

**Pembroke Planning Board
Meeting Minutes
(ADOPTED)
January 14, 2020**

MEMBERS PRESENT: Brian Seaworth, Chairman; Robert Bourque, Vice Chairman; Kathy Cruson; Clint Hanson; Dan Crean; Ann Bond, Selectman's Rep.

ALTERNATES PRESENT:

EXCUSED:

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

Chairman Seaworth called the meeting to order at 6:30 pm. He asked Planner Cronin to prepare a letter to Mr. Edmonds thanking him for his time and service to the Planning Board.

Public Hearing

Chairman Seaworth opened the First Public Hearing on all of the Proposed Zoning Amendments for 2020 Town Meeting at 6:36 p.m. Planner Cronin read each proposed amendment and summarized the purpose of each amendment. Discussion time is available after each amendment.

Amendment #1

Are you in favor of the adoption of Amendment #1, as proposed by the Planning Board, for the Pembroke Zoning Ordinance to amend §143-55.C., Screening and Buffers – Commercial District to increase the allowed wall or fence height from six feet to seven feet to make allowed fence heights consistent throughout the Zoning Ordinance.

The purpose of Amendment #1 is to make allowed fence heights consistent throughout the Zoning Ordinance. Planner Cronin stated that this is to correct discrepancies where some places maximum fence height is listed as 6 feet and in others as 7 feet.

Amendment #2

Are you in favor of the adoption of Amendment #2, as proposed by the Planning Board, for the Pembroke Zoning Ordinance to amend §143-19 Table of Use Regulations to combine Agricultural Uses #4 and #9, to read, "raising and/or keeping livestock, horses, poultry, sheep, swine, or other farm animals for commercial use, not including the raising of fur animals," and allow them by Special Exception in the R1, R3, B1, and LO Districts.

The purpose of Amendment #2 is to combine the conflicting Agricultural Uses #4 and #9 into one use. Planner Cronin stated there is an inconsistency between the two commercial agricultural uses. In one section, it had some animals permitted by right and another section allowed the same animals by special exception in the same zone. We combined both sections and made them all permitted by special exception.

Amendment #3

Are you in favor of the adoption of Amendment #3, as proposed by the Planning Board, for the Pembroke Zoning Ordinance to amend §143-58.B., Signs – General Requirements, to establish a ten foot setback from property lines for freestanding signs.

The purpose of Amendment #3 is to establish a setback for free standing signs. Planner Cronin stated that no setbacks were prescribed in the ordinance. The definition of a free standing sign is on a pole or monument separate from the building, as opposed to a wall sign.

Amendment #4

Are you in favor of the adoption of Amendment #4, as proposed by the Planning Board, for the Pembroke Zoning Ordinance to amend Article VIIIA, Telecommunications Facility & Antenna Criteria, to bring the Telecommunications ordinance into compliance with recent changes to state and federal laws.

The purpose of Amendment #4 is to bring the Town Telecommunications ordinance into compliance with recent changes to state and federal laws. Planner Cronin said Town Counsel recommended this amendment due to changes in State of NH RSA.

Amendment #5

Are you in favor of the adoption of Amendment #5, as proposed by the Planning Board, for the Pembroke Zoning Ordinance to amend §143-21, Table of Dimensional and Density Requirements, to establish a corner clearance provision by prohibiting any structure, fence, sign or landscaping on corner lots to be placed or grow in such a manner as to impede sight distance, and to allow the Code Enforcement Officer to require that a landowner remove any potential safety hazard which exceeds three (3) feet in height above curb level and is located within a triangular area formed by measuring fifteen (15) feet along the two lot frontages from their point of intersection and connecting the two endpoints.

The purpose of Amendment #5 is to establish a corner clearance provision for safe sight distance at intersections for vehicles and pedestrians. Planner Cronin said the amendment will include the diagram to clarify the 15-foot distance along the two frontages of a corner lot, showing the triangular area that must be kept clear for sight distance and safety. This amendment gives the Code Enforcement Officer the opportunity to address safety hazards.

Amendment #6

Are you in favor of the adoption of Amendment #6, as proposed by the Planning Board, for the Pembroke Zoning Ordinance to amend §143-8 Definitions to replace the definition and use called "Commercial Greenhouses" with new uses defined for "Garden Center" and "Industrial Greenhouse," both of which shall be permitted in the R3 and C1 zones, permitted by special exception in the R1, B1, and LO zones, and prohibited in the B2 zone.

The purpose of Amendment #6 is to replace the existing Commercial Greenhouse use with new uses for Garden Center and Industrial Greenhouse. Planner Cronin stated that Garden Center is retail sales where the more than 35% of the items sold are imported. 35% is the State threshold for triggering agriculture versus commercial enterprises. Industrial Greenhouse is primarily wholesale, large shipments to retailers.

The proposed definition for Garden Center is “a place of business where retail and wholesale products and produce are sold to the consumer. Garden centers, which may include a nursery and/or greenhouses, import more than 35% of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.” The proposed definition for Industrial Greenhouse is a “wholesale business whose principal activity is the growing and selling of plants to retailers and not to the general public.”

Board members discussed that the Table of Uses shows Industrial Greenhouse allowed by right in the R3 and C1 zones. Selectmen’s Representative Bond asked for clarification of the location of the R3 zone. Planner Cronin said R3 zone extends from 3rd Range Road back. Selectmen’s Representative asked if Planner Cronin could provide her a colored map of the town zoning areas to bring to Town Meeting.

Member Cruson would like to see Industrial Greenhouses allowed by Special Exception in the R3 zone. Vice Chairman Bourque would support a Special Exception for Industrial Greenhouses in the R3 zone. Chairman Seaworth said an Industrial Greenhouse is appropriate by right in the C1 zone. If it were just a greenhouse, maybe it would fit in the R3 zone. It is a matter of details. Member Crean noted that just because a use is allowed does not make it feasible. The Planning Board can impose requirements through site plan review.

The Planning Board would like to change the language to allow Industrial Greenhouses in the R3 by Special Exception rather than permitted by right.

Amendment #7

Are you in favor of the adoption of Amendment #7, as proposed by the Planning Board, for the Pembroke Zoning Ordinance to amend §143-72 Wetlands Protection (WP) District, to increase the wetland buffer from 20 ft. to 50 ft., require wetland demarcation, and broaden the types of studies and professionals authorized by the Planning Board in order to more thoroughly assess wetland impacts.

The purpose of Amendment #7 is to increase buffers on wetlands and allow more thorough assessment and demarcation of wetlands. Planner Cronin said Amendment #7 is brought forth by the Conservation Commission. Unfortunately, no one is present at this meeting from the Conservation Commission. The proposed amendment increases the wetland buffer from 20 feet to a 50 foot “no disturb buffer.” The changes would also allow the Planning Board to require demarcation of wetlands, which is a permanent marking of the wetland boundary by medallions, boulders or post and rail fence. The proposed amendment strengthens wetland protection and makes residents more cognizant of wetland impacts.

Chairman Seaworth stated that the proposed amendment codifies that the Planning Board may require a study by a wetland scientist. The Planning Board already has that authority. Vice Chairman Bourque asked if a “no disturb buffer” allows trimming of existing trees or vegetation in the buffer area. Planner Cronin stated trimming an existing tree would be

appropriate, but clear cutting and replacing native plants may not be. Member Crean said the more area left in natural state, the better. Vice Chairman Bourque asked if the “no disturb buffer” allows the homeowner to thin out and groom invasive plants that overgrow into the buffer area.

Planner Cronin suggested inviting the Conservation Commission to attend the second public hearing on January 28, 2020. Chairman Seaworth agreed that the Conservation Commission could provide a deeper understanding. Selectmen’s Rep Bond said that in the wetlands ordinance, allowed used in the wetland are grazing by animals and harvesting of crops. Chairman Seaworth stated that those uses are within the wetland. The buffer is area outside of the wetlands. Planner Cronin stated that the current language is “no structure, roadway or construction work zone” is allowed in the buffer. However, there are activities that could disturb the buffer that don’t meet that criteria. An example would be digging a well. Cutting vegetation does not create disturbance.

Amendment #8

Are you in favor of the adoption of Amendment #8, as proposed by the Planning Board, for the Pembroke Zoning Ordinance to amend §143-72 Wetlands Protection (WP) District, to establish a 100 ft. vernal pool buffer and define “vernal pools” in accordance with NH Code of Administrative Rules, Section Env-Wt 101.108.

The purpose of Amendment #8 is to define vernal pools and establish a 100 foot buffer. Planner Cronin said Amendment #8 is also brought forth by the Conservation Commission. The proposed amendment creates a “no disturb” vernal pool buffer of 100 feet. The vernal pool definition and characteristics are from State law.

Planner Cronin suggested inviting the Conservation Commission to attend the second public hearing on January 28, 2020 to address proposed amendment #8. Chairman Seaworth agreed.

There being no further input, Chairman Seaworth closed the public hearing on the 8 proposed zoning amendments for Town Meeting 2020 at 7:14 p.m.

MOTION: Vice Chairman Bourque moved to approve Amendment #1 as written and send it to Town Meeting in March 2020. Seconded by Member Crean.

VOTE: B. Seaworth – Y A. Bond – Y C. Hanson - Y
 D. Crean – Y K. Cruson – Y R. Bourque – Y

MOTION TO ACCEPT THE AMENDMENT AND SEND TO TOWN MEETING PASSED ON A 6-0 VOTE.

Amendment #1 is on the ballot.

MOTION: Vice Chairman Bourque moved to approve Amendment #2 as written and send it to Town Meeting in March 2020. Seconded by Selectmen’s Rep Bond.

VOTE: B. Seaworth – Y A. Bond – Y C. Hanson - Y
 D. Crean – Y K. Cruson – Y R. Bourque – Y

MOTION TO ACCEPT THE AMENDMENT AND SEND TO TOWN MEETING PASSED ON A 6-0 VOTE.

Amendment #2 is on the ballot.

MOTION: Vice Chairman Bourque moved to approve Amendment #3 as written and send it to Town Meeting in March 2020. Seconded by Selectmen's Rep Bond.

VOTE: B. Seaworth – Y A. Bond – Y C. Hanson - Y
D. Crean – Y K. Cruson – Y R. Bourque – Y

MOTION TO ACCEPT THE AMENDMENT AND SEND TO TOWN MEETING PASSED ON A 6-0 VOTE.

Amendment #3 is on the ballot.

MOTION: Vice Chairman Bourque moved to approve Amendment #4 as written and send it to Town Meeting in March 2020. Seconded by Selectmen's Rep Bond.

VOTE: B. Seaworth – Y A. Bond – Y C. Hanson - Y
D. Crean – Y K. Cruson – Y R. Bourque – Y

MOTION TO ACCEPT THE AMENDMENT AND SEND TO TOWN MEETING PASSED ON A 6-0 VOTE.

Amendment #4 is on the ballot.

MOTION: Vice Chairman Bourque moved to Approve amendment #5 as written and send it to Town Meeting in March 2020. Seconded by Member Hanson.

VOTE: B. Seaworth – Y A. Bond – Y C. Hanson - Y
D. Crean – Y K. Cruson – Y R. Bourque – Y

MOTION TO ACCEPT THE AMENDMENT AND SEND TO TOWN MEETING PASSED ON A 6-0 VOTE.

Amendment #5 is on the ballot.

MOTION: Vice Chairman Bourque moved to change Amendment #6 to reflect that Industrial Greenhouse shall be permitted by Special Exception in R3 zone. This change will go to the final public hearing for zoning amendments on January 28, 2020. Seconded by Selectmen's Rep Bond.

VOTE: B. Seaworth – Y A. Bond – Y C. Hanson - Y
D. Crean – Y K. Cruson – Y R. Bourque – Y

MOTION TO REVISE THE AMENDMENT AND CONTINUE THE PUBLIC HEARING FOR AMENDMENT #6 TO JANUARY 28, 2020 PASSED ON A 6-0 VOTE.

MOTION: Member Crean moved to continue Amendment #7 and Amendment #8 to the final public hearing on January 28, 2020 for further input from the Conservation Commission. Seconded by Member Hanson.

VOTE: B. Seaworth – Y A. Bond – Y C. Hanson - Y
D. Crean – Y K. Cruson – Y R. Bourque – Y

**MOTION TO CONTINUE THE PUBLIC HEARING FOR AMENDMENT #7 AND
AMENDMENT #8 TO JANUARY 28, 2020 PASSED ON A 6-0 VOTE.**

Minutes- December 10, 2019

**MOTION: MEMBER CREAN MOVED TO ACCEPT THE MEETING MINUTES OF
DECEMBER 10, 2019 AS WRITTEN. SECONDED BY VICE CHAIRMAN BOURQUE.
APPROVED ON 5-0-1 ABSTAIN VOTE, WITH SELECTMEN'S REP BOND
ABSTAINING.**

Miscellaneous

1. Correspondence- none
2. Committee reports

Conservation Commission - Chairman Seaworth noted that with Brent Edmond's resignation, we need a Planning Board representative to attend Conservation Commission meetings. Conservation Commission meets the 2nd Monday of the month at 7pm.

CNHRPC – Member Cruson reported that Regional Planning met. A specialist presented information on website security and ways to protect and back up information.

Roads Commission – Chairman Seaworth reported that Roads Commission had a presentation at their meeting from a company that injects substances into reground pavement to help it bend better and provide a stronger layer. The software from UNH that the town is using recommends ways to extend the life of town roads. One proposal discussed was to perform this company's procedure on one mile of North Pembroke Road to test and compare the results to other methods. It does cost more than regular paving and it is difficult to quantify the benefit. The engineer explained that the enhanced mix replaces some of the paving material while paving as normal. It strengthens the layers below the top course. Under certain conditions, the material may perform better with truck traffic and frost heaves. A Roads Committee member texted a DPW worker in another town that has used the material, and was told the results were worth the extra money.

Member Crean would like to see reports of actual experience forwarded to Central NH Regional Planning Commission. Chairman Seaworth noted that the roads software program is through CNHRPC. Twenty years down the road, long term effects will be known. Pembroke would like to do a small scale project to gather our own experience. The cost is approximately \$80,000 to extend the life of a road a year or two. Member Crean asked what is underneath the road bed on North Pembroke Road. A solid road bed is necessary. For example Dudley Hill Road is a complete mess and this procedure would not help. Chairman Seaworth noted that part of the process is to drill into the road bed and send a core sample for analysis. Vice Chairman Bourque asked if we have done core samples. Selectmen's Rep Bond asked about the cost of the test and whether it was in the road budget. Chairman Seaworth stated the core samples were done in the fall of 2019 and the cost came out of the 2019 road budget. Member

Cruson asked for clarification on which part of North Pembroke Road is being considered for the trial, as it should have good existing drainage. Chairman Seaworth stated it would be Plausawa/Cross Country south one mile toward Route 28. CNHRPC is recommending an emphasis on maintaining good roads to maximize the impact of using the software plan.

Board of Selectmen (BOS) – Selectmen's Rep Bond reported that the Board of Selectmen discussed Steven Lewis, Upper Beacon Road concerns about ambulance, police and fire. Residents would like the road open all the way. There was not a full board present to make a decision. The BOS also discussed overtime due to a mix up on a snow day. The same staff pick up refuse and plow. Member Crean suggested that the town could realize significant time and fuel cost savings by having residents put trash out only on one side of the road. This would eliminate backtracking the same road. Selectmen's Rep Bond said that was a great idea that she will bring back to the BOS. The BOS discussed Town Meeting Warrant articles.

Zoning, Technical Review Committee (TRC), Tri Town – Vice Chairman Bourque reported that Zoning cancelled their December meeting due to a snowstorm. Tri Town met last week. They have lost another full time employee, leaving 4 full time and 28 part time paramedics. TRC met today. Tim Bernier presented two projects, one for Silver Hill/Merrill and a proposed 4-lot subdivision on Cross Road.

PACE – Member Hanson reported that the enrollment cap at PACE Academy was raised from 50 to 80 students. However, to accept more students PACE would need to hire two more teachers. One would be a math teacher, which are hard to find at this time.

3. Other Business

Selectmen's Representative Bond reported that an accident involving two police vehicles occurred at a stop last week. The SUV was totaled and staff was injured.

Vice Chairman Bourque asked the Police Chief whether many tickets were issued to drivers with snow on the roof of their vehicles after storms this winter. Many tickets were issued but the fines are submitted to the State of NH.

4. Planner Items

Planner Cronin reported that Brady Sullivan purchased the China Mill in Allenstown. She and the Town Administrator will attend the conceptual review of 100+ units of housing that may begin construction in about 8 months.

Planner Cronin noted that the February 11th Planning Board Work Session conflicts with the NH Primary Election. The Planning Board Work Session is re-scheduled for Tuesday, February 18, 2020. The Board will have its regular meeting on February 25, 2020. The March 10, 2020 work session is cancelled due to local elections. Planner Cronin will send an email reminding members of the schedule changes.

5. Board Member Items

Vice Chairman Bourque asked about the agenda for the January 28, 2020 meeting. Planner Cronin said there would be the second public hearing for proposed zoning amendments, the Revision Solar landscape plan, San Ken homes presentation and our Wetland Scientist Mark West's presentation, and two new applications: the scale house paving plan at Pembroke Sand and Gravel and a proposed 4-lot subdivision on Cross Road.

Chairman Seaworth stated that due to the heavy agenda, the Planning Board may have to set time parameters on discussion and individual testimony. Unless the 65 day window for review is extended, one case may require a decision. In the past, applicants who wish to extend PB review time submit a letter in advance requesting the Board to extend review to a certain date.

Vice Chairman Bourque asked if any comments had been received from last month's notification of Development of Regional Impact. Planner Cronin stated that Central NH Regional Planning Commission sent a letter. All comments will be included in member's January 28, 2020 meeting packet.

Selectmen's Representative Bond noted that 2 Selectmen and 2 School Board seats are up for election. Interested parties need to file by next week to be on the ballot.

Chairman Seaworth noted that the Planning Board has an open full member seat, as well as 4 Alternate Member openings. There is some interest from two residents, who will be invited to attend a Planning Board meeting to become familiar with the process and help them decide.

6. Audience Items – none

MOTION: Selectmen's Representative Bond moved to adjourn the meeting. Seconded by Member Crean. Unanimously approved.

The meeting was adjourned at 8:07 p.m.

Respectfully submitted,
Susan Gifford, Recording Secretary