

**Pembroke Planning Board
Meeting Minutes
Tuesday, September 26, 2006
7pm Pembroke Town Hall**

Present: Bob Bourque, Chairman; Alan Topliff, Member, Roland Lemoine, Vice-Chair; Bill Faith, Member, John Harrington, Member; Todd Terrien, Alternate, Kevin Foss, Alternate.

Excused: Cindy Lewis and Mark Zydel

Unexcused: Paul Andrews and Larry Young

Staff: Laura Scott, Planning Director; Catie Tirrell, Recording Secretary.

Bob Bourque opened meeting at 7:00 pm
Kevin Foss designated to vote for Paul Andrews.

Continued Public Hearing - Revocation of Approved Site Plan

The public hearing is to determine if under RSA 676:4-a Revocation of Recorded Approval, the Merrill/Dennison, LLC. Site Plan for Map 634 Lot 48-1, which a Special Exception was granted by the ZBA on March 13, 2002 (Case 02-09-Z), was approved by the Planning Board on April 23, 2002 (Case 02-101), and recorded at the Merrimack Country Registry of Deeds on September 10, 2002 (Plan #16039), should be revoked. The reasons for holding this public hearing fall under RSA 676:4-a I(b) and RSA 676:4-a I(c) and are listed below.

- 1) Violation of section §143-68 D (9) of the Zoning Ordinance;
- 2) The condition of approval the Planning Board placed on the Site Plan that “all storage trailers must be removed from the site” was not followed;
- 3) The condition of approval the Zoning Board of Adjustment placed on the Special Exception that “the building is to be used for storage of equipment and materials owned by ‘Merrill Construction’ and ‘Dennison Cabinets’ only” was not followed;
- 4) The condition of approval the Zoning Board of Adjustment placed on the Special Exception that “no storage of fuels or hazardous materials of any kind” was not followed;
- 5) The condition of approval the Zoning Board of Adjustment placed on the Special Exception that “no utilities are to be installed, i.e. sewer and water” was not followed

Laura Scott explained that this is a continuation from the June meeting.

Laura Scott reviewed her memo dated September 20, 2006 with the Board. Laura Scott told the Board she found out earlier in the day that Venture Construction would be leaving the site November 1st. Ms. Scott told the Board that the amount paid out of the escrow so far was \$5,581.00. The cost estimate for drilling and testing is \$19,100 and could be higher or lower based on what happens on the site. Ms. Scott stated that she has told GeoInsight to stop work when they reach \$20,000 due to lack of funds in the escrow account.

GeoInsight anticipates doing the wells in the upcoming week.

Ms. Scott stated we do not have the test results as of today and that she hopes to have them by October 10th.

The Board had a brief discussion on the use of the money in the escrow account.

Chairman Bourque opened public meeting at 7:12 pm

Roland Lemoine stepped down.

Brandon Guida, the representative of Merrill Dennison LLC, stated that his client sent a letter to the Water Works department regarding the Water Works contributing to the cost of the monitoring wells as it also benefits the Town. Mr. Guida explained they are still waiting to hear back from Mr. Whittimore from the Water Works Department regarding contributing to the monitoring wells.

Mr. Bourque asked if there were any comments from the Board or the public.

Mr. Guida asked to continue regarding Ms. Scotts memo dated September 20, 2006. Mr. Guida explained the memo talks about one of his letters stating that Town officials are not allowed onsite. Mr. Guida said they are asking that Town officials give them notice before they go the Merrill Dennison site because they would like to be present.

Closed public session at 7:22 pm

Alan Topliff asked Laura Scott if the Board could anticipate when the current escrow balance would be used.

Ms. Scott stated she was not sure and that it could be more or less than the original \$20,000 deposit.

Alan Topliff voiced concern that if we run out of funds we potentially run the risk of holding up the process. Alan Topliff suggested that we ask Merrill Dennison to make an additional deposit of \$5,000. If the Water Works agrees to contribute to the monitoring wells they would get the amount of money the Water Works contributes refunded from their \$5,000 deposit.

Bob Bourque asked what the cost estimate for the two days of drilling was.

Ms. Scott stated that they estimate a little over \$11,000.

The Board had a brief discussion on the proposal stated by Alan Topliff.

Bob Bourque clarified to the Board that the proposal is to ask Merrill Dennison to contribute another \$5,000 to the escrow account.

Mr. Guida spoke on behalf of Merrill Dennison stating his client would support drilling and sampling and maybe not to do the report to save money.

Bob Bourque stated he is not sure that can be done as this was part of a negotiated contract.

Ms. Scott stated she thought there needed to be a report, something to go back to review.

Alan Topliff stated that he felt the written report would benefit Merrill Dennison even if the findings are negative in case further down the road something shows up in the wells the report would help them.

Motion: Alan Topliff motioned to ask Merrill Dennison for an additional \$5,000 be added to the escrow account. If Merrill Dennison is successful in convincing the Water Works to contribute to the costs of the monitoring wells Merrill Dennison would receive a refund for the Water Works contributions. Bill Faith seconded.

Kevin Foss asked if Merrill Dennison do not agree to put the money in escrow what the Boards course of action is.

Mr. Bourque stated we can do two things, (1) spend the money that's there until it is gone or (2) revoke the site plan.

John Harrington- Yes

Bill Faith- Yes

Bob Bourque- Yes

Alan Topliff- Yes

Kevin Foss- Yes

Motion approved 5-0

Motion: Bill faith motioned to continue the public hearing until October 24, 2006. Alan Topliff seconded.

John Harrington- Yes

Bill Faith- Yes

Bob Bourque- Yes

Alan Topliff- Yes

Kevin Foss- Yes

Motion approved 5-0

Roland Lemoine joined the Board.

Public Hearings – Old Business

Major Subdivision Application. Case #04-13. Map 634 Lot 47, located at 600 Pembroke Street, in the Soucook River Development District, the Architectural Design District, Aquifer Conservation District, Shoreland Protection District, Floodplain District, and the Wetlands Protection District. Applicant, H. L. Turner Group and CLD Consulting Engineers, on behalf of Pembroke 600 Corp., propose to create a 4-lot commercial subdivision with associated offsite improvements to Route 3 and Route 106.

Laura Scott explained that this has been an application continued over several months and that the continuation for Planning Board consideration expires in October. The applicant is requesting a conditional approval, which also needs to include a deposit into the escrow account.

Jim Bouchard from HL Turner Group asked that the Board give them a conditional approval until they hear the final comments regarding the offsite improvements from NHDOT.

Ken Rhodes from CLD Engineering spoke that he felt the limited access right away may take a bit longer but that was the only issue holding them up.

Roland Lemoine asked about the time frame.

Ken Rhodes added that his client is anxious to get this done. The limited access right away process can not be predicted.

Ken Rhodes refreshed the Board that they are asking for a conditional approval on a 4 lot subdivision.

Public hearing opened at 7:50 pm

Public hearing closed at 7:53 pm

Motion: Bill Faith motioned to conditionally approve the plan for 12 months 1) Sign off Tennessee gas 2) Sign off NHDOT 3) Sign off KV partners 4) Deposit money in engineering/legal escrow account 5) Money for inspections of improvements 6) Financial guarantee for improvements 7) legal documents (easements/deeds)

Roland Lemoine argued the motion he would like to see the conditional approval for 9 months. Bill Faith amended his motion for a 9 month period.

Motion: Bill Faith motioned to conditionally approve the plan for 9 months 1) Sign off Tennessee gas 2) Final sign off NHDOT 3) Sign off KV partners 4) Deposit money in engineering/legal escrow account 5) Money for inspections of improvements 6) Financial guarantee for improvements 7) legal documents (easements/deeds). Roland Lemoine seconded.

John Harrington- Yes
Bill Faith- Yes
Bob Bourque- Yes
Alan Topliff- Yes
Kevin Foss- Yes
Roland Lemoine- Yes

Motion approved on 6-0 vote.

Public Hearings – New Business

Minor Subdivision and Lot Line Adjustment Application. Case #06-05. Map 563 Lots 110 and Lot 107, located on Beacon Hill Road, Third Range Road, and Fourth Range Road in the Medium Density Residential (R1) and Rural/Agricultural Residential (R3) Zoning Districts. The applicant, Barloe Properties, LLC, on behalf of the John F. Barksdale Revocable Trust of 1997 and the Richard L. Townsend Revocable Trust 5-10-04, proposes a lot line adjustment between Lots 110 and 107, with 11.55 acres being added to Lot 107 from Lot 110; and subdividing the remaining acreage of Lot 110 into 2 parcels.

Laura Scott explained that the application is a lot line adjustment and after the lot line adjustment taking the remaining lot and subdividing it into 2. They are not using the frontage on Third Range road.

Laura Scott advised the Board that the applicant is asking for waiver requests. There are questions by Laura Scott and The Town Engineer about the wetlands delineation. Laura Scott questioned if they would need a Wetland Permit.

The Board reviewed the plan and had a brief discussion.

The applicant, Leo Dumont with Barloe Properties, stated the reason for the configuration of the proposed lot 110-6 is for State regulation for the septic system.

Roland Lemoine asked how far from others existing wells was the proposed septic system going to be.

The applicant, Mr. Dumont stated he was not sure.

Roland Lemoine asked why they were requesting a waiver for the high intensity soil survey.

Leo Dumont stated he felt it was a reasonable request for a minor subdivision and the soils are very sandy and gravelly.

The Board had a brief discussion on what a high intensity soil survey shows and what it is used for.

Leo Dumont of Barloe Properties answered a few questions on Laura Scott's letter dated September 13, 2006. Subdivision permit is in process, the driveway permit is ready to be picked up as far as he knows, and the wetlands permit is non-applicable.

Laura Scott stated the comments she had were minor. The waiver request needed to be decided.

Motion: Alan Topliff motioned to **not** require the high intensity soil survey on the bigger parcel of the subdivision but to require it on lot 110-6. Roland Lemoine seconded.

John Harrington- Yes

Bill Faith- Yes

Bob Bourque- Yes

Alan Topliff- Yes
Kevin Foss- Yes
Roland Lemoine- Yes

Motion approved on 6-0 vote.

The Board discussed the waiver request for the NH Natural Heritage Inventory.

Motion: Bill Faith motioned to **not** waive the NH Natural Heritage Inventory. Alan Topliff seconded.

John Harrington- Yes
Bill Faith- Yes
Bob Bourque- Yes
Alan Topliff- Yes
Kevin Foss- Yes
Roland Lemoine- Yes

Motion approved on 6-0 vote.

Laura Scott explained that the applicant is requesting to waive the topography.
Laura Scott stated that the topography at this point is not important but further down the road any further changes she would like to see it.

Motion: Roland Lemoine motioned to waive the topography for the applicaiton . Kevin Foss seconded

John Harrington- Yes
Bill Faith- Yes
Bob Bourque- Yes
Alan Topliff- Yes
Kevin Foss- Yes
Roland Lemoine- Yes

Motion approved on 6-0 vote.

Motion: Bill Faith motioned to accept the plan as complete. Alan Topliff seconded.

John Harrington- Yes
Bill Faith- Yes
Bob Bourque- Yes
Alan Topliff- Yes
Kevin Foss- Yes
Roland Lemoine- Yes

Motion approved on 6-0 vote.

Public hearing opened at 8:27 pm

Barbara Pinnett current owner of lot 110-4, voiced concerns of her well and a pond down hill from the property that is conservation land with lots of species.

Tina Paris current owner of lot 110-2, thanked the Board for the non-waiver of the high intensity soil survey. Ms. Paris also voiced concerned on her well.

Ron Clouser lives on Beacon Hill Road. Mr. Clouser stated that Beacon Hill Road in a non-engineered road. His concern is not this phase of development now but what is down the road. Ron Clouser stated that there is drainage issue.

Mark Dumis, owner of Lot 115-4, lives across from the proposed project. Mark Dumis explained that the road in not engineered and that there is a lot of water coming down the road. Mark Dumis stated he personally would be opposed to the proposed design.

Dan Lapage, owner of 110-3, stated he has water running in his yard year round. He stated he would be affected by a septic system in the back of his house.

Mark Paris, owner of 110-2, asked if in the 50' right away is there any intent to put a road or a driveway. If it is it would cause more water issues.

Ms. Scott answered that the area spoke of is merging with the Townsend property. If there were going to be any changes they would have to come back into the Planning Board and it would be for Mr. Townsend's entire parcel of land.

The public asked several questions to Laura Scott regarding if the applicant had to come into the Board for different things. Such as logging, and stripping the land.

Mr. Dumont of Barloe Properties stated there will not be a septic in the back of proposed lot 110-6. It will be in the front near the road.

Public hearing closed at 8:41 pm

Bob Bourque stated he wanted to know the well and the well radius for lot 110-2 & 110-3. The improved maps as requested by Town Planner.

Roland Lemoine asked about the size of the culvert.

Mr. Dumont of Barloe Properties said KV Partners required a 15" culvert

Roland Lemoine asked about the size of the culvert. KV Partners required a 15" culvert and there is a 4" culvert down the road.

Ms. Scott, Planning Director, said she would have the Engineer look at that.

Motion: Alan Topliff motioned to continue to the October 24, 2006 meeting. Roland Lemoine seconded.

John Harrington- Yes
Bill Faith- Yes
Bob Bourque- Yes
Alan Topliff- Yes
Kevin Foss- Yes
Roland Lemoine- Yes

Motion approved on 6-0 vote.

Approved Site Plan and Subdivision Applications

Proposal to amend approved Minor Site Plan Map 935 Lot 12 on North Pembroke Road (Fowler Elderly Housing)

Laura Scott presented the Board with a letter from Emil stating he has no issue with the proposed changes to the driveway.

Steve Fowler, the applicant, stated the purpose is to change the existing driveway angle. Mr. Fowler said he felt it would be safer and change the existing site plan very little.

Motion: Roland Lemoine motioned to approve the proposed changes. Alan Topliff seconded.

John Harrington- Yes
Bill Faith- Yes
Bob Bourque- Yes
Alan Topliff- Yes
Kevin Foss- Yes
Roland Lemoine- Yes

Motion approved on 6-0 vote.

Expiration of Conditional Approval for Major Subdivision Plan Map 563 Lot 90 on Center Road.

Laura Scott stated the 3 lot subdivision that was previously approved will expire next week and none of the conditions set by the Board have been met at this time. The applicant has not requested an extension.

Motion: Bob Bourque motioned to revoke the conditional approval as of 9/28/2006. Alan Topliff seconded.

John Harrington- Yes
Bill Faith- Yes
Bob Bourque- Yes

Alan Topliff- Yes
Kevin Foss- Yes
Roland Lemoine- Yes

Motion approved 6-0 vote.

Incomplete Conditions of Approval for Major Site Plan Map 561 Lots 11 & 11-1 (NH Tile)

Ms. Scott, Planning Director, explained to the Board that she has made several attempts trying to get the conditions met. The two conditions outstanding are for easements. One is a stop sign that is on the property, which requires a roadway easement for it to be placed there. The other easement is the driveway; the driveway is not on NH tile's property. Laura Scott stated she has been informed that the driveway easement has been done and she is waiting for a copy to come in tomorrow.

Motion: Roland Lemoine motion to approve the plan as is and waive the remaining conditions.

No second was made.

The Planning Board decided to send a letter to the applicant to see that the private easement between the two parties for the access way has been done.

Conceptual Consultations

Map 559 Lot 16-1, which is located on North Pembroke Road in the Rural/Agricultural Residential (R3) Zoning District. Proposal is for 4 duplex buildings (8 total units) and one single-family residence with common open space and a private driveway

Gary Bolio stated that they are proposing 4 duplex style buildings with 2 units in each building. The 9th unit would be an existing single family home behind the proposed units. The existing driveway would be shared among the duplexes and the existing house onsite. The driveway is going to be private.

The Board discussed several issues with Gary Bolio regarding fire apparatus accessing the property, fire sprinklers, and that the Fire Department would have to sign off.

Map 937 Lot 7, which is located on North Pembroke Road in the Rural/Agricultural Residential (R3) Zoning District. Proposal is for a Rural Cluster Open Space Development of 10 single-family residential lots with common open space and a cul-de-sac.

Laura Scott stated it is for a conservation subdivision she did receive a special exception from the Zoning Board.

Kevin Leonard from North Point Engineering representing the applicant stated the property is known as 424 North Pembroke Road there is an existing 2 family home and a series of building that are in disrepair. The applicant received a special exception and is proposing to put in a subdivision with 10 lots. The intent would be to put a part of the land in conservation

to prevent the use of ATV, and other such vehicles. The subdivision will have a private water system, and individual septic systems. The applicant is proposing a public road.

A discussion took place on the location of the well (lot 4) and the amount of water needed for the subdivision. Kevin Leonard stated that the proposed well is just below the threshold for a community well and will not need State approval.

Meeting Minutes

Review and Adopt Meeting Minutes for August 22nd and September 12th

Motion: Alan Topliff motioned to approve the minute of August 22, 2006 as amended.
Roland Lemoine seconded.

Motion: Unanimously approved

Motion: Bill Faith motioned to approve the minutes of September 12, 2006 as amended.
John Harrington seconded.

Motion: Unanimously approved

Abstain: Roland Lemoine

Board of Selectmen

1. Alternate to vote in absence of BOS Representative (Selectman Young not present)
2. Budget Meeting 9/13/06 follow-up
-Money in budget for mapping services, consulting services
3. Conservation/Recreation 9/20/06 meeting follow-up

General Correspondence

Roads commission met on Church Road

Adjournment

Motion to adjourn meeting at 10:34 pm. unanimously approved.

Respectfully Submitted,
Catie Tirrell
Recording Secretary