

PEMBROKE PLANNING BOARD
MINUTES OF MEETING
Tuesday, March 27, 2007

MEMBERS PRESENT: Robert Bourque, Chairman, Roland Lemoine, Vice Chairman, Cindy Lewis, Selectman's Representative, Alan Topliff, Kevin Foss, and Mark Zydel

ALTERNATES PRESENT: Todd Terrien, Kathy Cruson

EXCUSED: Laura Scott, Director of Planning

STAFF PRESENT: Jocelyn Carlucci, Recording Secretary

Chairman Robert Bourque stated that he received a letter via e-mail from Paul Whittemore, Superintendent of Pembroke Water Works regarding 709 Keith Avenue. He asked that the letter be forwarded to the Laura Scott, Planning Director, for review.

Chairman Bourque called the meeting to order at 7:00 p.m.

Chairman Bourque announced that Member Terrien will be voting in place of former member Cindy Lewis. Ms. Lewis was recently appointed Board of Selectman's Representative to the Planning Board.

Chairman Bourque also noted that Mark Zydel had been sworn in as a member and will be voting as such.

Public Hearings – Continued Applications

Major Site Plan Application. 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 Jeff Lewis, of Northpoint Engineering, on behalf of Gladstone Brothers Construction (applicant) and Riverwood Commercial Properties (owner), is proposing a Planned Industrial Development with 4 buildings, each having a series of 20' wide by 60' deep units (30 total). Each unit contains a 300 sqft office area and a 900 sqft warehouse area for a total of 36,000 sqft of gross floor area proposed (9,000 sqft and 27,000 sqft warehouse).

Chairman Bourque indicated that there is still a list of outstanding issues, as noted in a memorandum from Laura Scott, Planning Director dated March 19, 2007. Jeff Lewis, of Northpoint Engineering, acknowledged that he received a copy of the memo.

Mr. Lewis stated that Item #1 on the list, specifically a notarized letter from the property owner authorizing Northpoint Engineering and/or Gladstone Brothers Construction to represent them before the Planning Board, has been addressed.

Mr. Lewis pointed out that Dave Ladeux of Gladstone Brothers Construction was also present. Mr. Lewis stated that the Planning Board granted two waivers at the February 27, 2007 meeting consisting of a septic system waiver and a distance waiver between the buildings. KV Partners

LLC also asked the applicant to redesign the drainage system noting recommendations for pre-treatment of the stormwater. Mr. Lewis indicated that they are working on the revisions and will resubmit the plans as soon as possible.

Chairman Bourque stated that the application has not been accepted as complete and encouraged the new members on the Board to ask specific questions of Mr. Lewis. He also indicated that a letter from the Pembroke Water Works dated March 19, 2007 was submitted to Laura Scott, the Planning Director, but had not been reviewed and, therefore, will not be commented on this evening.

Mr. Lewis said that he is looking for direction regarding the Pembroke Water Works requirement of a Geologist site plan review. It is Mr. Lewis' understanding that this is merely a recommendation by the Pembroke Water Works and not a requirement of the site plan review regulations and, therefore, it would be up to the Planning Board to require the special study to be performed.

Mr. Lewis asked that the plans be accepted tonight, if possible.

Chairman Bourque suggested that the applicant continue working on the outstanding items previously noted.

Selectman's Rep. Lewis stated that, in her opinion, the Pembroke Water Works letter is a large concern because such a study could take a few months to complete.

Chairman Bourque asked if the Pembroke Water Works intended to make this request of all future applications.

Selectman's Rep. Lewis said that the Planning Board needs to decide on a standard with regard to Water Works' request. It is her opinion that, other than infiltration, there would not be a whole lot for the Water Works' Geologist to look at since the potential tenants of this project are unknown.

Chairman Bourque recommended that the Planning Director review the recommendation by Paul Whittemore for future discussions.

Vice Chairman Lemoine stated that it is up to the Planning Board to make the decision.

Alan Topliff asked for clarification as to why the Pembroke Water Works made this request.

Selectman's Rep. Lewis stated that she does not feel that every application would require a site plan review by the Water Work's Geologist, especially in light of the time and expense involved.

Considering Pembroke's concern pertaining to the aquifer, Member Topliff asked if it would be feasible to have a property manager conduct a periodic walk-through in each of the units to ensure that no potentially hazardous chemicals were being stored on site.

Dave Ladeux stated that some of the units will be rented and some will be sold as condominiums. He also said that there is an article in the condominium documents that allow the board, manager, or management company to inspect the units.

Mr. Ladeux felt that the main issue is storm water treatment. He said that the plans would be approved at the local level (i.e. KV Partners), the state level (i.e. NHDES) for site specifics and the federal level (i.e. a storm water prevention permit).

Selectmen's Rep. Lewis said that those approvals are done initially, but that the concern is how to create a mechanism to monitor the occupancy and use of the units in the future.

Member Zydel agreed that the Planning Board must determine the Pembroke Water Works' purpose for requesting a Geologist review the site plans.

Mr. Ladeux stated that all businesses along the aquifer should be required to comply with the Water Works' request and not only select applicants. He also felt that the plan should be accepted tonight.

Member Topliff pointed out that once the Planning Board opens the public hearing, the Board has to make a decision within 60 days. If an issue takes longer than 60 days to resolve, the Planning Board would be required to make a decision on the plan before all the information was presented.

Member Terrien said that he would feel more comfortable getting clarification from the Planning Director before proceeding with this application.

Selectman's Rep. Lewis asked that the applicant indicate on the plans the total amount of parking spaces that are permitted if the mezzanine is used as storage area and the total amount of parking spaces if the mezzanine area is converted to office space so that it would be clear in the future.

Chairman Bourque suggested that Laura Scott invite Paul Whittemore, Superintendent of the Pembroke Water Works to the Planning Board work session scheduled for April 10, 2007 to clarify its position regarding the Geologist' review. In so doing, the applicant would know how to proceed following the Planning Board's April 24th meeting.

Mr. Ladeux asked why this requirement was not brought forward at the technical review?

Chairman Bourque said that it was possibly an oversight and that is why the Board is requesting clarification.

Vice Chairman Lemoine said that the Planning Board could overrule the Water Works' request since this was not a requirement of the applicant at the technical review.

Chairman Bourque stated that the Board will get clarification from Paul Whittemore.

Selectman's Rep. Lewis pointed out that Mr. Lewis and Mr. Ladeux were welcome to attend the work session on April 10th, but that it was not a public session and would, therefore, not be able to speak.

Public Hearings – New Applications

Major Site Plan Application. Case #07-102. Map 561 Lot 14 located at 129 Sheep Davis Road in the Commercial/Light Industrial (C1) and the Aquifer Conservation (AC) Zoning Districts. The applicant Holden Engineering, on behalf of A&B Lumber Company, LLC., is proposing the addition of a 1,200 sqft office building and drainage, access, and parking improvements to the site.

Chairman Bourque asked if the applicant had received Laura Scott's memorandum dated March 19, 2007 along with the comments regarding the Fire Department on Item 2c, the corrections on Item 2d, and the Water Works e-mail stated in Item 2e. Bernie Temple of Holden Engineering stated that he had.

Bernie Temple, Holden Engineering noted that his client has received its site specific permit to complete the paving at the rear of the site which would create the applicant's desired traffic pattern. The applicant is presently applying for 1,200 sqft office building, paving, and site specific drainage.

Mr. Temple said that the applicant has addressed all the existing comments from KV Partners and Ms. Scott. The only outstanding issue is the Pembroke Water Works comments in their March 19, 2007 letter to the Planning Director. Mr. Temple said that he feels the Pembroke Water Works issue should have been dealt with when the project started. It is his opinion that the requirement should pertain to all new applicants from this point forward or all past applicants. He does not feel that it should be required of existing applicants.

Vice Chairman Lemoine indicated that he does not believe that this is a major site plan application. He felt that it is a minor site plan adjustment.

Mr. Temple said that the present changes are a change from the original Phase II plan.

Vice Chairman Lemoine said that the building is only 1200 sq. ft. and, in his opinion, it is merely an adjustment. He stated that the applicant has already done all the engineering, surveys, and requirements. He questioned the necessity of having the applicant go through those steps again.

To clarify the definition of a major site plan, Selectman's Rep. Lewis read aloud Section 203-12(2) of the Site Plan Review:

A. Major site plans: (1) any development as outlined under § 203-10; (2) the expansion of an existing use or structure which results in a ten-percent or more physical expansion and results in an increase in the number of parking spaces required; or (3) involves a change in the use within the use categories as identified within the zoning Ordinance, which result in changes to the building or site plan.

Vice Chairman Lemoine stated that the applicant is not changing the use.

Selectman's Rep. Lewis countered that the applicant is not changing the parking. She noted that the Planning Board could change it to a minor site plan.

Chairman Bourque pointed out that the only thing that would need to be resolved is the water issue.

Member Topliff stated that, with regard to the Water Works' issue, there is a significant difference between the Riverwood Drive project and A & B Lumber. (1) There is nothing presently on the site at Riverwood Drive vs. A & B Lumber is an existing business; (2) Because of the nature of the condo units that could have any number of uses and contents (which is a significant unknown item) vs. A & B Lumber which is a known use with known contents. A & B is proposing adding office space which will not pose any greater risk to the aquifer than already exists. He felt that it would be difficult to justify monitoring wells for what A & B is asking to do.

Chairman Bourque said that he was considering accepting the plan as complete in order to begin a public hearing. He said that there are a number of outstanding issues, one of which is the difference between the plans for Phase I and Phase II which have not been properly reviewed to this date. The plans are inconsistent from each other.

Mr. Temple stated that the proposed and existing issues were resolved between he and KV Partners.

Selectman's Rep. Lewis stated that the Planning Board should have held strong with the original plan that was approved even though it is not complete. There are items that should not have come into play on the Phase II site plan. For example, the retaining wall was originally on the Phase I plan and should not have been on the Phase II plan.

Mr. Temple agreed. He said that the retaining wall was placed on the Phase II site plan because it was only half built. It should not have been on the Phase II Plan as proposed, but rather as existing.

Chairman Bourque indicated that according to his notes, the revised plans were submitted last Thursday. KV Partners and Ms. Scott have not reviewed or commented on them. Chairman Bourque asked the Board if the plans could be accepted as complete or if we should wait until the final set of plans are reviewed.

Selectman's Rep. Lewis indicated that "complete" means that everything on the checklist has been done. It does not mean that the Board has received everyone's review.

Chairman Bourque asked if there were any waivers being requested.

Selectman's Rep. Lewis answered no.

Vice Chairman Lemoine said that the plan should be changed to a minor site plan.

MOTION: Vice Chairman Roland Lemoine moved to amend the Major Site Plan Application to a Minor Site Plan Application and to accept the application as complete. Alan Topliff seconded.

VOTE: Alan T. – Y Todd T. – Y Robert B – Y Cindy L - Y
Kevin F. – Y Mark Z– Y Roland L - Y

MOTION TO AMEND THE MAJOR SITE PLAN APPLICATION TO A MINOR SITE PLAN APPLICATION AND TO ACCEPT THE APPLICATION AS COMPLETE PASSED ON A 7-0 VOTE.

Chairman Bourque opened the public hearing at 7:48 p.m.

Selectman's Rep. Lewis stated that, considering the size and content of the project, she does not feel it is necessary for the Pembroke Water Works to have their Geologist review the site plan. She also pointed out that the previous project was discussed fully with Paul Whittemore at the time that it was submitted and feels that it is not necessary for this plan.

There being no further comments, Chairman Bourque closed the public hearing at 7:52 p.m.

MOTION: Alan Topliff moved to **not** require any action relative to the March 19, 2007 request from the Pembroke Water Works in relation to this project. Vice Chairman Roland Lemoine seconded.

VOTE: Alan T. – Y Todd T. – Y Robert B – Y Cindy L - Y

Kevin F. – Y Mark Z– Y Roland L - Y

MOTION TO **NOT** REQUIRE ANY ACTION RELATIVE TO THE MARCH 19, 2007 REQUEST FROM THE PEMBROKE WATER WORKS IN RELATION TO THIS PROJECT PASSED ON A 7-0 VOTE.

MOTION: Chairman Bourque moved to continue the hearing until April 24, 2007. Vice Chairman Roland Lemoine seconded.

VOTE: Alan T. – Y Todd T. – Y Robert B – Y Cindy L - Y
 Kevin F. – Y Mark Z– Y Roland L - N

MOTION TO CONTINUE THE HEARING UNTIL APRIL 24, 2007 PASSED ON A 6-1 VOTE.

Major Subdivision Application Design Review. Case #DR-02-07. Map 563 Lot 110, located Beacon Hill Road and Third Range Road in the Rural/Agricultural Residential (R3) and the Medium Density Residential (R1) Zoning Districts. The applicant, Barloe Properties, LLC., is conceptually proposing to upgrade Third Range Road from a Class VI to a Class V Road from the intersection of Beacon Hill Road and Third Range Road continuing 950 feet. The property owner is also conceptually proposing to build a new cul-de-sac road off of the newly upgraded Class V road and subdivide the parcel into 2 lots and then further subdivide one of those parcels into a 16-lot cluster development (14 residential and 2 open space lots).

Leo Dumont of Barloe Properties, LLC. Said that he is presenting a conceptual plan which is primarily the same plan as was before the Board on July 2006 with exception that one of the lots was discontinued. He is proposing 14 cluster lots plus one conventional lot. He recognizes that the length of upgrade of Third Range Road and the connection to his project might be altered depending on the Board of Selectmen requirements.

Selectman’s Rep. Lewis asked if there was a checklist on this project.

Chairman Bourque read the “Procedures for Changing a Class VI Road to a Class V Road as Part of a Subdivision or Site Plan Approval” as follows:

The procedure states that the applicant applies to the Planning Board for “Design Review” for the proposed Site Plan/Subdivision as provided in RSA 676:4, II (b). The submission requirements for Design Review are outlined in the Subdivision and Site Plan Review Regulation.

After the Design Review meeting with the Planning Board, the Planning Director will provide a memo to the Applicant outlining any concerns, issues, questions, or comments the Planning Board raised at the meeting that should be addressed by the Applicant. The Planning Director will forward a copy of the memo to the Board of Selectmen, Roads Committee, Conservation Commission, Police Department, Fire Department, and Town Engineer for their information.

Mr. Dumont clarified that the 950 ft. section that will be upgraded to a Class V road is along Third Range Road from Beacon Hill Road. Upon inquiry by Member Topliff, Mr. Dumont said that he does not intend to make any changes to Beacon Hill Road. Mr. Dumont then approached the Board and point out the area on the map that would be upgraded to a Class V road.

Chairman Bourque asked what Mr. Dumont intended to do with the center piece of land of the cul-de-sac.

Mr. Dumont said that the area would remain open space.

Chairman Bourque inquired who would be responsible for taking care of that open space land.

Mr. Dumont said that he was contemplating asking the Conservation Commission to take over the open space. He also said that, if the Conservation Commission did not want the parcel, then it could be owned by a homeowner's association. Mr. Dumont clarified that there was also a 20 ft. access (between Lots 7 and 8) to the outer open space area of the subdivision. The access is large enough for a walkway but not for a vehicle. The outer area of open space will also be offered to the Conservation Commission.

Chairman Bourque asked if each building lot would have its own wells and septic systems.

Mr. Dumont said yes, and that all perk tests have been done.

Member Topliff suggested that, in view of past discussions regarding the condition of Beacon Hill Road and its ability to handle the additional traffic created by this new subdivision, it might be advisable to ask the Board of Selectmen to comment on the potential affects that the subdivision would have to the existing section of Beacon Hill Road.

Vice Chairman Lemoine added that Beacon Hill Road was never an engineered road and that it was never correctly upgraded. He is concerned of the road's ability to withstand the construction phase of the development considering the large trucks that will need to pass over Fourth Range and Beacon Hill Roads.

Kathy Cruson asked for clarification of the topography of the mapped area.

Mr. Dumont indicated that there was a slight upgrade to the elevation, no more than 8%.

Chairman Bourque asked if Mr. Dumont was aware that the Town had a 1,000 ft. limit on a cul-de-sac.

Vice Chairman Lemoine pointed out that the 1,000 ft. measurement was to the center of the cul-de-sac and the houses would have to be sprinklered.

Member Topliff said that it would probably be advisable to get clarification on how to measure the length of the road to the cul-de-sac.

Vice Chairman Lemoine indicated that the plans should read 16 total lots, not 14 residential lots and 2 open space lots because a nonbuildable open space lot is still considered a lot. He felt that the plans should read 16 lot residential subdivision.

Mr. Dumont clarified that since the Town allows a maximum of 16 lots to a cluster subdivision, his plan still complies. The Board agreed.

Member Terrien expressed his concern as to the look of the neighborhood from Lots 13 and 12 to the road.

Mr. Dumont said that there will be vegetation and will be left undeveloped, so there will be a wooded buffer. The back of the lots will also be wooded.

Member Topliff suggested that, in order to minimize Mr. Dumont's efforts, it would be advisable to clarify the definition of a cul-de-sac and the regulations associated with its length.

Mr. Dumont thanked Member Topliff for his concern and mentioned that he contemplated the possibility of having two accesses to the subdivision at which point, the subdivision would not be classified as a cul-de-sac. He will discuss this further with the Board of Selectmen.

Chairman Bourque said that he preferred the double-access concept.

Todd Smith (in the audience) asked what the lot sizes were. His understanding was that the lots had to be a minimum of two acres.

Selectmen's Rep. Lewis clarified that the lots are close to .5 acres and that the 2-acre minimum is required for a conventional subdivision, not a cluster development. There are open space requirements that play into the calculations pertaining to this type of development. She also indicated that she would need a full-scale set of plans to double-check all the measurements associated with the development.

Mr. Dumont reiterated that the lots have all been perk tested, and a system can be easily designed to fit on each lot. The homes will be 2-3 bedroom homes.

Chairman Bourque asked that this project be placed on the agenda for the Board's next work session, April 10, 2007, in order to clarify the cul-de-sac regulations, and then prepare a letter to the applicant explaining the Board's intent prior to the applicant going before the Board of Selectmen. The Board also needs to discuss whether or not the 950 ft. on Third Range Road will constitute as part of the cul-de-sac.

Meeting Minutes – February 27, 2007 Meeting

Member Terrien asked that one change be made to Page 10, Paragraph 4, Line 2 as follows: The word "and" be placed after the word "taxes". Therefore, Line 2 will read: "exempt from property taxes and they are treated the same as municipal schools."

MOTION: Alan Topliff moved to accept the minutes of the February 27, 2007 meeting as amended. Vice Chairman Roland Lemoine seconded.

VOTE: Alan T. – Y Todd T. – Y Robert B – Y Cindy L - Y
Mark Z. – Y Roland L - Y Kevin F. – Abstained

MOTION TO ACCEPT THE MINUTES OF THE FEBRUARY 27, 2007 MEETING AS AMENDED PASSED ON A 6-0 VOTE WITH ONE ABSTENTION.

Vacant Full Member Position Appointment

Chairman Bourque stated that a full-member position is open on the Board because Cindy Lewis is now acting as Selectman's Rep. He requested that a letter be sent to the Board of Selectmen requesting that Todd Terrien be moved from the alternate position to the full-member position.

Correspondence

- 1) Chairman Bourque read aloud the March 1, 2007 memo to Denis Aubin from Laura Scott advising him that he could do site clearing for well-drilling and testing. The activity must be completed by March 18, 2007.
- 2) A letter dated February 16, 2007 to Troy Brown from Central NH Regional Planning Commission advising of the decision to amend the \$4,868 funding request to \$2,434 for the US Route 3 Corridor Study.

Chairman Bourque asked Dan Crean, former Selectman, to explain how the \$4,868 came about.

Dan Crean said that the Route 3 Corridor Study came at his suggestion during his term as Selectman. It was felt that involving Central NH Regional Planning and Southern NH Regional Planning was the appropriate route to take. Unfortunately, the study was never considered until this year. There was never any talk about Pembroke paying for the study. When Pembroke decided not to renew their membership with Regional Planning, a bill was received for double the amount as Allenstown. Pembroke's response to the bill was that Pembroke was, at that time, still a member (their membership had not run out yet), and should, therefore, not be charged. The February 16, 2007 letter indicating the decrease in the study amount is in response to Pembroke's letter.

Chairman Bourque pointed out that Pembroke's membership runs out June 2007.

Selectman's Rep. Lewis said that Pembroke has been a member since 1983.

Dan Crean stated that the Board of Selectmen's discussions indicated that they wanted to know how continued membership with Regional Planning could be of benefit to the Town considering the fact that Pembroke has its own Planner.

Miscellaneous

Chairman Bourque pointed out that all Member packets contained Zoning Amendments to be filed in the Member binders and the Planning Board budget report. He also indicated that there will be a 14th Spring Planning and Zoning Conference on April 28, 2007 and 2007 Local Officials Workshops. Anyone interested in attending either event should complete the proper registration form and submit it to Laura Scott.

Chairman Bourque also noted NHLGC Court Update which was included in the Member packets.

Chairman Bourque said that a notice of public meeting was received regarding Bow's intention to install a cell tower at Blue Seal Feeds and a Londonderry's intention to install a cell tower on Nelson Road.

Chairman Bourque stated that former Selectman Dan Crean is interested in becoming a Planning Board alternate. Chairman Bourque requested that a letter be sent to the Board of Selectman recommending Dan Crean as an alternate member to the Board.

MOTION: Mark Zydel moved to approve Dan Crean as an alternate member to the Planning Board. Vice Chairman Roland Lemoine seconded.

VOTE: Alan T. – Y Todd T. – Y Robert B – Y Cindy L - Y
Mark Z. – Y Roland L - Y Kevin F. – Y

MOTION TO APPROVE DAN CREAM AS AN ALTERNATE MEMBER TO THE PLANNING BOARD PASSED ON A 7-0 VOTE.

MOTION: Selectman's Rep. Lewis moved to have the Planning Board enter a non-public session per RSA 91-8:3, 2(a). Todd Terrien seconded.

VOTE: Alan T. – Y Todd T. – Y Robert B – Y Cindy L - Y
Mark Z. – Y Roland L - Y Kevin F. – Y

MOTION TO GO INTO NON-PUBLIC SESSION PER RSA 91-8:3, 2(A) WAS PASSED ON A 7-0 VOTE.

Meeting went into non-public session at 8:45 p.m.

Non-public session was concluded at 9:25 p.m.

MOTION: Alan Topliff moved to adjourn. Mark Zydel seconded.

The vote was unanimous in favor of the Motion.

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Jocelyn D. Carlucci
Recording Secretary