

Pembroke Planning Board
Minutes of Meeting
(Adopted)
Tuesday, February 26, 2008

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

ALTERNATES PRESENT: Kathy Cruson

EXCUSED:

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

Chairman Bourque opened the meeting at 6:58 p.m. and appointed Alternate Member Cruson to vote in place of former Chairman Lemoine.

Correspondence

Ms. Alexander noted:

1. The Office of Energy and Planning (OEP) is holding a conference at the Radisson Hotel on Saturday, April 26, 2008. Copies of the agenda and registration form were distributed to all members. She encouraged early registration.
2. Notification of a telecommunication tower being erected in Londonderry.
3. The Planning Department has been receiving business and real estate newspapers. The consensus of the Committee is that they are not interested in reviewing them.

Public Hearings

Pembroke 600 Major Subdivision Extension Request. Case #04-13. Map 634, Lot 47 located in the Soucook River Development District, Aquifer Conservation District, Shoreland Protection District, Floodplain Development District, Architectural Design/Home Business District, and Wetlands Protection District at 600 Pembroke Street on US Route 3 and NH 106. The applicant, Pembroke 600 Corp., requests an extension from the Planning Board of the subdivision approval that was granted on September 26, 2006. The applicant additionally requests an extension from the Sewer Commission of the permit approval for the capacity of 35,000 gallons per day that was granted in December 2004.

Chairman Bourque noted a fax from Pembroke 600 requesting that the public hearing be continued to March 25, 2008 due to inclement weather.

Chairman Bourque opened the public hearing 7:02 p.m.

Sewer Commissioners Paulette Malo and Harold Thompson indicated that they had no objection to the continuance.

MOTION: Vice Chairman Topliff moved to continue the public hearing on Pembroke 600 Corp. to March 25, 2008 and to grant Pembroke 600 Corp. an extension of the subdivision approval that was granted on September 26, 2006 to March 25, 2008. Seconded by Member Terrien

VOTE: TT – N CL – Y BB – Y MZ - Y
 AT – Y KK – Y KC – Y

MOTION TO CONTINUE THE PUBLIC HEARING ON PEMBROKE 600 CORP. TO MARCH 25, 2008 AND TO GRANT PEMBROKE 600 CORP. AN EXTENSION OF THE SUBDIVISION APPROVAL THAT WAS GRANTED ON SEPTEMBER 26, 2006 TO MARCH 25, 2008 PASSED ON A 6-1 VOTE.

Minor Subdivision Application. Case #07-07. Map 939, Lot 14 located in the Rural/Agricultural Residential (R3) District at 552-566 Buck Street. The applicant, A.B. Heiser, II, LLC, is proposing to subdivide Lot 14 into three residential lots.

Ms. Alexander noted the following on the November 14, 2007 Application Review:

- Administrative Requirements have been met.
- General Plat Requirements have been met.
- General Issues: #3 – a special use permit has been completed and the \$25 fee has been paid. A note will be marked on the plan.
- General Issues: #4 & #5 – easements have been reviewed by Town Counsel with no comments.
- General Issues: #6 – Daniel Mullen, LLS of Richard D. Bartlett & Associates, LLC indicated that the proposed house on Lot 14 is located 500’ from road and that the located is flexible and septic system can be moved if necessary.
- Department and Professional Comments #7 – Fire chief stated that residential sprinkler systems will be required and recommends assigning a street name to the 24’ driveway entrance and numbering each house accordingly. The Public Works Director noted a new state driveway permit would be necessary. Conservation Commission noted ample setbacks with no further comments. The Sewer Department noted “no sewer in this area”, and the Code Enforcement Officer had no comment. Pembroke Water Works stated that they must approve the service and utility easements.
- Department and Professional Comments #8 – Nothing needed because Town Counsel agreed with information that was originally supplied by applicant.
- Zoning Ordinance #9 – Wetland buffer markers will be needed and placed every 25’ and have been indicated on the plan.
- Subdivision Plan Submittal Information – Appendix A #10 – All items are on the plan with the exception of M “Depict surface water collection and discharge”. Applicant is requesting a waiver for this item.

Mr. Mullen noted that the application is a minor residential subdivision and, therefore, was not required to show a drainage design. He said that the questionable areas will be away from any road and the driveway will be subject to DOT requirements.

It was the consensus of the Board that they not grant the waiver until the Town Engineer, KV Partners, reviews the plans pertaining to the driveway drainage in the event that Sixth Range Road should become a town road in the future.

The applicant submitted a full-size set of plans to the Board.

MOTION : Chairman Bourque moved to deny the waiver – Subdivision Plan Submittal Information – Appendix A, Item M (“Depict surface water collection and discharge”) until the plans have been reviewed by Town Engineer and to continue the hearing until March 25, 2008. Seconded by Member Cruson.

VOTE: TT – Y CL – Y BB – Y MZ - Y
 AT – Y KK – Y KC – Y

MOTION TO DENY THE WAIVER – SUBDIVISION PLAN SUBMITTAL INFORMATION – APPENDIX A, ITEM M (“DEPICT SURFACE WATER COLLECTION AND DISCHARGE”) UNTIL THE PLANS HAVE BEEN REVIEWED BY TOWN ENGINEER AND TO CONTINUE THE HEARING UNTIL MARCH 25, 2008 PASSED ON A 7-0 VOTE.

Chairman Bourque noted that Selectmen’s Rep. Lewis stepped down for the next hearing.

Minor Subdivision Application. Case #08-01. Map 563, Lots 112 & 113 located in the Rural/Agricultural Residential (R3) District at 547 and 533 Fourth Range Road. The applicant, Cindy Lewis of Architectural Link, on behalf of owners Richard Townsend and Daniel & Theresa Hutchinson, is proposing to subdivide Lot 113 and annex 5.70 acres to Lot 112.

Ms. Alexander noted the following on the February 8, 2008 Application Review:

- General Plat Requirements #1 – has not been completed.
- General Plat Requirements # 2, #3, #4 – have been met.
- General Plat Requirements # 5 – has not been completed.
- General Plat Requirements # 6 – has been met.
- General Issues #7 – authorization has been received.
- General Issues #8 – waiver request has been provided by applicant.
- Department and Professional Comments - #9: Pembroke Water Works noted that no water is available and it is not in the aquifer. The Code Enforcement Officer, Public Works Director, Fire Department Chief and the Conservation Commission Chair had no comments.
- Subdivision Plan Submittal Information #10 A- has not been completed.

MOTION: Member Terrien moved to accept the wetland delineation waiver. Seconded by Vice Chairman Topliff.

VOTE: TT – Y CL – Y BB – Y MZ - Y
 AT – Y KK – Y KC – Y

MOTION TO ACCEPT THE WETLAND DELINEATION WAIVER PASSED ON A 7-0 VOTE.

MOTION: Chairman Bourque moved to accept the application as complete. Seconded by Member Zydel.

VOTE: TT – Y CL – Y BB – Y MZ - Y
 AT – Y KK – Y KC – Y

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

Chairman Bourque opened the public hearing at 7:38 p.m.

There being no comments, Chairman Bourque closed the public hearing at 7:40 p.m.

MOTION: Vice Chairman Topliff moved to approve the application with the following conditions: (1) Replace references to “Lot 112-1” on the plan to Lot 112; and (2) Remove the second “lot” on Lot 113 annexation label. Seconded by Member Terrien.

VOTE: TT – Y CL – Y BB – Y MZ - Y
 AT – Y KK – Y KC – Y

MOTION TO APPROVE THE APPLICATION WITH THE FOLLOWING CONDITIONS: (1) REPLACE REFERENCES TO “LOT 112-1” ON THE PLAN TO LOT 112; AND (2) REMOVE THE SECOND “LOT” ON LOT 113 ANNEXATION LABEL PASSED ON A 7-0 VOTE.

Chairman Bourque noted that Selectmen’s Rep. Lewis has returned to the Board.

Chairman Bourque noted that Geoff Ruggles, Town Administrator, sent an e-mail to Pembroke 600’s attorney asking him to appear before the Planning Board on March 25, 2008 even if the applicant is not able to attend.

Review and Approve Meeting Minutes of February 12, 2008

MOTION: Vice Chairman Topliff moved to accept the minutes of February 12, 2008 as amended. Seconded by Chairman Bourque.

VOTE: TT – Y CL – Y BB – Y MZ - Y
 AT – Y KK – Y KC – Y

MOTION TO ACCEPT THE MINUTES OF FEBRUARY 12, 2008 AS AMENDED PASSED ON A 7-0 VOTE.

Miscellaneous

Status of Conditional Approval – Academy Condominium #07-06

Ms. Alexander stated that the conditions of approval for Academy Condominium have been met. She said that most of the errors were typographical. The only substantial correction was in Appendix A of the Declaration which noted distances different from those shown on the deed. It has been corrected. The revised plans contain all the required corrections.

After a discussion, it was the consensus of the Board that an applicant should come before the Board for final approval at a public hearing to ensure that a State requirement, for example, did not alter the project in a way that would affect the Town. The Board felt that Pembroke 600 should have a final approval with a public hearing to ensure that all conditions are met.

Committee Reports

Selectmen’s Rep. Lewis stated that the Conservation Commission brought the North Pembroke Road easement before the Board of Selectmen for a vote. She stated that there could be an issue if someone wanted to adjust the road or has problems with their well. Geoff Ruggles stated that there was a question of whether a Section of Seventh Range Road was actually a road. Selectmen’s Rep. Lewis said that her understanding is that if there is no access to the land, then the RSA states that it cannot be conservation land.

Other Business

It was agreed that Selectman Fred Kline should be invited to the March 25, 2008 meeting to discuss a possible CTAP application to review open space development regulations. Selectmen’s Rep. Lewis will speak to

Selectman Kline and then check with Sharon about using CTAP money in 2008 for open space or a growth management study.

After a discussion, the consensus of the Board was not to meet on March 11, 2008.

Ms. Alexander will be at the voting polls from 3-7 p.m. on March 11, 2008. Selectmen's Rep. Lewis, Vice Chairman Topliff, and Mr. Ruggles will coordinate coverage of the needed hours at the polls.

Chairman Bourque, whose term expires April 1, 2008, agreed to a new 2-yr. term. This change will correct the term sequences that did not agree with the RSA requirement that two member terms should expire each year.

Members Terrien and Krebs agreed to a new 3-yr. term.

Mr. Ruggles said that the Board of Selectmen would like to meet with the Planning Board or a Board representative to discuss the Town Planner position. It was agreed that the Planning Board will discuss the Town Planner position at their next work session and then make arrangements to meet with the Board of Selectmen.

Chairman Bourque asked Ms. Alexander for an updated members' list which she will get from Mr. Ruggles. Ms. Alexander will also ask Elaine Wesson to make a copy of the most recent site plan regulations for all members.

MOTION: Chairman Bourque moved to adjourn. Member Zydel seconded.

The vote was unanimous in favor of the Motion.

The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Jocelyn D. Carlucci
Recording Secretary