

**Pembroke Planning Board
Meeting Minutes
(Approved October 13, 2020)
August 11, 2020**

MEMBERS PRESENT: Brian Seaworth, Chairman; Robert Bourque, Vice Chairman; Richard Bean, Selectman's Rep.; Kathy Cruson; Clint Hanson; Dan Crean; Holli Germain

ALTERNATES PRESENT:

EXCUSED: Ann Bond, Selectmen's Rep.

STAFF PRESENT: Carolyn Cronin, Town Planner

The meeting was held in person at Town Hall with social distancing and masks. Chairman Seaworth called the meeting to order at 6:30 pm. Selectmen's Rep Bean discussed an amendment to the 7-28-2020 minutes and left the meeting.

Old Business

Subdivision Regulations Updates – Planner Cronin discussed changes to page 205:27 Section C to replace outdated language and contradictory statements on road layout. All building sites must be at or above the grade of the streets (original topography) whenever possible. Member Germain agreed that layout and grade of the street should conform as closely as possible to the topography. Member Cruson said road layout must avoid a combination of steep grades and curves. Chairman Seaworth noted that road layout is limited by topography itself, and the board reviews plans for good design of roads. Member Cruson stated we do not want a driveway that is an excessive grade. Planner Cronin said the Driveway regulations pertain to curb cuts and set a 15% grade maximum for driveways. When driveway grade is in excess of 10%, a 20-foot flat area approaching the street is the street is required. Planner Cronin read section C2 that development of streets must lead to existing homes and businesses, and reattach to other roads in certain circumstances. Member Hanson suggested "attachment" rather than "reattachment" be used. Planner Cronin read that the goal is safe, coordinated, multi modal transportation including pedestrians. Member Cruson stated some streets are too narrow for pedestrians. Member Crean said we all should be more aware of pedestrians. Member Germain stated speed on Glass Street exceeds 25 mph as posted. Her vehicle was hit on her own property due to sight issues of legally parked vehicles. Member Cruson advocates sidewalks whenever possible. Planner Cronin said wide shoulders and trails can also provide safe travel for pedestrians.

Planner Cronin moved on to dead end roads. Cul-de-sacs have been renamed dead end roads. The language provides for two options for center islands. Vice Chairman Bourque said it takes only one winter to impair impervious pavement without adequate catch basins. Winter maintenance can only use salt, and the town uses a mix of sand and salt. Plans must include vacuuming up sand twice a year. Chairman Seaworth said that paved center islands should have the same parameters as landscaped center islands. Maintenance plans must be provided, and responsibility assigned to a homeowner's association or a single lot owner. Member Hanson noted that homeowner's associations are usually non-profit entities, and occasionally can cease to exist. Member Crean noted that the developer must give the town authority to act and recoup expenses if the homeowner's association does not. Planner Cronin said that is the only new changes since the last review of subdivision regulations. Planner Cronin suggested sending the marked up draft

for legal review. Chairman Seaworth asked if anyone has a comment please bring it up now before it goes for legal review. Chairman Seaworth said he has a question on setting 75-foot setbacks from the lot line requirement for well radii. I like it in principle, but is it common to require well radii to be on the owner's lot. Planner Cronin said Hooksett requires that the entire well radius be on your lot. Member Crean said the State has begun to compile a database on wells and perhaps that would be helpful to us.

Chairman Seaworth referred to page 205-33 very bottom statement regarding a further requirement for sidewalks that is not clear on how to apply the guidance. Is it any two units or all units if the distance between units is within 120 feet? Chairman Seaworth would argue the strictest version of sidewalks throughout. Vice Chairman Bourque agrees. We do not want the response that the average unit is not 120 feet apart. Who takes care of sidewalk winter maintenance? Is it possible to write language into the regulations that the lot owner/homeowner association is responsible for clearing the sidewalk in front of their house? Member Cruson noted hedges encroach on some sidewalks. Chairman Seaworth noted he has lived in Boston MA and Manhattan NY where the owners were responsible for clearing sidewalks in front of their property. The town has difficulty clearing sidewalks and properly maintaining them.

Chairman Seaworth referenced a table on curbing on page 205-34. The board has had discussions that sloped granite is preferred to vertical granite curb. NH DES has pushed for use of sloped granite for environmental reasons. Member Crean suggested that granite as approved by the Planning Board be put into the regulations.

New Business

1. Future Zoning Changes

- a. Planning Board Suggestions – Member Crean noted that the cluster /open space ordinance is voluntary on the part of the developer. Member Crean suggested that the cluster ordinance/open space ordinance be rewritten. Any proposed changes cannot apply to an application that has already been accepted in for review. It would be for future applications. Chairman Seaworth stated a complete rewrite is too much to undertake. If we cannot have a thoughtful open space ordinance ready by March 2021, we could repeal the ordinance and replace it the following year. Member Crean agreed that it should be repealed until it can undergo review. Member Cruson noted this ordinance has not been used in a beneficial way for the town very often. Chairman Seaworth noted Pembroke Pines was an open space development. Board consensus is that the ordinance needs clarity and the board should not hurry to construct an ordinance that reflects what the town wants to do. Member Crean said the correct way to codify is having a clear idea of what we want to do and then construct the language. Vice Chairman Bourque suggested members individually review the open space ordinance and make comments to discuss in the future. Member Hanson agreed that based on what we have learned, we need to identify elements to discuss when we take this up as a board. Chairman Seaworth noted that NH Innovative Land Use RSA's apply to open space ordinances. Member Crean noted that the RSA's should be used in conjunction with the Master

Plan. Member Cruson asked if the Planning Board can update the Master Plan at any point. Chairman Seaworth said yes, and CNH Regional Planning should be involved. Member Cruson said she was not cognizant of all the parts of the Master Plan as it was coming together. Planner Cronin stated the Planning Board can update one chapter at a time if they wish after the Master Plan is adopted by the Planning Board. A public hearing is held before adoption, but town meeting vote is not needed.

- b. Staff Suggestions - Planner Cronin noted that historically the board begins reviewing future zoning amendments and changes in September for the following year's Town Meeting. She and Dana Pendergast have begun a list. One item that needs clarification is Special Use Permit for shared driveways. The criteria is listed in the application form. Planner Cronin will put the criteria in the zoning ordinance with additional information and make it a formal process. The board may want to solicit comments from the Department of Public Works Director and other town departments, as they do with Aquifer Special Use permits. A requirement to record a maintenance and use agreement for shared driveways at registry of deed will be added. Member Crean would like the Planning Board to meet with public works and discuss requirements for approving roads. Planner Cronin said that the Director DPW position is vacant at this time. Chairman Seaworth said that is a great suggestion. The Planning Board should meet on a regular basis with each town department. Planner will set up meeting when new DPW Director is hired. Member Cruson would like shared driveways to be restricted to two domiciles. Chairman Seaworth noted that three shared driveways become private streets. Vice Chairman Bourque suggested checking with Code Enforcement Officer if three homes can share access off one driveway. Member Hanson said we have to be consistent with standards. Vice Chairman Bourque noted that two properties need 200 feet frontage on a Class V or better road. Planner Cronin noted 205.21 indicates "Individual lot access shall be provided from lot frontage." This needs clarification.

Planner Cronin noted that the Code Enforcement Officer has been getting phone calls and complaints about chickens on small lots. Pembroke is a farm friendly town that allows animals for personal use with no required lot size, need for fences, etc. A reasonable solution can be found. Planner Cronin will request a summary of the concerns from the Code Enforcement Officer. Chairman Seaworth noted that enforcement is a police matter, not planning or zoning. Member Cruson asked about health and safety. The Health Officer has broad authority. Member Crean referenced RSA 147 Health Officers and DHHS Child Protective Services or elderly services as appropriate.

Planner Cronin explained that Pembroke Pines came in with a conceptual plan to build a new clubhouse, while keeping the old one in operation. Once the new clubhouse is complete, the old clubhouse will be demolished. The land is made up of R1 and LO parcels. Consideration of a long-term change was requested to merge the parcels and create a district that allows golf

course use. Pembroke Pines has a Special Exception from 1960 to allow golf course use. Member Crean noted the request makes sense to come up with a classification and let residents vote at town meeting. Member Cruson noted Pembroke Pines completes all of their projects responsibly. Member Hanson said it is not an unreasonable request. Pembroke Pines will likely stay at the same location. Chairman Seaworth asked why golf course use is so restrictive. Member Crean said that spot zoning is misunderstood. The golf course has changed ownership and is part of an affiliation. It is not static. Planner Cronin will research golf course zoning.

Minutes

July 28, 2020

MOTION: Member Hanson moved to approve the minutes of July 28, 2020 as amended. Vice Chairman Bourque seconded.

VOTE: B. Seaworth – YES H. Germain – Abstain C. Hanson - YES
D. Crean – YES R. Bourque – YES K. Cruson – Abstain

MOTION TO APPROVE THE MINUTES OF JUNE 23, 2020 AS PRESENTED PASSED ON A 4-0-2 ABSTAIN VOTE.

Miscellaneous

1. Correspondence – none

2. Committee Reports-

Conservation Commission – Member Germain reported that Conservation Commission met recently. Apparently, San-Ken Homes is involved in a court case in Town of Sharon regarding excavation and wetland protection. Conservation Commission discussed differences between the two hydrology reports provided. They also discussed normal maintenance of conservation lands.

Roads Committee - Chairman Seaworth reported that Roads Committee met last week. There was lengthy discussion on the way roads are prioritized for repair and repaving. A road previously on the list for repair has fallen off. Discussed the UNH app used to track road maintenance and that the road budget is too short to complete all of the scheduled tasks.

Tri Town EMS – Vice Chairman Bourque reported that Tri Town EMS will meet tomorrow. Zoning will meet in two weeks.

3. Other Business - none

4. **Planner Items** – Planner Cronin reported that there are no new applications for the August 25, 2020 Planning Board meeting. The agenda will include San-Ken Homes. Consensus was to hold in person meeting at a school location. Discussion occurred on whether time limits should be implemented to allow adequate time for deliberation. Fifteen to twenty minutes should be adequate for developer presentation. Five minutes per person speaking limit will be implemented, with no repetition of testimony allowed. Planner Cronin will state the parameters in the agenda so the rules of the hearing are clear. Chairman Seaworth stated the purpose of the hearing is not to answer questions but for the Planning Board to collect information. Legal Counsel will be attending the August 25, 2020 meeting.

Planner Cronin asked if the board would like to schedule a public hearing for the Master Plan. Only one public hearing is required. The September 8, 2020 workshop conflicts with primary voting day and polls are open until 7 pm. The Board would prefer the public hearing be held a different date. Hopefully, some citizen comments will be coming in written format as the complete Master Plan is posted on the Town website and the Planning Board page. Planner Cronin also has printed copies available for review in Town Hall lobby. Member Cruson asked if the Planning Board could use sign boards at the Library, School and Safety Center to help generate interest. Planner Cronin will tentatively schedule a Master Plan public hearing at the October 13, 2020 Workshop.

5. Board Member Items - none

6. Audience Items - none

MOTION: Vice Chairman Bourque moved to adjourn the meeting. Seconded by Member Germain. Unanimously approved on a roll call vote.

Without objection the meeting was adjourned at 8:54 p.m.

Respectfully submitted,
Susan Gifford, Recording Secretary