

**Pembroke Planning Board
Meeting Minutes
(Approved 1/26/2021)
January 12, 2021**

MEMBERS PRESENT: Brian Seaworth, Chairman; Robert Bourque, Vice Chairman; Ann Bond, Selectmen's Rep.; Kathy Cruson; Brent Edmonds; Holli Germain

ALTERNATES PRESENT:

EXCUSED: Kevin Foss

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

Chairman Seaworth called the meeting to order at 6:30 pm. He read the legal notice required for remote meetings under the Governor's Emergency order. The Planning Board is utilizing Go to Meeting platform. The public has access to listen or participate as stated on the public notice of meeting. Six members were present. Could attendees on the telephone please hit 6* to mute their line unless speaking.

Public Hearing

First Public Hearing on Proposed Zoning Amendments for 2021 Town Meeting

Chairman Seaworth opened the public hearing on Amendment #1 at 6:37 pm. He read the proposed amendment in its entirety.

Amendment #1

Are you in favor of the adoption of Amendment #1, as proposed by the Planning Board, for the Pembroke Zoning Ordinance to repeal, in its entirety, Article X, Open Space Development, and further to delete "Open Space Development" references from §143-19 Table of Use Regulations and §143-8 Definitions.

Ammy Heiser from the Conservation Commission noted that the Open Space working group was unanimously in favor of recommending this amendment. Member Cruson stated we can address an ordinance in the future. Chairman Seaworth noted that additional zoning amendments can only be approved at Town Meeting 2022 at the earliest. Vice Chairman Bourque noted that a survey has been designed to see if the citizens of Pembroke want an open space ordinance.

At 6:41p.m. Chairman Seaworth closed the public hearing.

MOTION: Vice Chairman Bourque moved to approve Amendment #1 as written and send it to Town Meeting in March 2021. Seconded by Member Germain.

VOTE: B. Seaworth – Y A. Bond – Y B. Edmonds- Y
 H. Germain – 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.

Chairman Seaworth opened the public hearing on Amendment #2 at 6:43 pm. He read the proposed amendment in its entirety.

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 §143-53 Driveways to prohibit shared driveways.

Planner Cronin noted that she did research on surrounding towns. All of those towns permit shared driveways through some function, with limits. Concord has a conditional use permit. Loudon has a Special Exception. Epsom has a conditional permit. Planner Cronin compiled a chart with all the results. Chairman Seaworth thanked her for this work. His intention was to get an idea of the bigger picture.

Ammy Heiser asked if shared driveways are a problem and what was the purpose of the proposed amendment. Chairman Seaworth stated we started out with inconsistencies. Shared driveways could be permitted, but the steps were unclear. The Board felt that they had only heard negative experiences from residents who had shared driveways. Our concern was that if we laid out some rules, we could never deny a request for a shared driveway. This change would apply to new developments. With a hardship, citizens can apply to the Zoning Board (ZBA) for relief. Vice Chairman Bourque noted that with a shared driveway, two neighbors can get along fine and share maintenance of the driveway. After a change of ownership, that may not be the case. Vice Chairman Bourque supports proposed amendment #2.

Member Cruson supports proposed amendment #2. We discussed it thoroughly and the board was in agreement to go this route. Ammy Heiser thanked the Board for the thought process. Ammy stated that she understands that shared driveways can be problematic, but also can be a way to reduce wetland impact. It makes sense that there is a way to apply for consideration of a shared driveway through a ZBA application. Member Edmonds said the Conservation Commission discussed the same viewpoint at a meeting. Ammy Heiser thanked the Board for the explanation. As long as the ZBA can look at the nature of the wetlands on the lot and entertain the idea of a shared driveway, Ammy fully agrees with the proposed zoning amendment.

At 6:58 p.m. Chairman Seaworth closed the public hearing.

MOTION: Vice Chairman Bourque moved to approve Amendment #2 as written and send it to Town Meeting in March 2021. Seconded by Member Edmonds.

VOTE: B. Seaworth – Y A. Bond – Y B. Edmonds- Y
H. Germain – 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.

Chairman Seaworth opened the public hearing on Amendment #3 at 7:01 pm. He read the proposed amendment in its entirety.

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 §143-72 Wetlands Protection, to regulate wetland buffer impacts through special use permit, in the same way wetlands are regulated, rather than through a variance.

Chairman Seaworth noted that proposed amendment #3 is a housekeeping item. The ordinance was inconsistent in the way it dealt with wetlands and wetland buffers.

Ammy Heiser stated she is in favor of this clarification. This is a good amendment.

At 7:02 p.m. Chairman Seaworth closed the public hearing.

MOTION: Vice Chairman Bourque moved to approve Amendment #3 as written and send it to Town Meeting in March 2021. Seconded by Member Germain.

VOTE: B. Seaworth – Y A. Bond – Y B. Edmonds- Y
H. Germain – 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.

Chairman Seaworth opened the public hearing on Amendment #4 at 7:05 pm. He read the proposed amendment regarding MS4 stormwater management in its entirety. This is a relatively lengthy amendment because it applies the principles of the federal requirements. It is important for the town to be in compliance with federal requirements.

Amendment #4

Are you in favor of the adoption of Amendment #4, as proposed by the Planning Board, for the Pembroke Zoning Ordinance as follows: adopt a Municipal Separate Storm Sewer System (MS4) Post-Construction Stormwater Management Ordinance which creates a Stormwater Management Overlay District and sets performance specifications for stormwater practices and measures for projects requiring Planning Board approval. The Planning Board may waive the application of the ordinance to any project which disturbs less than 10,000 square feet and may allow deviation from the standards by special use permit. The ordinance also permits, but does not require, staff to inspect and repair, at the landowner's expense, stormwater systems after they are installed.

Ammy Heiser is very happy to see the town adopt federal requirements. She has been to cities that have not adopted these requirements, and it contributes to contamination of water resources. She is very much in favor.

Jimmy Quinzani, Sixth Range Rd., stated he has worked for years trying to ensure stormwater can be directed to the right places, without disturbing wildlife and environment.

At 7:09 p.m. Chairman Seaworth closed the public hearing.

MOTION: Vice Chairman Bourque moved to approve Amendment #4 as written and send it to Town Meeting in March 2021. Seconded by Member Edmonds.

VOTE: B. Seaworth – Y A. Bond – Y B. Edmonds- Y
H. Germain – 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.

New Business

1. DRAFT Open Space Development Survey

In the fall, the Planning Board decided to move forward with a proposal to repeal the current Open Space Development at Town Meeting 2021. Pending the outcome of the Town vote, the Board's next step is to get feedback from the community on whether residents would be in favor the Board drafting a new Open Space Development ordinance or not.

Planner Cronin stated the intent is to get feedback from the residents before moving forward with any other proposal, spending time and resources. We worked with a working group to draft a survey to ask residents, is open space development something you would like to see, and if so, where in the town would you like to see it allowed.

Ammy Heiser brought the survey to the Conservation Commission as a whole. Are these the questions the board wants ask? Is the language proper to frame the questions to not be overwhelming to residents who may not be familiar with the concept? Planner Cronin wrote an introduction to Open Space/Cluster Development with some very specific, and very broad information to help with gathering feedback. Member Cruson asked if the questions when filled out electronically, should fit on two screens. How will this survey be distributed? Planner Cronin said the survey would be available online with Survey Monkey, and will be posted on the Planning Board and town website. Printed copies can be made available at town hall.

Vice Chairman Bourque thanked Planner Cronin for her extensive work on the survey. The survey is complete and informative. There should be a way to enter paper responses into Survey Monkey for tabulation. Carolyn did a fantastic job on the draft survey.

Chairman Seaworth noted that the scope of the questions is good. We may have a lot of people thinking about open space development for the first time. I am comfortable

with the questions and the range of answers. Ammy Heiser said the survey is a great idea. I am a big proponent of open space. At the Conservation Commission meeting, feedback from new members was to write it for a fifth grade level of understanding. She was a little confused reading through the survey. Planner Cronin has worked very hard on this project, and listened to our ideas. I hope residents will take the time to fill this survey out. Understanding how expensive it is to protect open space, this survey will add to the protection of land. A DES employee from Bow spoke at a meeting and has had a lot of experience advocating for open space plans. Chairman Seaworth said the history of the board with this issue is mostly incentivizing open space for developers. For example, encouraging density bonuses for leaving open space. If we are not wording things properly, we get unexpected interpretations. We need to be more careful with language and make open space a win for the town. The point of the survey is to find out the constraints and interest of Pembroke residents prior to starting work on a new ordinance. Vice Chairman Bourque said I don't think we will get more than 40-50% of the town to respond to this survey. We can still analyze the responses for trends. Chairman Seaworth agreed and said it was good to get opinions upfront before working on an ordinance.

Member Cruson suggested that the Planning Board provide a phone number or email for questions about cluster developments. Planner Cronin brought this up as well. Carolyn Cronin will provide her contact information in case there are questions about open space development before or during filling out the survey. Planner Cronin put her contact information just before the questions start on the survey. To highlight it better, she will also repeat the contact information at the end of the survey. Selectmen's Rep Bond noted that Survey Monkey can be locked for one response per person. It was noted that there is a setting for a unique identifier in Survey Monkey. Chairman Seaworth said the identifier options could be a code, name and street address, or other data to assure that respondents are residents of Pembroke. Selectmen's Rep Bond is pleased that we can add the responses received by paper.

Member Cruson asked what is the smallest number of lots open space development can be used on. If there is a minimum, where in town would open space development not benefit the town? Chairman Seaworth said one of the issues of the open space development ordinance is that it compares open space lots to the number of conventional lots that could be developed. That is why the working group began looking at various areas of town. Planner Cronin said she took the area names from the Master Plan survey. Member Cruson suggested it may be helpful to add a diagram of the areas listed as responses. Selectmen's Rep Bond said it would be great to have a visual. Planner Cronin will work on a diagram. Chairman Seaworth suggested adding an "Other" response with a blank line where it may be appropriate. Planner Cronin drafted the survey on paper for discussion and noted that she has not had much experience with Survey Monkey survey creation. Selectmen's Rep Bond suggested contacting the Town IT person as a resource. Chairman Seaworth asked what the time frame was for the survey. Planner Cronin hoped to have the survey available at town and school meetings, and voting day. However, those meetings may not happen in

March and be postponed to May. Chairman Seaworth suggested Planner Cronin ask for individual Planning Board member's help if needed.

Minutes

December 8, 2020

MOTION: Vice Chairman Bourque moved to approve the minutes of December 8, 2020, as presented. Member Edmonds seconded.

VOTE: B. Seaworth – Y A. Bond – Y B. Edmonds- Y
H. Germain – Abstain K. Cruson – Y R. Bourque – Y

MOTION TO APPROVE THE MINUTES OF DECEMBER 8, 2020 AS PRESENTED PASSED ON A 5-0-1 ABSTAIN VOTE.

Miscellaneous

1. Correspondence - none
2. Committee Reports – Chairman Seaworth reported that he joined the School Board meeting. The state is allowing changes to make these meetings happen. Ballot voting and meeting are treated separately. Ballot vote will be in March as scheduled. Towns may postpone the meeting portion to a May timeframe due to the COVID situation and to have the ability to hold the meeting outdoors. There are different requirements based on number of people. The decisions should be consistent, and are up to each Town Moderator. This decision should be made in the next few weeks. The warrant will be voted on as originally scheduled in March. Selectmen's Rep Bond reported that the Board of Selectmen is wrapping up year end and budget meeting concerns, and met with Meet Me in Suncook Town Clock Trust. The town did vote to keep the clock, but the Board of Selectmen concern is that we do not own the building. We have no recourse if the owner does not maintain the structure. We are only down one DPW person at this time. School Board Rep Ann Bond reported that the School Board is presenting its budget in hybrid form January 19, 2021. Their concern is staffing and quarantine issues. The final budget figure is up by 2.54%. Join Go to Meeting to participate in Thursday's Budget Commission meeting.
Vice Chairman Bourque reported that Tri Town met in December and handled routine business. Chief Harold Paulsen has retired and the Deputy Fire Chief is the new member of Tri Town. There was no zoning meeting in December.
Member Germain reported that the Conservation Commission met last night. They discussed a proposed development that wants to open part of the range roads. Selectmen's Rep Bond added that there was a public hearing to open up a portion (350 feet) of Upper Beacon Road two weeks ago. A decision is anticipated in January 2021.
3. Other Business- none
4. Planner Items – Planner Cronin reported there are no new applications for the January 26, 2021 meeting. The San Ken continuation and golf course application are on the agenda. In February 2021, The Planning Board will hold a public hearing to adopt the Master Plan in a hybrid meeting at Pembroke Academy. In March 2021, The Planning Board can resume work on subdivision regulations.

5. Board Member Items - none
6. Audience Items – Jimmy Quinzani, Sixth Range Rd., stated that after years of use, the state changes RSA's to different numbers and it is confusing.

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

Without objection the meeting was adjourned at 8:00 p.m.

Respectfully submitted,
Susan Gifford, Recording Secretary