have frontage if it was joined with the other lot.

Mr. Peloquin thanked the Board for the informative discussion. He said that another option could be, if they increased Parcel C 11.1 acres instead of 33.3 acres, it would then become 44.4 acres, and Parcel B would have the remainder that would still not be for residential use and would still serve as a good buffer. Although he did not know where the line would be demarked, he asked if it was reasonable.

Chairman Topliff said that he thought that he was hearing yes from around the table. He asked Mr. Peloquin to just keep in mind that the Town has an open space ordinance because the Board thinks that it a smart thing to do – not only for the developer but for the Town. He said that, speaking for himself, he was encouraged that Mr. Peloquin proposed this. Even though there would be “wrinkles” along the way, he said that the Board is very much in favor of their proposal to set aside the land down by the river for open space and recreational purposes. He said that it seems like a wonderful plan. He said that conceptually, the Board likes the proposal but there are things to iron out.

Ms. Verdile said that it meets one of the main purposes of the open space ordinance which is to connect to other conservation land.

Alternate Member Bourque said that the Applicant has a few options depending on what works best for them.

Mr. Peloquin asked for clarification. He said that the open space must be 50 percent of the land which means that 44.4 acres has to be dedicated to open space. He pointed to wetlands and other land behind the power line easement which could comprise several acres that, if untouched, could be part of a conservation easement that could inch the number up.

Chairman Topliff said that there are two criteria to be satisfied: (1) 50 percent of the buildable area, which was earlier calculated at approximately 66 acres and (2) no less than 50 percent of the total area. He referred to §143-78A.

Juan Puchalski, 424 Terrie Drive, asked, with reference to conservation area, how a subdivided lot and a parcel work in this case. If Parcel C is taken into account as far as the 50% of buildable area, how does that become part of conservation land? He asked if the land remained in ownership of Mr. MacCormack if it would be considered conservation land or would the lot need to be subdivided to become ownership of the Town in order to become conservation land. What would happen to the offset in that case?

Chairman Topliff said that the Town has an open space ordinance. What the Board is trying to create in the ordinance is open space to be used for the things that it talks about in that section. Conservation is one potential use of open space. The open space could just remain open space. Mr. MacCormack could continue to own the land and provide access to it for the residents in the development. The Applicant has offered something more. They have expressed an interest in deeding the land to the Town or making it available to the Conservation Commission to tie into the White Sands conservation area. Those are discussions that are on the table as potentials but no decisions along those lines have been made.

Mr. Puchalski said that there was a lot of discussion about the subdivision of Parcel B and the calculation of the acreage and the area between buildable area and what remains open space. He asked what would happen in a theoretical subdivision where Parcel C was subdivided and became part of Pembroke's conservation land. Would it still count as an offset to buildable area on Parcel A.?

Chairman Topliff said that they would have to work through the specifics of that. He said that the intent of the ordinance was to create open space and if, subsequent

to the approval, the Town agreed that it made sense to transfer ownership of that open space to the Conservation Commission or the Town, it would not negate, in any way, the fact that that open space was created and set aside for the intended purposes. If it has to remain in ownership of the property owner, would have to be explored before the Board made any such decisions.

Vice Chairman Seaworth said that he had the very same question a month ago. He reviewed the ordinance to see if it was specific and discovered that it was not. There are a number of different options. It could remain as one parcel or could be divided out. The key is that the open space remains open space.

He continued to say that one thing he found that the Board will have to struggle with is that the ordinance says that the Town encourages the land to remain in private ownership. Vice Chairman Seaworth said that the Board does not want developers taking land that they do not want to deal with, and giving it to the Town to be taken care of. Why is that better than maintaining it under the Applicant's ownership but placing a conservation easement on it so it is treated the same way? He said that options need to be part of the Board's evaluation. As far as Vice Chairman Seaworth could tell, the ordinance does not require that the Board follow one option or the other.

Mr. MacCormack said that he would like to address how it might help the Town if the land was deeded to the Town. He said that the only way it would help the Town is if it was in taxable land and he was to pay taxes on the property. The land is presently in current use. It pays hundreds of dollars rather than thousands of dollars in taxes, therefore, the basis for that small piece of land would result in a very small amount of money offset by the fact that many hundreds of thousands of dollars in tax base would be added to the tax role by the building of the units that are up above. The difference between holding the property in his ownership and holding it in Town ownership would be: (1) in his ownership the people who live in the development would have the right to use the open space land. He said that he understood that the rest of the town would not. (2) If the land was in Town ownership and it went into conservation and White Sands, it would be the benefit of the whole Town. He said that the ordinance does not say that it cannot change ownership. It is not as if the land was changing ownership to another person. The Conservation Commission clearly would like that because of the ecological value that they feel needs to be protected. As far as Mr. MacCormack was concerned, if the Board preferred to leave the land in his name, he was all right with that. He said it was insignificant to the amount of the project.

Ms. Verdile said that, by going on the site walk, she recognized that it fits in with the Master Plan. In her opinion, the development is giving the Town the best of both worlds. By turning it over to the Commission, it is being linked to the Heritage Trail. It is a subdivision that the Town can use and not exclusive to the golf course. She said that that aspect of it is worth considering rather than keeping it in private ownership because it accomplishes a high value goal of the Master Plan.

Mr. Hodge said that by placing the land in conservation, it would be protected in perpetuity. The Conservation Commission would monitor the land to make sure that it is used properly. If it was kept in private hands, no one would monitor it. Whether by easement or by ownership, being in conservation protects the land.

Mr. Peloquin said that they will look at the 11.1 acres and see where the land that is not being touched could be equated and quantified. Then they will look at placing Parcel B into an easement exclusive to the golf course for now.

Attorney Cleary said that he understood that Chairman Topliff was saying that if it is part of the plan and not subdivided out, it would be called open space. If it is open space, the Board will not allow the Applicant to place golf on it.

Chairman Topliff said that his assumption was that Parcel B was required to meet the 50 percent of open space of the total parcel. If the Applicant is able to meet the 50 percent buildable area and 50 percent of the total acreage as open space without including Parcel B, then there are some opportunities to satisfy Mr. MacCormack's intent. Procedurally how best to do that, the Board would have to think about it a bit. Assuming that the Applicant met the ordinance, and, as was pointed out, there is a 5% potential variance, and they can meet that without some portion of Parcel B, then they need to figure out what, if anything, needs to be done at that point. Mr. MacCormack presently owns both parcels. He thought that the land would just be designated as not part of the open space if they were able to meet the requirements of open space without it or a portion of it.

Attorney Cleary asked if it could be something else.

Chairman Topliff said that it could just be developable land.

Ms. Verdile said that it could be reserved land.

Chairman Topliff further commented that, from the Board's perspective, he did not think that it needed to be designated in any way. What need to be designated are the area being developed and the area that is being set aside as open space. Those need to be identified, well-defined, and clearly marked as part of the application assuming that it is approved as part of the final approval. To the extent that there may be other acreage, that is not necessary to meet the requirements of the open space ordinance, it could be land that could be used for other purposes.

Mr. Peloquin again apologized and wanted to make clear that he had no intention of insulting Chairman Topliff or any member of the Board. He said that he was merely trying to justify the numbers.

Alternate Member Bourque asked for clarification that the Applicant must come up with 44 acres of open space.

Chairman Topliff said yes.

Chairman Topliff pointed out that the ordinance contains examples of how the Applicant can go about the process. He said that when the Board rewrote the section, it took a long time to try to make sense of it and see if it was something that a developer could make sense of. He said that it is still a challenge but the language for the cluster subdivision was worse. He said that there probably still is room for improvement.

There being no further questions from the Board or the audience, Chairman Topliff said that he would entertain a motion to continue the public hearing. There will not be additional notices provided to abutters of the continued public hearing so anyone interested in continuing to participate with the applications will need to monitor the Town's website and public notices.

Chairman Topliff closed the public hearing at 8:35 p.m. on Agenda Items 1, 2, 3 and 4.

**MOTION: ALTERNATE MEMBER BOURQUE MOVED TO CONTINUE CONSIDERATION OF PEMBROKE PINES APPLICATIONS TO THE JANUARY 23, 2018 MEETING. SECONDED BY VICE CHAIRMAN SEAWORTH. UNANIMOUSLY APPROVED.**

The meeting recessed at 8:43 p.m.

Chairman Topliff continued the meeting at 8:50 p.m.

**New Business** – Public Hearing for Zoning Amendments #1, #5, and #6.

Chairman Topliff opened the public hearing on Zoning Amendments 1, 6, and 7 at 8:44 p.m.

**Zoning Amendment #1**

Are you in favor of the adoption of Amendment #1 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

**One Accessory Dwelling Unit (ADU) shall be permitted in accordance with the NH Planning and Land Use Regulations RSA 674:71, 674:72, 674:73 as amended. Further,** one ADU shall be permitted in all zones that allow single Family Detached Dwelling Units by special exception from the zoning board of adjustment with the following stipulations.

- A. An accessory dwelling unit shall be clearly incidental to the primary use of the property for a single-family dwelling. Such accessory living space shall not exceed 750 square feet and all appropriate town building codes shall be followed.
- B. An accessory dwelling unit may be constructed either within or attached to the single-family dwelling.
- C. At least one interior connecting door or other access for persons to pass between the accessory dwelling unit and the single-family dwelling must be included.
- D. Septic system design/capacity shall be approved by the NH Department of Environmental Services and provided to the Town.
- E. **A minimum of** one off street parking space shall be provided for an accessory dwelling unit, however, no new curb cut from the street shall be constructed.
- F. Exterior construction and material shall be uniform and compatible with the single-family dwelling.
- G. There shall be only one electric, water, and sewer service for both units.

H. This section of the ordinance does not preclude the applicant from having to comply with applicable sewer and water connection fees.

**This is the first public hearing for the proposed amendment #6**

Old language is crossed out and proposed language is bold & underlined

**Zoning Amendment #6**

Are you in favor of the adoption of Amendment #6 as proposed by the Planning Board as follows:

NOTES	
1)	Where one building or site is used for more than one use, parking requirements shall be computed for each use as if it were a principal use, except as provided for under Article <b>XI</b> .
2)	Where the computation of parking spaces results in a fractional number, the fraction shall be counted as one parking space.
3)	For any use other than one specifically mentioned in § <b>143-46</b> , the parking requirements shall be as for the closest similar use as determined by the Code Enforcement Officer.
4)	In addition to the parking requirements <b><u>specifically mentioned in Table 143-46</u></b> additional spaces may be required by the Planning Board for visitor, <b>employee, staff parking, and any other</b> parking depending on the type of use.
5)	<b>The Code Enforcement Officer shall assess the need for parking in addition to what is specified in Table 143-46 and make any recommendations to the Planning Board.</b>

**This is the first public hearing for the proposed amendment #7**

Old language is crossed out and proposed language is **bold & underlined**

**Zoning Amendment #7**

Are you in favor of the adoption of Amendment #7 as proposed by the Planning Board for the following sections of the Town Zoning Ordinance as follows:

**CONTIGUOUS BUILDABLE AREA** – A contiguous area on a single lot which consists of buildable area, unfragmented by non-buildable area. [Amended 3-12-2013 Town Meeting Amendment No.3]

**Refer to note #13 Table 143-21 for additional information**

**LOT** - A tract of land owned and recorded as the property of the same persons or controlled by a single entity. (Also parcel)

**Refer to note #8 Table 143-21 for additional information**

**LOT FRONTAGE** - The length of the front lot line measured at the street right-of-way line **Refer to notes #2, #3, #6, #12 Table 143-21 for additional information**

**LOT, CORNER** - A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street form an interior angle of less ~~than~~ than 135 degrees. **Refer to note #4 Table 143-21 for additional information**

**LOT, THROUGH** - A lot that fronts on two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

**Refer to note #9 Table 143-21 for additional information**

**SEPTIC SYSTEMS** A wastewater disposal or treatment system that receives domestic sewage, other than a holding tank.

**Refer to note #14 & #15 Table 143-21 for additional information**

**SETBACK (YARD DEPTH) MEASUREMENT** – The setback (yard depth) of a parcel shall be measured from the lot line

**Refer to note #5 & #14 Table 143-21 for additional information**

**YARD** - A portion of a lot upon which a building is not situated, unobstructed artificially from the ground to the sky, except as otherwise provided herein.

**Refer to note #10 Table 143-21 for additional information**

The regulations for each district pertaining to minimum lot area, minimum lot frontage, minimum lot depth, minimum front yard depth, minimum side yard depth, minimum rear yard depth, maximum height of buildings, and percent minimum pervious space shall be specified in this section and set forth in the Table of Dimensional and Density Regulations, and subject to the further provisions of

this chapter. [Amended 3-10-2015 Town Meeting] **Refer to note #7 Table 143-21 for Additional information**

**[Amended 3-12-2013 Town Meeting Amendment No. 11]**

Calculation of Buildable (useable) Area. The density requirement (number of dwelling units per unit of buildable area) for any open space development shall generally be the same as the underlying zoning district permits. The calculation of total buildable area shall only include the portions of the parcel that meet the minimum contiguous buildable area for that district. **Refer to note #8 Table 143-21 for additional information**

There being no questions or concerns from the Board about the Amendments, Chairman Topliff closed the public hearing at 8:47 p.m.

**MOTION: ALTERNATE MEMBER BOURQUE MOVED TO ACCEPT THE PROPOSED LANGUAGE FOR ZONING AMENDMENTS #1, #6, AND #7 AS PRESENTED AND SEND THEM TO TOWN MEETING TO BE VOTED UPON ON MARCH 13, 2018 TOWN MEETING. SECONDED BY VICE CHAIRMAN SEAWORTH. UNANIMOUSLY APPROVED.**

**Minutes** - November 28, 2017 Meeting

**MOTION: ALTERNATE MEMBER BOURQUE MOVED TO ACCEPT THE MEETING MINUTES OF NOVEMBER 28, 2017 AS AMENDED. SECONDED BY VICE CHAIRMAN SEAWORTH. UNANIMOUSLY APPROVED.**

**Miscellaneous**

**Committee Reports-**

**Master Plan:** Ms. Verdile said that Mike from CNHRPC will be reaching out to her to discuss subcommittees.

**Roads Committee:** Vice Chairman Seaworth said that the Committee met twice last week. He was absent for the first meeting but attended the second meeting where they reviewed last year's projects. He said that he mentioned the Board's concern about the State paving Route 3 now. He was told that there had been some communication and that they agreed not to repave the fresh pavement that Pembroke just installed. Vice Chairman Seaworth also brought up the fact that the

last time they tried to redo the lanes, they had temporary markers in when the paving was done and that the Committee should be vigilant that if lanes show up where they should not be, the Committee should contact the Roads Committee before the paint is applied.

Vice Chairman Seaworth said that Public Works came up with a list of seven roads that they proposed for paving in 2018. They also discussed doing East View and upper Beacon Hill Road in 2018 which will be between \$1 and \$2 million dollars because there will be a lot of underground construction, drainage, culverts, etc. There was also discussion about Main Street. The State redid a portion of Main Street but there remains a portion that the Town must redo. That work has been put out to bid. At the moment the Roads Committee seems to have three projects that they have discussed for 2018. Two of the projects depend on whether the money is bonded to do the entire project in one year.

The bids for Eastview and Beacon Hill Road are being opened on December 15. A solid recommendation to bond or not to bond will be required for the budget process and then be voted on at Town Meeting.

Conservation Commission: Member Edmonds said that the Commission had a site walk for Pembroke Pines. He was not able to attend. The feedback was positive. The Commission was very complementary on the amount of environmental effort done on the project. They view it, in terms of the amount of effort for natural resource management, as one of the best projects they have seen. He said that they seem to be very anxious to acquire Parcel C. The Commission discussed whether, if the parcel remains attached to the developed area, they could still acquire it. They are very excited of its proximity to White Sand and to the river.

In answer to Member Beans questions, Member Edmonds said that the Conservation Commission can do timber management on a parcel of conservation land.

Ms. Verdile said that the Heritage Trail is intricate to the Allentown/Suncook Revitalization Committee. She has approached Mr. MacCormack about his willingness to work with the Town on that trail. He may participate in the Recreation and Land Use Chapter of the Master Plan.

Chairman Topliff asked if it would be worth having a conversation with the Town Attorney as to whether they would have any issue about designated open space ownership being conveyed to the Conservation Commission. Ms. Verdile agreed.

Vice Chairman Seaworth said that one of the options is to retain ownership but put a conservation easement on it so that the Town does not have to take control of the land but they would have an agreement with the Town on how it will be maintained as conservation land. He said that the ordinance gives a range of options that would allow for conservation without necessarily having the Town take ownership of the land.

Ms. Verdile said that Mr. McCormack could retain ownership of the land and allow a recreation easements for the Trail to be expanded through the property or an easement could be written to allow flexibility rather than the Conservation Commission being required to maintain the parcel in its natural state.

Member Edmonds said that the Commission is looking forward to having administrative authority over the land.

Member Cruson said that the greater issue is the policing of White Sands. If the area is expanded, would the Town have far greater problems such as people dumping trash and destroying things? She said that she thought that the Board of Selectmen may wish to weigh in on the topic.

Member Edmonds said that the people who own the camps in that area are concerned about the same issue. More conservation property invites more use and more abuse.

Alternate Member Bourque asked if the land remained open space and the Applicant continued to own it, would only the residents of that area be able to use it.

Vice Chairman Seaworth said that he disagreed with that. Depending on the easement, land and open space can say that it has to remain open for public use. In general, land in current use can be open for public use or can be posted. If the Board does not say anything in the easement, it would be up to the owner. He would not have to restrict it. There is no reason that the owner would have to restrict it but if the Board does not stop him, he could. He continued to say that the Board could require an easement on the property and that part of easement could be that the land remains open to the public. The land is presently in current use.

Other Business—

Ms. Verdile said that there were a few complaints that the Associated Grocers of New England trucks were not using the new road at the intersection of Route 106 and Route 3 and continuing to use Cooperative Way. The truck drivers complained about the stop sign installed at the end of Kline Way which caused them to shift. They also had a concern about it being plowed in a timely manner. After discussions between Steve Creed and David Jodoin, the Board of Selectmen voted to remove the stop sign. Mr. Creed assured the Town that he will hold a meeting with all the drivers and everyone would use the new road.

Vice Chairman Seaworth said that plowing is an issue because the State will not plow the ramps. The State is plowing the main streets but the Town has to plow the ramps.

Ms. Verdile said that she will speak with NG Advantage and encourage them to also use the new road.

Alternate Member Bourque asked if there would be any benefit to making Cooperative Way a one-way street which would force the traffic from NG Advantage, Grace Capital Church, and Associated Grocers to exit by Kline Way.

Planner Items- approve 2018 Planning Board meeting schedule.

**MOTION: ALTERNATE MEMBER BOURQUE MOVED TO APPROVE THE PLANNING BOARD 2018 MEETING SCHEDULE. SECONDED BY VICE CHAIRMAN SEAWORTH. UNANIMOUSLY APPROVED.**

Board Member Items-

Because there are no pending issues to be addressed at the January 9, 2018, the consensus of the Board was to not hold a meeting on that day.

**MOTION: ALTERNATE MEMBER BOURQUE MOVED TO ADJOURN THE MEETING. SECONDED BY VICE CHAIRMAN SEAWORTH. UNANIMOUSLY APPROVED.**

The meeting adjourned at 9:25 p.m.

Respectfully submitted,  
Jocelyn Carlucci, Recording Secretary