

**Pembroke Planning Board
Meeting Minutes
Approved July 27, 2021
July 13, 2021**

MEMBERS PRESENT: Brian Seaworth, Chairman; Robert Bourque, Vice Chairman; Kathy Cruson, Brent Edmonds, Kevin Foss

ALTERNATES PRESENT:

MEMBERS EXCUSED: Ann Bond, Selectman's Rep.; Clint Hanson

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

Chairman Seaworth called the meeting to order at 6:30 pm. Five members were present.

Old Business

1. Subdivision Regulations Update

Planner Cronin noted that Member Cruson helped her with incorporating the prior discussion item regarding waivers. There are two areas to review tonight. One is town liability on cul de sac island maintenance. Selectmen's Rep. Bond had raised the question and is not present tonight. The other is to clean up the waiver language. On page 51, Section C, there is a substantial change. The applicant has the burden to demonstrate that he or she meets the criteria to request a waiver. Vice Chairman Bourque noted very often, the reason for a waiver request is no new roads, or not subdividing in this application. Chairman Seaworth noted there are two kinds of waivers the Planning Board deals with. One is waiver to application checklist items because it is not relevant to the application, as Vice Chairman Bourque referred to. The other is an applicant's request to suspend a regulation, such as requiring sidewalks on both sides of the street. The applicant shows how the proposed waiver meets or exceeds the expectation or offers an alternative proposal. Vice Chairman Bourque asked if it is like a variance request to ZBA. Chairman Seaworth said yes, a waiver is to subdivision regulations the same way a variance is to the zoning ordinance. Vice Chairman Bourque asked if there were a better term to use than "waiver." Chairman Seaworth said waiver is the standard term in planning.

Planner Cronin noted, moving on to maintenance of cul de sac on page 30. If we were to require an individual homeowner to maintain a cul de sac, I would like to address it now. I propose we leave in the ability to assign responsibility for cul de sac maintenance to a homeowner association. Chairman Seaworth suggested leaving individual lot owner in for now. Member Foss stated it does not make sense to put maintenance responsibility on an individual homeowner. It may lead to lender problems. The town mows three feet back on other roads, and I do not see any difference to mowing three feet back on a cul de sac. Member Foss is not in favor of assigning maintenance to an individual. However, I am not a fan of asphalt. Vice Chairman Bourque asked if the property in the middle of the cul de sac is taxed. Vice Chairman Bourque noted asphalt can be plowed. I agree that having an individual lot owner tied to cul de sac maintenance should be stricken from the regulations. Chairman Seaworth noted a group of Pembroke residents have had a bad experience with homeowner associations on Brittany Circle. The town has no way to enforce the responsibilities of the HOA. Chairman Seaworth said he visited an uncle who lives on a private road. One person owns the equipment and performs the maintenance.

When that person leaves or retires from doing the maintenance, there is no formal agreement to fall back on. Vice Chairman Bourque said his aunt lived on a cul de sac. The residents held neighborhood picnics there. Ladies planted flowers. People do not have the time for this today.

Chairman Seaworth stated the consensus of the board is to take out the reference to assigning cul de sac maintenance to an individual homeowner. Selectmen's Rep Bond and Member Hanson can weigh in at the next discussion. Planner Cronin would like to close changes for now and send the revised subdivision regulations for legal review. Member Cruson asked if we should say a cul de sac can either be paved or assigned to a homeowner association for maintenance. Is the land deeded to the town if the town maintains it? Vice Chairman Bourque would hate to see a landscaped cul de sac not taken care of. Member Cruson noted the town could mow the edges as they do with other roads. Vice Chairman Bourque would like to ask legal to provide other ideas to resolve this issue. Chairman Seaworth would like to make sure the town administrator is aware of this maintenance light approach to cul de sacs before we accept it in the regulations. We need to know how DPW feels about this. Chairman Seaworth said we will be going to public hearing to discuss the revised subdivision regulations further. He would like to see "or deeded to the town as part of the roadway" added to the language.

Planner Cronin will send the subdivision regulations to legal for review.

New Business

2. Open Space Development Survey

Planner Cronin noted that there was an impressive response rate of completed surveys using the town email list. The results are interesting and there are good comments. Chairman Seaworth thanked Planner Cronin for a great job on the survey. We need to determine a way to interpret the results. There is some misinterpretation in the responses. Some commenters are anti-development of any type, not just open space development. Member Cruson is not in favor of density bonuses. Vice Chairman Bourque noted a slim majority is opposed to open space development. Chairman Seaworth noted Pembroke has 7,000 residents and we have 122 responses. This is a small sample to base decisions on. Planner Cronin will find out how many emails are on the voluntary list to receive notifications from the town so the response rate can be calculated. Member Foss said he looked at the comments and they do not always match the initial survey question response. Member Cruson stated that the town assessor told her a lot is a lot for assessing purposes, whether it is two acres or five acres. Assessing assigns value for having septic and well on the property. A smaller lot may not always be helpful for lower taxation. Chairman Seaworth noted more than one misconception lies behind the comments.

Member Cruson noted large developments do not belong where there is no water and sewer. Chairman Seaworth said innovative land use is a trading process. Member Cruson noted that the town pound is the geographic center of Pembroke. It would be nice

to locate a garage there for police, fire, and ambulance but there is no land there for public use. Chairman Seaworth suggested that for so many units, a developer needs to provide some natural space to the town for recreation and public services. We could make that part of innovative land use, along with considering the availability of water and sewer. Vice Chairman Bourque noted we need water quantity and the ability to support houses for the long term. Community wells may be an answer. It is a question for hydrologists. If we craft a new open space development regulation, it needs to correct the disadvantages of the old system. Any zoning changes need to go to ballot at town meeting. Member Foss noted the vote to repeal the previous regulation was very close. Member Foss would like to see the response exported to an Excel spreadsheet, showing the response from each survey across the row. This would assist us in following the logic across the survey.

Member Cruson stated that the Planning Board needs to provide more education on open space development. Member Foss noted people have an opinion based on what you call it. Chairman Seaworth agreed there is a need for more education before a vote could be held on a possible new version. Member Cruson suggested packets and flyers at official town places. Member Edmonds cautioned that we do not want to bombard the residents with too much information and make them lose interest. Planner Cronin will research the survey response rate based on how many were sent out. Chairman Seaworth noted that in some instances, the Conservation Commission does not want the land offered. They are volunteers and do not have resources to take care of all the land. Chairman Seaworth noted at least half of open space land was supposed to be good flat land. Member Cruson said a lot of offered land is steep and rocky. Chairman Seaworth agrees with Member Cruson that the process has the effect of putting clusters where we do not want them. Vice Chairman Bourque noted that landowners can level steep slopes. Member Foss noted that the Conservation Commission prefers to acquire land that borders existing conservation land.

Member Cruson asked if the Planning Board wants to suggest a change to minimum acreage in the R3 zone. With the expanded wetland buffers, it is difficult to attain the needed buildable land with a two-acre lot. Chairman Seaworth noted that some Pembroke landowners with large lots plan to share the land with their children. Member Cruson said more often the land is sold for top price, and developers move in from out of state. Chairman Seaworth noted that two acre lots need 70% contiguous buildable area. With no wetlands or buffers, three acres may be needed to meet contiguous buildable area. Vice Chairman Bourque suggested five acre lots in R3. Planner Cronin noted this would be a zoning change, not an open space development ordinance. Member Foss agrees the priority is to increase lot size. Chairman Seaworth recalled that part of open space innovative land use was to have mixed use, like small grocery stores, in with lots for homes. Larger lot sizes, in conjunction with open space, could result in land for parks. Vice Chairman Bourque suggested starting small, go to five acre lots with reduced buildable area. Member Edmonds agreed with Vice Chairman Bourque that this is probably the best place to start. Member Cruson feels five acre lots in R3 is too much. What is reasonable? Member Edmonds agreed with Chairman Bourque that people will embrace a requirement for five acre lots. Chairman Seaworth and Member Cruson prefer three acres. For sake of discussion, call it four acres. Member Edmonds said most large lots have a lot a backland and not a lot of frontage. Chairman Seaworth suggested

circulating the survey results to the Conservation Committee, posting results on the town website so all can see the results, and possibly scheduling a joint meeting with the Conservation Commission if we decide a better way to address open space is through proposed zoning changes.

Member Foss noted that at the Wednesday, July 21, 2021, Board of Selectmen meeting, a discussion on protecting range roads presented by CNHRPC is on the agenda. Interested residents should attend.

Minutes

- June 22, 2021

MOTION: Member Foss moved to approve the minutes of June 22, 2021, as presented. Member Cruson seconded.

VOTE: B. Seaworth – Y K. Foss - Y
 B. Edmonds - Y R. Bourque – Y K. Cruson-Y

MOTION TO APPROVE MINUTES OF JUNE 22, 2021, AS PRESENTED PASSED ON A 5-0 VOTE.

Miscellaneous

1. Correspondence – Planner Cronin reported that two Developments of Regional Impact were received from City of Concord. One is Atlantic Broadband, LLC, 264 and 268 Sheep Davis Road, a 924 square foot public utility building. The other is 3G Eagle, LLC, 25 Henniker St, for a change to impervious parking area for loading docks and trailer truck parking. Matt Gagne, Pembroke Water Works, sent comments on both as they are in the aquifer area. He had no concerns. A third DRI from City of Concord for a composting facility will be coming. This application needs Concord ZBA approval first. Planner Cronin will respond that the Pembroke Planning Board is interested in the warehouse use of the new tenant.

2. Committee Reports

Technical Review Committee – Vice Chairman Bourque reported that TRC met today. Three cases submitted by Tim Bernier were discussed. An expansion to Soake Pools, a three-lot subdivision, and a two-lot subdivision are proposed.

Member Cruson reported that \$120 billion in broadband funding is available to the State of NH. Chairman Seaworth reported he learned it was being managed by BEA, and he requested a discussion with them.

Chairman Seaworth reported that he and Dick Bean, on behalf of the Town of Pembroke, attended the official opening of the National Guard Readiness Center – formerly known as Armory – on Riverwood Drive. There were tours and discussion on how the National Guard can offer their services to meet community needs at some point soon. There is a basketball court, kitchen, meeting room, outdoor track, fields, cross country trails. In the previously constructed building there is classrooms. Member Cruson noted in the event of a major power outage, it would be good to have access to water and heat provided by their backup generators. Chairman Seaworth noted if it were not declared a civil disaster, the National Guard would work with the town in that regard. It was mentioned more than once that the National Guard has centralized their Military Police at the Pembroke facility. It is

the second largest police force in NH – after State Police and before City of Manchester. Each weekend they are funded for 65 attendees but have 120 attendees. Parking is an issue because they only have half of what they need. Strong Foundations offers parking at their property on weekends. A parking lot is in National Guard plans as funding allows. Expenses are paid by the federal government, reimbursed through the State of NH. Chairman Seaworth note the National Guard facilities are very impressive. Use of the recreational and other facilities may need a formal request through the town to schedule use. We should take them up on offer to use facilities.

3. Other Business - none

4. Planner Items – Planner Cronin reported a new NHDOT driveway permit was received on Pembroke Street across from Kimball's for a single-family home. At TRC, it was discussed that the North Pembroke Bridge construction will begin the first week of August 2021 and is expected to last 12 weeks. The bridge is closed for that time.

Planner Cronin will not be present for the August workshop. If the Planning Board decides to hold one, she will arrange for coverage.

5. Board Member Items – Vice Chairman Bourque noted that at a ZBA meeting June 28, 2021, the Pembroke 600 property was voted down for a gravel pit operation north of Kline Way. The reason was proximity to the wells. It would cost 3-4 million dollars to relocate wells.

6. Audience Items - none

MOTION: Member Foss moved to adjourn the meeting. Seconded by Member Cruson. Without objection the meeting was adjourned at 8:59 p.m.

Respectfully submitted,
Susan Gifford, Recording Secretary