

**Pembroke Planning Board  
Minutes of Meeting  
(ADOPTED)  
Tuesday, September 23, 2008**

**MEMBERS PRESENT:** Robert Bourque, Chairman; Alan Topliff, Vice Chairman; Kevin Krebs; Kathy Cruson, Todd Terrien; Cindy Lewis, Selectmen's Representative

**ALTERNATE PRESENT:** Brian Seaworth

**EXCUSED:** Mark Zydel

**STAFF PRESENT:** Stephanie Alexander, Interim Planner and Jocelyn Carlucci, Recording Secretary

Chairman Bourque opened the meeting at 7:00 pm and noted that Member Zydel was in Connecticut on business and would not be attending the meeting. Chairman Bourque designated Alternate Member Seaworth to vote in Member Zydel's place.

**Old Business**

**1. Minor Subdivision Application. Borough Road. Case #08-05.** Map 561, Lot 45 located in the Rural/Agricultural Residential (R3) District, Commercial/Light Industrial (C1) District, Aquifer Conservation (AC) Overlay District, and Wetlands Protection (WP) Overlay District at 504-512 Borough Road. The applicant, Keach-Nordstrom Associates, Inc., on behalf of owner Peter Spiewak, is proposing to subdivide the property into three lots, which will be two house lots and one remainder lot. *Application not yet accepted as complete. Continued from previous meeting for report from Town Engineer.*

George Chadwick of Keach-Nordstrom Associates, Inc., representing the applicant, said that, rather than applying for a Dredge and Fill Permit for driveway access to former Lot 45-2, the applicant has decided to subdivide the parcel into one house lot and one remainder lot. Mr. Chadwick said that the newly proposed Lot 45-1 has 225,764 sq. ft. of usable area. He described usable area as area consisting of land exclusive of poorly and very poorly drained soils, wetlands, right-of-ways, easements, and slopes greater than 15%. According to the subdivision regulations, Mr. Chadwick said that, of the 225,764 sq. ft. area, 70% must be contiguous. With the revised plan, there is 60,024 sq. ft. of contiguous area which he identified in blue on the Board's copy of the plan. The 60,024 sq. ft. area does not include steep slopes, poorly or very poorly drained soils, or wetlands. Mr. Chadwick said that the contiguous area is outlined in red on the Town's copy.

Ms. Alexander said that there are no new waivers before the Board.

**MOTION:** Selectmen's Rep. Lewis moved to accept the application as complete. Seconded by Member Terrien.

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|--------------|---------------|-------------|--------------|--------------|
| <b>VOTE:</b> | Robert B. – Y | Alan T. – Y | Brian S. – Y | Kevin K. - Y |
|              | Kathy C. – Y  | Todd T. – Y | Cindy – Y    |              |

**THE MOTION TO ACCEPT THE APPLICATION AS COMPLETE PASSED ON A 7-0 VOTE.**

Mr. Chadwick acknowledged receiving a copy of the Summary of Outstanding Review & Comment Items and discussed each item as follows:

1. The waiver request was previously denied and, therefore, was no longer needed.

2. Letter from KV Partners LLC dated September 14, 2008 to Ms. Alexander:
  - a. #1 describes contiguous buildable area, excluding the wetlands and building setbacks. Mr. Chadwick then gave each Board member a copy of the definition of Usable Land and Contiguous Area as described in the Town's regulations. Selectmen's Rep. Lewis said that the way Mr. Chadwick's new plan outlines the lot is the way that the Town has always enforced the regulations. Selectmen's Rep. Lewis said that the Town never removed the building setbacks and never included wetland setbacks as part of the contiguous buildable area. Mr. Chadwick feels that the present lot meets the Town's requirements.
  - b. #2 notes Mr. Vignale's recommendation that drainage analysis of the project not be required.
3. Applicant presented a plan clearly noting the contiguous area. Everything in white on the plan is buildable area.
4. No longer applicable.
5. The brook line symbol will be corrected as requested.
6. Mr. Chadwick said that the Town's engineer reviewed the drainage and, since the land pitches away from the road into an extensive wetland area and eventually drains to the river, he does not feel that there is any impact to abutters or the municipality.
7. Mr. Chadwick assumes that the application for NH DES individual sewage disposal system will be required when the applicant designs the septic system and that it will not be a condition of approval. The town would receive a copy of the permit.
- 8-10. No longer applicable. Town engineer has noted that a drainage study is not required.
11. The Board would have to decide on adequacy of the land.
12. No longer applicable.
13. The "s" in "dwellings" on Note 3 will be removed.
14. Mr. Chadwick stated that his zoning ordinance interpretation was that the markers were to be placed along the perimeter of the buffer line of the building area and is shown on his plan as such. Chairman Bourque said that his recollection is that the markers have always been set along the area of the home but the plans should show the remainder of the wetland buffers. Mr. Chadwick said that it does.

Selectmen's Rep. Lewis said that 25 ft. from the edge of the road to the driveway must be paved. Mr. Chadwick will add a note to the plan. There will not be a culvert under the driveway.

The Board suggested the following conditions:

1. Change the line symbol of the brook on the plan to match the brook line symbol in the legend on all plan pages where the brook appears.
2. Add a note on the plan that a NH DES individual sewage disposal system permit will be sought for Lot 45-1.
3. Modify Note 3 to remove the "s" in "dwellings"
4. Depict the locations of the wetland buffer markers along the full perimeter of every wetland on Sheets 2, 3, 4, 5, 6, and 7. Purchase wetland buffer markers from the Planning Office and place every 25' within the contiguous buildable area on Lot 45 and Lot 45-1.
5. Add a note on the plan that a minimum of 25 ft. of pavement will be added to the driveway from the edge of the Town road.

Chairman Bourque opened the public hearing at 7:22 p.m.

There being no questions or comments, Chairman Bourque closed the public hearing at 7:22 p.m.

**MOTION:** Vice Chairman Topliff moved to approve the application with the following conditions:

1. Change the line symbol of the brook on the plan to match the brook line symbol in the legend on all plan pages where the brook appears.
2. Add a note on the plan that a NH DES individual sewage disposal system permit will be sought for Lot 45-1.
3. Modify Note 3 to remove the “s” in “dwellings”
4. Purchase wetland buffer markers from the Planning Office and place every 25’ within the contiguous buildable area on Lot 45 and Lot 45-1.
5. Add a note to the plan that a minimum of 25 ft. of pavement will be added to the driveway from the edge of the Town road.

Seconded by Selectmen’s Rep. Lewis.

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| <b>VOTE:</b> | Robert B. – Y | Alan T. – Y | Brian S. – Y | Kevin K. - Y |
|              | Kathy C. – Y  | Todd T. – Y | Cindy – Y    |              |

**THE MOTION TO APPROVE THE APPLICATION WITH THE FOLLOWING CONDITIONS:**

1. **Change the line symbol of the brook on the plan to match the brook line symbol in the legend on all plan pages where the brook appears.**
2. **Add a note on the plan that a NH DES individual sewage disposal system permit will be sought for Lot 45-1.**
3. **Modify Note 3 to remove the “s” in “dwellings”**
4. **Purchase wetland buffer markers from the Planning Office and place every 25’ within the contiguous buildable area on Lot 45 and Lot 45-1.**
5. **Add a note to the plan that a minimum of 25 ft. of pavement will be added to the driveway from the edge of the Town road.**

**PASSED ON A 7-0 VOTE.**

2. **Major Site Plan Extension. Knoll Crest. Case #07-101.** Map 632, Lot 18-5, located on Riverwood Drive in the Commercial/Light Industrial (C1) and the Aquifer Conservation (AC) Zoning Districts. The applicant, Gladstone Brothers Construction, on behalf of Bolton Holdings, Inc., is requesting an additional extension to the conditional approval of a four-building planned industrial development granted on April 24, 2007. The current extension expires on October 22, 2008.

David Ledoux, representing Gladstone Brothers Construction, said that he received a letter from the Pembroke Sewer Department indicating that there is sewer capacity for the project. The applicant would like an extension until March 2009.

Chairman Bourque opened the public hearing at 7:26 p.m.

There being no questions or comments, Chairman Bourque closed the public hearing at 7:26 p.m.

Ms. Alexander said that the conditions of approval are cumulative from April 2007 and April 2008. She proposed that if the Board decided to grant the extension, perhaps the Board could clarify only those conditions that have not been met. The Board has not seen the mylar, therefore, cannot comment on whether the conditions have been met. Selectmen's Rep. Lewis said that the applicant will need to make revisions to their plan based on the present sewer capacity notification.

After a brief discussion, it was agreed that the applicant will return to the Board with revised plans on February 24, 2009 at which time the Board will discuss the cumulative conditions of approval and the applicant's extension should be granted to April 28, 2009. Chairman Bourque said that the applicant will need to resolve all the conditions of approval by February 24, 2009 in hopes that by April 28, 2009, the project should be ready for final approval.

Mr. Ledoux said that the applicant had a copy of the Summary of Outstanding Review & Comment Items and did not need any items clarified.

Ms. Alexander said that once the Town has received the updated plans or mylar, they will need to obtain updated escrow and bond information from the Town Engineer.

**MOTION:** Selectmen's Rep. Lewis moved to grant an extension of the conditional approval to the Planning Board's April 28, 2009 meeting and that the following conditions should be completed for the February 24, 2009 meeting for review:

1. Provide original signatures and seals of engineers and surveyors, as well as the property owner on the plans.
2. Design the condominium site plan as required by the Merrimack County Registry of Deeds for recording.
3. Provide a copy of the approved Sewer permit.
4. Provide an updated guarantee for infrastructure improvements/alterations, the amount to be determined by Town Consulting Engineer.
5. Provide updated escrow fees to cover the cost of inspections for the improvements/alterations of municipal infrastructure, the amount to be determined by Town Consulting Engineer.
6. Provide a letter from KV Partners stating that all of their concerns from the 04/16/07 memo had been addressed.
7. Add as a plan Note to the recordable plan: A trench permit will be obtained from the Public Works Department prior to construction.
8. Add as a plan Note to the recordable plan: All legal documents will be recorded at the Merrimack County Registry of Deeds at the same time the condominium plan is being recorded.

Seconded by Chairman Bourque.

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| <b>VOTE:</b> | Robert B. – Y | Alan T. – Y | Brian S. – Y | Kevin K. - Y |
|              | Kathy C. – Y  | Todd T. – Y | Cindy – Y    |              |

**MOTION TO GRANT AN EXTENSION OF THE CONDITIONAL APPROVAL TO THE PLANNING BOARD'S APRIL 28, 2009 MEETING AND THAT THE FOLLOWING CONDITIONS SHOULD BE COMPLETED FOR THE FEBRUARY 24, 2009 MEETING FOR REVIEW:**

1. **PROVIDE ORIGINAL SIGNATURES AND SEALS OF ENGINEERS AND SURVEYORS, AS WELL AS THE PROPERTY OWNER ON THE PLANS.**
2. **DESIGN THE CONDOMINIUM SITE PLAN AS REQUIRED BY THE MERRIMACK COUNTY REGISTRY OF DEEDS FOR RECORDING.**
3. **PROVIDE A COPY OF THE APPROVED SEWER PERMIT.**
4. **PROVIDE AN UPDATED GUARANTEE FOR INFRASTRUCTURE IMPROVEMENTS/ALTERATIONS, THE AMOUNT TO BE DETERMINED BY TOWN CONSULTING ENGINEER.**
5. **PROVIDE UPDATED ESCROW FEES TO COVER THE COST OF INSPECTIONS FOR THE IMPROVEMENTS/ALTERATIONS OF MUNICIPAL INFRASTRUCTURE, THE AMOUNT TO BE DETERMINED BY TOWN CONSULTING ENGINEER.**
6. **PROVIDE A LETTER FROM KV PARTNERS STATING THAT ALL OF THEIR CONCERNS FROM THE 04/16/07 MEMO HAD BEEN ADDRESSED.**
7. **ADD AS A PLAN NOTE TO THE RECORDABLE PLAN: A TRENCH PERMIT WILL BE OBTAINED FROM THE PUBLIC WORKS DEPARTMENT PRIOR TO CONSTRUCTION.**
8. **ADD AS A PLAN NOTE TO THE RECORDABLE PLAN: ALL LEGAL DOCUMENTS WILL BE RECORDED AT THE MERRIMACK COUNTY REGISTRY OF DEEDS AT THE SAME TIME THE CONDOMINIUM PLAN IS BEING RECORDED.**

**PASSED ON A 7-0 VOTE.**

### New Business

#### Conceptual Consultation

3. **Minor Site Plan. Foy Insurance. Case #08-108.** Map 634, Lot 45, located at 570 Pembroke Street in the Limited Office (LO) District, Aquifer Conservation Overlay (AP) District, and Architectural Overlay (AD) District. The proposal includes changing the business from a CPA professional office to an insurance professional office, expanding the parking, and expanding the building. A Special Use Permit will be required.

Kevin Leonard of Northpoint Engineering, LLC representing Jeff and Mike Foy of Foy Insurance Agency stated that the property is located across from Beacon Hill Road. It consists of 1-1/2 acres. The original plans submitted to the Town were provided by Tom Snow, the current owner. A new plan has since been drafted. Mr. Leonard said that there is no longer a pool on the site. The consensus of the Board was that the current use is that of a professional office space and will remain as such with Foy Insurance Agency.

Mr. Leonard said that the existing structure is within the front setback. The applicant's intent is to cover the existing front steps by creating an overhang to prevent the steps from being exposed to snow. The applicant is aware that they may be required to appear before the Zoning Board of Adjustment for a variance. If so, the applicant will proceed with the site plan without the variance and will ask for a variance at a future date.

Mr. Leonard said that the application is proposing to remove the building's rear steps, enclose the screened porch area, and construct interior stairs for use by the office staff. The applicant will stay within the existing footprint of the building. The business' primary entrance will be the front entrance.

The applicant is proposing a sign consisting of a dark background (possibly navy blue) with internally illuminated white letters. (A sample copy of a sign was given to the Board.)

The site plan presently shows 9 parking spaces. The Applicant proposes to extend a travel lane to the lower section of the property. 10 additional parking spaces will be created behind the existing parking lot. No parking curbing or bumpers are presently in place. The consensus of the Board was that parking spaces 1 through 6 do not need parking curbing or bumpers.

After a brief discussion, it was concluded that even though the building will not be required to be handicapped accessible, parking space 1 and 2 should be designated as handicapped spaces. Jeff Foy said that usually they would meet handicapped clients at their home or in their cars in the parking lot. E-signatures are now acceptable in most cases so an original "wet" signature is not always and that telephone or computer correspondence is quite common.

Mr. Leonard said that they are in the aquifer protection district and will need a Special Use Permit for the project. They anticipate using a type of sheet flow water gathering system to the rear of the proposed parking lot and a shallow swale that promotes infiltration. There will be landscaping between the 2 parking lots.

With regard to lighting, Mr. Leonard said that the applicant is considering automatic timers or using an "egg timer" type of lighting which will provide each person with as much time as needed to safely get to his or her vehicle.

Member Krebs said that the Board typically prefers down lighting. Since a typical work day would be 9-5 p.m., Chairman Bourque suggested that the lights remain on until 6 p.m. with an "egg timer" lighting system for use thereafter.

Selectmen's Rep. Lewis said that if the applicant received a letter from their abutter, Craig Keeler, stating that he had no objection to the existing tree buffer or the proposed lighting, the Board would probably look favorably on the applicant's decision not to add additional buffers.

Ms. Alexander will give a Special Use Permit application to the applicant.

With regard to the Architectural Design Review District, Selectmen's Rep. Lewis said that the present plans are in accordance with the District. The main intent is not to change the Route 3 character. In her opinion, the applicant's proposed plan will not changing the Route 3 character.

Ms. Alexander said that she would like to see a rendering of the sign with regard to dimensions in accordance with the Zoning Ordinance sign regulations.

When asked if the application was a major or minor site plan application, Selectmen's Rep. Lewis said that it is a minor site plan application with one except – the applicant will need drainage calculations per the drainage requirements.

Mr. Leonard said that they are aware of next Tuesday's deadline and are prepared to attend the October 28, 2008 meeting.

### Minutes

#### **4. Review and Approve Meeting Minutes of September 9, 2008**

**MOTION:** Vice Chairman Topliff moved to accept the September 9, 2008 Minutes of Meeting as amended. Seconded by Chairman Bourque.

**VOTE:**            Robert B. – Y                    Alan T. – Y                    Brian S. – Y                    Kevin K. - Y  
                         Kathy C. – Y                    Todd T. – Abstained        Cindy – Y

**MOTION TO ACCEPT THE SEPTEMBER 9, 2008 MINUTES OF MEETING AS AMENDED PASSED ON A 6-0 VOTE WITH ONE ABSTENTION.**

### Miscellaneous

#### **5. Open Space Ordinance Revision Proposal by Jeffrey H. Taylor and Associates**

Ms. Alexander reviewed Jeffrey H. Taylor & Associates' most recent \$15,000 proposal which includes the regulations audit, a new open space development ordinance, and preparation of a Master Definitions List on the Town's Zoning, Subdivision, and Site Plan regulations. Mr. Taylor requested that his completed work be reviewed by Town Counsel.

The consensus of the Board was to accept Mr. Taylor's proposal. The \$15,000 cost will be covered by the CTAP grant.

**MOTION:** Chairman Bourque moved to accept and execute the proposal from Jeff H. Taylor & Associates. Seconded by Member Terrien.

**VOTE:**            Robert B. – Y                    Alan T. – Y                    Brian S. – Y                    Kevin K. - Y  
                         Kathy C. – Y                    Todd T. – Y                    Cindy – Y

**THE MOTION TO ACCEPT AND EXECUTE THE PROPOSAL FROM JEFF H. TAYLOR & ASSOCIATES PASSED ON A 7-0 VOTE.**

Ms. Alexander will write a letter to the non-selected applicants. Interim Town Administrator Carol Murray will notify the Central NH Regional Planning Commission that they will be responsible for administrating the contract with Mr. Taylor.

## **6. Correspondence**

Ms. Alexander noted the following correspondence:

- Town of Bow Final Approval Abutter Notification for regional impact at Public Service Co. of NH. Meeting will be October 2, 2008 at 7 p.m.

Chairman Bourque suggested that Member Cruson speak to Mary Jo Boisvert, Communications Manager at Energy Park to answer her questions regarding the current mercury emission.

- Notice to order land use handbooks from the Central NH Regional Planning Commission. The Board must choose the book color. Ms. Alexander will give Interim Town Administrator Carol Murray the number of books requested by the Board.
- Local Government Center annual conference will be held on November 12-14, 2008.
- Notice from the Central NH Regional Planning Commission of the extended deadline through October 14, 2008 for the Regional Environmental Planning Program Grant Application designed to formulate solutions for innovative land use control.
- Central NH Regional Planning Commission grant announcement for Round 3 for Safe Route To School is being scheduled. The staff has been in contact with some of the Pembroke schools and will contact the Police Chief.
- Consultant information for Gerald Coogan.
- American Planning Association Audio Web Conference Training Series Booklet listing a number of workshops that will be held in the next few months.
- Reminder about CTAP Cluster Workshop from Central NH Regional Planning Commission (to be discussed later)
- Town of Goffstown abutter's notification for a telecommunications tower. Public meeting will be September 25, 2008 at Goffstown Town Hall. The Public Hearing will be October 29, 2008.

## **7. Committee Reports**

Member Krebs had nothing to report from the Conservation Commission.

Alternate Member Seaworth attended the Roads Committee meeting. They discussed the leftover hot top that was available and asked for contract approval from the Board of Selectmen. It was approved.

## **8. Other Business**

- Work Session Agenda 10/14

The October 14, 2008 work session agenda presently includes:

- Zoning Board to discuss zoning ordinance changes
- Steve Whitman to meet with Board
- Discuss list of Zoning Ordinance definitions and changes.
- Proposed Buildable Area Definitions to be discussed.

- Discuss whether usable land should remain in zoning or be replaced by the buildable area definition.
- Wetland buffer change: Add “no construction to the 20’ buffer”.
- Progress on gravel excavation baseline information.
- Ms. Alexander’s list of tasks for student internship and Member Cruson’s report on students available.

- Planner Items

Member Krebs volunteered to review NH DES resources regarding soil types, wet areas, if the Town’s buffer definitions should change, and incorporating Best Management Practices for storm water retention.

Selectmen’s Rep. Lewis said that the Board should consider whether the buffer marker regulations should be removed from the zoning ordinance and placed in the subdivision site plan regulations in order to allow the Board to revise it when necessary.

Member Cruson has contacted a few faculty members at Pembroke Academy regarding an Planning Board’s internship project. She reported that Elaine Wesson in the Planning Department does not have time to supervise a student at the present time. The Board will need to decide what the student’s tasks should include, what skills the student should have, and who will supervise the student.

Ms. Alexander announced that the CTAP Impact Fee Workshop with Bruce Mayberry will be held at the Town Library on Monday, November 17, 2008 from 6-8 p.m. He will use the Library’s audio visual equipment.

Ms. Alexander said that the Barloe Subdivision received a one-year extension for their Special Exception from the Zoning Board of Adjustment. He will come before the Planning Board at a future date.

A letter from Chris Evans, Trustee of Rytoff Realty Trust was included in the Member packet for review. Vice Chairman Topliff suggested that if Mr. Evans is looking for reassurances, he should ask to be placed on the Board’s agenda for discussion.

Ms. Alexander said that several North Pembroke Road easements have not been approved by the Board of Selectmen and recorded at the Registry. They are: Easement for Mathew Reed Avenue, Easement for North Pembroke Road right-of-way, and slope and drainage easements. They will be on the next Board of Selectmen agenda. Selectmen’s Rep. Lewis said the Town will not accept the easements until the road is done. Interim Town Administrator Murray said that a procedure should be established on handling easements.

Ms. Alexander said that the Grace Capital Church mylar has been filed and construction has commenced.

Ms. Alexander said that her conversation with Paulette Malo of the Sewer Commission established that the Britney Place Condominium Association is no longer in place. The sewer main needs to be repaired and there is no condominium association to pay for it. She asked the Board if she should write an e-mail to LGC for their suggestions on how to handle the situation. Interim Town Administrator Murray said that the condominium association should be registered at the Registry of Deeds.

- Board Member Items

The Board agreed that past members should be asked to join the Board. Ms. Alexander said that a volunteer notice was placed in the upcoming Town Newsletter.

- Audience Items

Chairman Bourque said that there has been no contact from Pembroke 600.

### **Adjournment**

**MOTION:** Vice Chairman Topliff moved to adjourn. Seconded by Member Terrien.

The vote was unanimous in favor of the Motion.

The meeting adjourned at 9:18 p.m.

Respectfully submitted,  
Jocelyn D. Carlucci, Recording Secretary