

**Pembroke Planning Board
Tuesday, November 14, 2006
7pm Pembroke Town Hall**

PRESENT: Bob Bourque, Chair; Roland Lemoine, Vice-Chair; Alan Topliff, Member; John Harrington, Member; Bill Faith, Member; Cindy Lewis, Alternate; Kevin Foss, Alternate; Todd Terrein, Alternate; Mark Zydel, Alternate; Larry Young, Selectmen.

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

Bob Bourque called the meeting to order at 7:00pm.

Roland Lemoine stepped down.

Map 634 Lot 48-1 Discussions

Continuation of discussion from September 12, 2006 review of possible Site Plan Approval Violations of the Merrill/Dennison LLC Site Plan (Case #94-104)

Laura Scott reviewed her memo dated August 18th with the Board on the second site plan. Laura Scott advised the Board that this had been postponed twice as the Board didn't want to have two issues at once. Laura Scott advised the Board that this is not a public hearing just a discussion between the Board Members.

Laura Scott continued by stating to the Board that what was said to be happening on the site and what NHDES found to be happening on the site seemed to conflict.

Alan Topliff voiced concern on safe guarding the Aquifer. Mr. Topiff stated that his second concern going forward how the Board ensures that Merrill/Dennison LLC will be diligent about safe guarding the Aquifer.

The Board reviewed the five points of violation on the letter from Mr. Guida dated August 25, 2006.

Bob Bourque asked if the Board would like to hear from the Owners to clarify the five points of violation and what has been resolved.

Larry Young stated yes he would like to hear from the Owner.

Cindy Lewis and Kevin Foss designated to vote for two vacant Member positions.

John Harrington asked how many times the Best Management practices occur does.

Paul Whittimore, Water Works Department, stated it happens every 3 years and that access can not be denied.

Cindy Lewis stated that things have changed since the approval 10 years ago. Cindy Lewis asked if NHDES has to inspect them annually now that they are on the list.

Frank Merrill, Owner on Merrill Construction stated he was not sure.

Mr. Guida, Attorney for Merrill/ Dennison LLC stated he did not believe so. Mr. Guida went on to discuss the concerns of NHDES and how the concerns were rectified.

Cindy Lewis stated that when the approval was originally given that she believed that Merrill Dennison would be doing work on their own vehicles outside.

Alan Topliff asked if the Owners of Merrill/ Dennison now understand the dangers that their operations potentially pose to the water supply, is this something that they now feel confident that they as well as their employees fully embrace in protecting.

Frank Merrill stated yes, If NHDES comes in 2-3 years to inspect and find something due to a change in regulation he asked the the Town understand if they are not told they may not be aware of all the changes.

Mr. Bourque stated that as an example 10 years ago the dumpster could be set on soil now it has to be set on a concrete pad.

Mr. Merrill stated as far as he knows that nothing was stated about the dumpster having to be put on a concrete pad when they were approved.

Alan Topliff stated he wanted to clarify he understand that rules change but what he was driving at was more on the mental mind set on the part of Merrill Dennison and the employees that we sit on an Aquifer and we need to be really diligent about waste oil, gas, and whatever maybe used on the site and that it is properly stored and that the contaminates are not going to contaminate the Aquifer. Also that every reasonable effort be made to protect the Aquifer.

Mr. Merrill stated yes, he walks the property every morning and that all the employees are aware that all maintenance is to occur inside the building.

Bob Bourque asked if there is a change in regulations are the people on the Aquifer notified.

Paul Whittimore, Water Works Department stated he believes they are notified.

Laura Scott stated she does not believe each individual owner is notified.

Bob Bourque asked if the maintenance outside has stopped.

Frank Merrill stated that tires were changed outside but at this time all work is done in the building.

Bob Bourque stated he would like more communication with Merrill Dennison as far as what is happening on the site if and when there are changes.

Mr. Merrill asked if that meant at that point he would have to come in and have a discussion with the Board.

Mr. Bourque stated yes, come in and talk with the Planning Director and or Code Enforcement.

Mr. Merrill agreed.

Frank Merrill asked what changes for example... tanks yes but what about the number of trucks they have onsite...Mr. Merrill agreed.

John Harrington said yes if it was mentioned during a prior meeting and it has changed the Board would like to know.

The Board and the Owner discussed the change of business and how to update the changes.

Motion: Alan Topliff motioned to drop the issue.

Bob Bourque proposed to the Board that the Town Planner send a letter to Merrill Dennison asking what is currently going on and what they have in mind specifically any of the items listed in Laura Scott's letter. In addition if there are any other State issues that come up he would like to be aware.

Mr. Whittimore spoke up stating it is his understanding that Merrill Dennison were to be the only occupants of the building and at this time East Coast Utilities are occupying the building and have a hazardous waste generating permit. Paul stated he thinks that is a concern.

Cindy Lewis stated that the Board was aware of that and that is why they put the second building in. The reason they put the second building in was East Coast was taking up too much space in their building.

Frank Merrill stated that the hazardous waste permit is for a parts washer and they have someone come and take it away and replace the fluid.

Mr. Bourque stated that those are the kind of thing the Board needs to know about and again stated his proposal.

Alan Topliff supported the proposal from Mr. Bourque.

Motion: Alan Topliff motioned to drop the issue and that the Town Planner sends a letter to Merrill Dennison asking what is currently going on and what they have in mind specifically any of the items listed in Laura Scott's letter. In addition if there are any other State issues that come up he would like to be aware. Kevin Foss seconded.

Kevin Foss- Y
Cindy Lewis- Y
Larry Young- Y
Bob Bourque- Y
Bill Faith- Y

John Harrington- Y
Alan Topliff- Y

Motion approved 7-0 vote.

Roland Lemoine rejoined the Board.

Public Hearings - 2007 Town Meeting Zoning Amendments

Proposal is to replace the current Article X Cluster Subdivision Provision with the proposed Article X Open Space Subdivision Ordinance. The following is a summary of provisions in the proposed Open Space Subdivision Ordinance.

Public Hearing opened at 7:50 pm.

A member of the audience asked who was going to maintain the open space area.

Laura Scott stated if for some reason Conservation decided they didn't want it they would have to form a Home owners association, A third party nonprofit would have to take it over.

The member of the audience asked if it would be taxed at current use.

Laura Scott stated yes it would be taxed at current use.

The Board discussed making the Open Space Ordinance mandatory.

- 1) Clearly define the purpose of the Ordinance
- 2) Requirement that any proposed subdivision that abuts existing protected conservation land utilize this Ordinance for the property development; lists exemptions to this requirement; and that its use in other circumstances is voluntary
- 3) Does not allow for more residential units that would be allowed under a conventional development
- 4) Allows for flexibility on lot size, lot frontage, and front, side, and rear setbacks
- 5) Describes the requirements of the perimeter buffer and the conceptual long range development plan
- 6) Outlines the requirement for 40% of the parcel to be set aside for permanent open space, their type and location of the open space, and how it is to be managed.

Public Hearing closed at 8:29pm.

§143-11(B) Zoning Map

Amend the ordinance to make the map reference consistent with what was adopted in the Aquifer Conservation District Ordinance at the 2006 Town Meeting

§143-35 (A) Automotive Repair and Service

Amendment is to fix a typo to say side lines instead of ride lines

§143-39 (C) Temporary Office Trailer or Storage Trailer

Amend the Ordinance to read that if **the total length of time is less than 12 months**, the special permit can be issued by the Code Enforcement Officer.

Article IXA - Soucook River Development District

§143-72.7 Baseline Dimensional Requirements - amend the ordinance to make the minimum open space consistent with changes in the Aquifer Conservation District which was approved at 2006 Town Meeting

§143-72.8(3) Open Space/Impervious Surface Requirements – amendment is to clarify amount of open space allowed.

§143-32 Manufactured Housing Park

Amendment removes the requirement that the parcel of land be at least 10 times the minimum lot size for the zoning district it is located in; requires that all park roadways be private roads that are not maintained by the Town; remove the licensing requirements; remove the requirement that the site plan show the manufactured home sites; and requires that parks must contain a minimum of at least 3 homes sites and they must have frontage along park roadways.

§143-68 Aquifer Conservation District

(D) Prohibited Uses - Amendment defines solid waste as NH RSA 149-M: 4, XXII; does not allow the outdoor unenclosed or uncovered storage of sand/salt mixtures; does not allow the dumping of snow containing de-icing chemicals if it is from off-site; does not allow the storage of hazardous materials, which is defined as NH RSA 147-A: 2, VII; and does not allow the storage of hazardous materials unless such material is pre-packaged for retail sale prior to storage on the site.

(F) Special Exceptions (4) – Amendment requires Planning Board input only if subsequent action by the Planning Board is not required

143-21 (K) Dimensional and Density Regulations

Remove the provision that no structure shall be located closer than 20' measured from any wetland

§143-72 (D) Wetlands Protection District

Amendment would add a provision that no structure shall be located closer than 20' measured horizontally from any wetland and that wetlands buffer markers shall be placed every **75 feet** along the perimeter of a delineated 20 foot wetland buffer

Public Hearing Opened at 8:32pm.

Stanley Grimes, Jr. asked the definition of a Farm Stand and voiced concern on the new changes.

After a brief discussion Laura Scott advised Stanley that he is grandfathered.

Public Session closed at 8:59pm.

§143-8 Definitions

Amend the definition for **Agriculture** to be NHRSA 21:34-a, II; amend the definition of **Farmers Market** to be NH RSA 21:34-a; V; amend the definition of **Farm** to be NH RSA 21:34-a, I; amend the definition of **Hazardous or Toxic Materials and Waste** to NH RSA 147-A: 2, VII; and amend **Common Area** to include the language manufactured housing park and condominium development

Public Session opened at 8:59 pm.

§143-44 Agricultural Retail Outlets – (B) Farm Stand (Roadside Stand)

Amendment would remove the requirement for site plan review by the Planning Board and only require a Special Use Permit to operate; remove the restriction on the average yearly dollar of products purchased and resold; remove the restriction that over **35%** of the products sold must be grown on site; and define farm stands as NH RSA 21:35-a; III

Laura Scott to define temporary.

§143-38 Private Day Care or Kindergarten

Amendment removes the distinction of Private day care from other forms of day care; removes the licensing requirement; removes the outside play area space requirement; removes the requirement for parking areas to be screened; removes the reference to accessory use or principal use of a structure by a day care or kindergarten; removes the provision for signage; and clarifies that accessory uses shall follow §143-18.

§143-19 Table of Dimensional Regulations - Community Facilities - Amendment removes from the Table of Dimensional Regulations (1) public parks, conservation area and open spaces, including areas for passive recreation and (2) town buildings, fire stations, police stations, public libraries, and town equipment garages because it is not necessary

§143-19 Table of Dimensional Regulations - Agricultural - Amendment allows agricultural retail outlets to be a permitted use in all Zoning Districts except B2; removes temporary agricultural retail outlets from the table of dimensional regulations; and removes the raising and/or keeping of livestock, horses, poultry, sheep, swine, or other farm animals for personal use from the table of dimensional regulations

§143-19 Table of Dimensional Regulations - Retail and Service – Amendment allow day care or kindergarten as a permitted use, as opposed to a special exception, in all zoning districts except B1

Public Hearing closed at 9:45 pm.

Motion: Bob Bourque motioned to propose Zoning Changes as amended and to conduct a second meeting. Cindy Lewis seconded.

Kevin Foss- Y

Cindy Lewis- Y

Larry Young- Y

Bob Bourque- Y

Bill Faith- Y
John Harrington- Y
Alan Topliff- Y

Motion approved 7-0 vote.

2007 Town Meeting Proposed Items – Work Session

- §143-25 Licensing The Board had a brief discussion and decided to let the Selectmen
- Roads – Class V vs. Private Roads

Rebecca Way – BOS Street Acceptance

The Board unanimously voted to adjourn the meeting at 10:25 pm.

Respectfully Submitted,

Catie Tirrell