

**Pembroke Planning Board
Meeting Minutes
(Approved October 27, 2020)
October 13, 2020**

MEMBERS PRESENT: Brian Seaworth, Chairman; Robert Bourque, Vice Chairman; Ann Bond, Selectmen's Rep.; Clint Hanson; Dan Crean; Holli Germain

ALTERNATES PRESENT:

EXCUSED: Kathy Cruson

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. He noted that a prospective Planning Board member was in the audience.

Chairman Seaworth noted that this will be the last Planning Board meeting for Clint Hanson. Clint Hanson is stepping down from the Planning Board so as not to conflict with his upcoming Budget Committee service. Chairman Seaworth on behalf of the board thanked Clint for his time and contributions to our work.

New Business

1. Discuss Scheduling of Public Hearings

- a. Subdivision Regulations for MS4
- b. Site Plan Regulations for MS4
- c. Master Plan Adoption
- d. Subdivision Regulations for substantial edits

Planner Cronin noted that items a. and b. are not substantial changes but are required by EPA. Town of Pembroke missed the September 30, 2020 deadline due to COVID-19. The board has been holding off on Master Plan adoption until the fall to have more people provide input. Mike Tardiff at CNHRPC has staff willing to assist with a hybrid public hearing, in person and remote. Regional Planning staff would bring equipment here to handle the technical side of remote attendance. The subdivision regulations have substantial edits and some are still being worked on. There is no time limit for changing the subdivision regulations and changes are not required to go to town meeting.

Chairman Seaworth asked how these four items influence each other. What is the priority? Subdivision regulation changes and the Master Plan adoption have no hard deadline. Vice Chairman Bourque suggested that a public hearing be held concentrating on MS4 so they would be EPA compliant. Chairman Seaworth noted that due to issues with COVID-19, a delay to April 2021 would be reasonable for items a. and b. Planner Cronin noted that the substantial changes to the subdivision regulations could be finalized for after Town Meeting 2021. A public hearing could be held for the two MS4 items on the same night. Selectmen's Rep Bond would like to do the Master Plan public hearing in person and remote. The report is complete and overdue. Residents have been asking about the updated Master Plan.

Chairman Seaworth noted the updated Master Plan is currently posted on the Planning Board website and the Planning Department website with a link to the full report in color

with maps that is residing on the CNHRPC website. Chairman Seaworth wants the Master Plan to get the attention it deserves. Selectmen's Rep Bond noted that tax bill mailing is coming up in early December. We could add to the mailing that the Master Plan public hearing will be held on a date decided, and if you wish to provide input this is how you can do that. Member Germain said I like the hybrid option for the Master Plan public hearing.

Planner Cronin noted that public hearings required for town meeting items would be done by end of January. Member Germain recommended the November workshop date for the two MS4 hearings and the February 2021 workshop date for the Master Plan hybrid public hearing. Planner Cronin will coordinate with Mike Tardiff at CNHRPC to have his staff run the technology side of the hearing and confirm the date.

Chairman Seaworth said the proposed subdivision regulation changes public hearing could be held after town meeting. Vice Chairman Bourque noted there is just one combined meeting in December. Member Hanson noted that the groupings seem appropriate to the time frame. Selectmen's Rep. Bond will research public hearing dates town wide.

Tentatively, the two MS4 public hearings will be at the November workshop, Master Plan discussion and adoption at February workshop and proposed subdivision regulation changes public hearing after town meeting.

2. Proposed Zoning Changes for 2021

Planner Cronin provided a three-page memo summarizing four different amendment proposals:

- 1) Repeal of current open space development ordinance to allow time to work on something better for the town due to problems encountered with it. Planner Cronin noted that once the public hearing notice is posted for a proposed zoning change, the change goes into effect. Member Crean agreed that once the public hearing notice goes out, the change becomes the "current ordinance." Chairman Seaworth noted that any application filed must meet the subdivision regulations in effect at the time of filing.
- 2) Shared driveways - the special use permit needs to outline the criteria that is on the application form as well as additional criteria. Planner Cronin explained that this proposed change codifies the criteria in the zoning ordinance. An addition is that applicant must provide a copy of the easement and/or maintenance and use agreement and upon approval, file the agreement at the Registry. The applicant must also seek comment from the Fire Chief and DPW Director. Addressing and street names must comply with E911. Three or more houses on a driveway equals a private road. Street names are subject to approval by the Board of Selectmen. Chairman Seaworth would like to see language clarifying that the Planning Board reserves the right to say no to a proposal for a shared driveway even if all the criteria of a permit is provided. It is not an automatic approval process, and the Planning Board will not be granting shared driveway Special Use Permits as a matter of course. Planner Cronin will work with legal on language.

Vice Chairman Bourque wants to be sure the first 25 feet of driveway will be a paved apron. Planner Cronin said this is part of the town driveway regulation design elements. Chairman Seaworth asked about the situation where an existing driveway is proposed to serve two houses. If a single-family driveway converts to double home service, the first 25 feet must be paved. Selectmen's Rep Bond asked if police input is needed. Planner Cronin noted that fire and ambulance requirements would be stricter. If an applicant exceeds a certain distance from the road, he must provide firefighting water or sprinkler the residence. Selectmen's Rep Bond noted that NHDOT issues driveway permits on state maintained roads. Vice Chairman Bourque noted the town enforces regulations. Chairman Seaworth would like to make sure all cases of state maintained roads are covered. Vice Chairman Bourque noted 600 feet is a very long driveway. Planner Cronin stated fire and ambulance personnel would want double width driveway if the driveway was unusually long. Selectmen's Rep Bond stated even if the house is sprinklered, there could be a medical emergency situation. Member Crean stated that for shared driveways, Planning Board might require additional accommodations for safe and adequate access.

- 3) Wetlands - Planner Cronin explained that last year the buffer update passed town meeting. Wetland buffers in Pembroke increased from 20 to 50 feet, and 100 feet for vernal pools. Enforcement issues were encountered. A Special Use Permit is needed for wetland uses and impacts. Buffer impacts are not specified in the Special Use Permit so an applicant would need a variance from the Zoning Board of Adjustment. This is a housekeeping item to include buffer uses and impacts in the Special Use Permit.
- 4) Changes for MS4 stormwater – CNHRPC proposed changes in June 2020 based on templates from other towns. Planner Cronin noted this requirement applies to disturbance of 10,000 square feet or more, for a project before the Planning Board, and located in the MS4 area. The application must meet all three criteria for this ordinance to apply. The EPA mandates stormwater discharge in this situation. Chairman Seaworth noted Matt did a great job informing the Planning Board what they need to do to comply with federal EPA regulations. We could post in December for a January 2021 public hearing. If any changes are made, we can schedule a February 2021 public hearing.

3. Open Space Development Ordinance Next Steps

Chairman Seaworth reported that Vice Chairman Bourque had an idea to work with a subcommittee of three Planning Board members, an invited member of Conservation Commission, and Planner Cronin meeting on Mondays to discuss next steps regarding the Open Space Development Ordinance. The Planning Board has not taken a vote to form the subcommittee or provide instructions. The membership can be a maximum of three Planning Board members before four or more would be a quorum of the Board. Member Hanson participated on the subcommittee but he is stepping down from the Planning Board. Vice Chairman Bourque suggested that we open the subcommittee to other Planning Board or ZBA members as they both deal with land use. Chairman Seaworth clarified that a subcommittee is a subset of the Planning Board. The Board does not have

authority to appoint members of the subcommittee from the Conservation Commission or the public. However, the subcommittee can invite professionals they feel would have beneficial input.

Planner Cronin explained that the Planning Board needs to provide direction and an end goal to the subcommittee. Member Crean noted there is no prohibition for anyone to give input. He suggests getting input at the outset from citizens on whether they want the Planning Board to work on an alternative open space development ordinance with a better decision making process. The current language provides no guidance. There may be no interest in having open space development at all. We need to open the subject to the public early on.

Chairman Seaworth explained the history of the current open space development ordinance. He recalls that the Planning Board was pushed by the CNHRPC ten years ago to not only create an open space development ordinance, but also to provide extra incentives for such a development. The Planning Board at the time did not agree with offering extra incentives. Selectmen's Rep Bond clarified that according to NHMA, the Planning Board has the authority to appoint a chair of a subcommittee and direction.

Vice Chairman Bourque noted the reason Ammy Heiser of the Conservation Commission was invited was to discuss open space, versus open space actively managed by the Conservation Commission. Member Hanson recommended dropping the open space development ordinance altogether. The ordinance has good intent but does not accomplish what the town wants. Member Hanson noted that repealing the current ordinance would give the Planning Board a blank slate, if open space development were something the residents of Pembroke want. Member Crean noted that historically the developer designates scrap land as the open space. What are the costs of maintaining open space? The key is looking at the quality of the land, and a mechanism to maintain and protect the open space. Chairman Seaworth noted the Planning Board wanted the open space to be prime development land but the language is too vague. Member Crean stated I am not convinced that open space development is the best way to protect wetlands. Member Germain noted that there is clearly a loophole in the current open space development ordinance that the developer is required to file Homeowner Association documents with Registry of Deeds, but is not required to set up the HOA fiscally with an EIN, etc. I agree with collecting public input before any work is done. Does the public understand what is involved? Vice Chairman Bourque asked how we could effectively get public input. Selectmen's Rep Bond asked if we could have information booths at November and March voting. Can the question be ready by November 3, 2020?

Member Crean noted that open space development is not defined well. Addressing public input at Town Meeting is a better time to explain to residents what open space development could look like. Chairman Seaworth noted that repeal of the open space development ordinance would be on the ballot. We need to explain what open space development involves, provide information and listen to resident comments. Selectmen's Rep Bond suggested that discussions at the Town meeting and School meeting (not day of election) would be the best way to get input from two different groups of residents. March 6th is School meeting, March 9th is voting day and March 13th is town meeting.

Vice Chairman Bourque and Planner Cronin will work together to develop a survey on what, if anything, the town should have for open space development. The survey could be made available to residents. Vice Chairman Bourque confirmed the discussion and work of the subcommittee is captured for future review. Chairman Seaworth noted that any new proposal on open space development would not go to town meeting until March 2022. Member German suggested that town department input would be valuable.

MOTION: Member Crean moved to approve to authorize Vice Chairman Bourque to chair a Planning Board subcommittee on open space development with up to two additional Planning Board members, and to continue to bring in members of other town entities as required. Member Hanson seconded.

VOTE: B. Seaworth – YES H. Germain – YES C. Hanson - YES
D. Crean – YES R. Bourque – YES A. Bond - YES

MOTION TO APPROVE THE APPOINTMENTS AS RECOMMENDED PASSED ON A 6-0 VOTE.

4. Notice of Voluntary Lot Merger per RSA 674:39-a

Robert C. Harden, Jr. & Diane G. Harden, owners of Tax Map 563, Lots 38 and 40, located at 216 & 222 Brickett Hill Road.

Planner Cronin explained that this is a voluntary lot merger for two lots in the same ownership. The house is on one lot and the same property owners own the abutting lot. This is a formality as this is allowed by NH RSA 674:39-a for two properties under the same ownership.

MOTION: Member Hanson moved to approve lot merger of Tax Map 563 Lots 38 and 40 as presented. Member Crean seconded.

Discussion: Member Germain asked if the house was mortgaged and if the lot merger affects it. Selectmen's Rep Bond asked if there were any plans for future development. Chairman Seaworth indicated that if there were, the applicant would need to come to Planning Board with a subdivision plan. If subdivision were a future consideration, it would be better to keep the lots separate and request a lot line adjustment if necessary.

VOTE: B. Seaworth – YES H. Germain – YES C. Hanson - YES
D. Crean – YES R. Bourque – YES A. Bond - YES

MOTION TO APPROVE THE LOT MERGER PER NH RSA 674:39-a AS PRESENTED PASSED ON A 6-0 VOTE.

Minutes

August 11, 2020

MOTION: Member Hanson moved to approve the minutes of August 11, 2020, as presented. Member Crean seconded.

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

MOTION TO APPROVE THE MINUTES OF AUGUST 11, 2020 AS PRESENTED PASSED ON A 5-0-1 ABSTAIN VOTE.

August 25, 2020

MOTION: Member Crean moved to approve the minutes of August 25, 2020, as presented. Member Hanson seconded.

VOTE: B. Seaworth – YES H. Germain – YES C. Hanson - YES
D. Crean – YES R. Bourque – YES A. Bond - YES

**MOTION TO APPROVE THE MINUTES OF AUGUST 25, 2020 AS PRESENTED
PASSED ON A 6-0 VOTE.**

September 22, 2020

MOTION: Member Hanson moved to approve the minutes of September 22, 2020, as amended. Member Bourque seconded.

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

**MOTION TO APPROVE THE MINUTES OF SEPTEMBER 22, 2020 AS AMENDED
PASSED ON A 5-0-1 ABSTAIN VOTE.**

Miscellaneous

1. Correspondence – none
2. Committee Reports-

Roads Committee - Chairman Seaworth reported that Roads Committee met last week. There was much discussion about proposals for next year's budget. For example, Main Street is a large project and at one point, bonding was considered to complete the entire project at once. There are also projects that were bumped off last year's list for road work that need to be rescheduled. The difficulty is how to prioritize the projects and accommodate the projects bumped. Chairman Seaworth noted that there is going to be a request to increase the crack sealing budget. Crack sealing work will be more extensive next year, as both DPW and Roads Commission are pleased with the road preservation results. The UNH provided software is underestimating crack sealing cost and usage.

Board of Selectmen – Selectmen's Rep Bond reported that the Board of Selectmen approved celebrating Halloween during regular hours. Be safe, wear masks, and use common sense. The police will not regulate mask wearing and group size. Selectmen's Rep Bond noted there will be a public hearing held October 19, 2020 on winter parking ban. This will mean no parking on any street in Pembroke during certain hours when the ban is in effect. Hundreds of residents have no on-site parking in the village. Vice Chairman Bourque asked if residents are able to park in the municipal lot. Selectmen's Rep Bond responded yes, but there are only 57 spots available. Other difficulties are that police must stay with a car called in until the tow truck arrives. DPW wants the roads clear of vehicles to perform snow and ice removal. Member Crean stated communication of the ban will be a key aspect. Selectmen's Rep Bond noted that flashing lights and temporary signs are being considered to indicate that a winter parking ban is in effect.

Selectmen's Rep Bond stated that elections at Pembroke Academy are going forward. There is a professional day event that may conflict with voting or may not be held this year. The Supervisor of the checklist will be set up in the cafeteria. The Town of Pembroke urgently needs 9 more volunteers age 17 or older to help process absentee ballots on November 3, while keeping them protected and separate. There is also a public hearing at

the October 19th Board of Selectmen meeting to make a portion of Church Street one way with a left turn. Proposed department budgets are under review. The Board saw Police Department last week, DPW is next week and first Budget Committee meeting is October 15, 2020.

ZBA, CIP and Tri Town EMS – Vice Chairman Bourque reported that zoning reheard a case because an abutter was not notified. Tri Town EMS will meet tomorrow. I am hoping that pending Kevin Foss's appointment to Planning Board, he will serve on the CIP as there cannot be two Planning Board members on CIP.

3. Other Business –

- A. Recommendation for Appointment of Brent Edmonds to Full Board Member.
- B. Recommendation for Appointment of Kevin Foss to Alternate Board Member.

MOTION: Member Crean moved to approve the appointment of Brent Edmonds to Full Board Member and appointment of Kevin Foss to Alternate Board Member. Member Hanson seconded.

Discussion: Selectmen's Rep Bond will act on appointments at BOS meeting.

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

MOTION TO APPROVE THE APPOINTMENTS AS RECOMMENDED PASSED ON A 5-0-1 VOTE.

Planner Cronin will send the appropriate requests to the Board of Selectmen for action at their October 19, 2020 meeting.

- 4. Planner Items – Planner Cronin reported that the October 27, 2020 meeting will be held at Pembroke Academy auditorium. Parking in front of the SAU building is the closest entrance.
- 5. Board Member Items - none
- 6. Audience Items - none

MOTION: Vice Chairman Bourque moved to adjourn the meeting. Seconded by Member Crean.

Without objection the meeting was adjourned at 8:27 p.m.

Respectfully submitted,
Susan Gifford, Recording Secretary