

**Pembroke Planning Board
Minutes of Meeting
(Adopted)
Tuesday, November 11, 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 p.m. and said that Member Zydel abstained and, therefore, appointed Alternate Member Seaworth to vote in Member Zydel's absence.

Old Business

1. Minor Site Plan Application Amendment. Grace Capital Church. Case #08-103A. Map 634, Lot 41-1 located in the Limited Office (LO), Soucook River Development (SRD), and Aquifer Conservation (AC) Overlay Districts at 542 Pembroke Street. The applicant, McFarland-Johnson, Inc., on behalf of owners International Church of the Four Square Gospel of California, c/o Grace Capital Church, is proposing to modify the approved detention pond design. *Board to review for plan acceptance. Application was noticed as a public hearing.*

Pastor Peter Bonanno of Grace Capital Church thanked the Board for holding this special meeting on the Church's behalf.

Margaret Probish of Sheehan, Phinney, Bass and Green, counsel to Grace Capital Church said that the Applicant has everything that the Board requested at its last meeting and is looking for the Board's support in moving forward with the project.

Frederick Mock, PE of McFarland-Johnson, Inc. and Jonathan Halle were present.

Chairman Bourque stated that the Board requested letters from FairPoint Communications, Public Service of New Hampshire (PSNH), Associated Grocers of New England (AGNE), and KV Partners LLC.

Ms. Alexander said that the November 4, 2008 letter from KV Partners addressed all the Board's previously stated concerns and satisfies the engineer's requirements.

The Board also received:

- Two letters from FairPoint Communications: (1) dated October 22, 2008 addressed to Frederick D. Mock, P.E.; and (2) dated November 3, 2008 addressed to Mike Bourgoine of Associated Grocers of New England, Inc.
- Letter from Public Service of New Hampshire dated November 7, 2008 stating one condition, namely a Joint Use Agreement between Grace Capital Church and AGNE.
- A copy of the unsigned Joint Use Agreement.
- A letter from Steve Murphy, of AGNE dated November 7, 2008.

Attorney Provish said that she has the Joint Use Agreement signed by AGNE and Grace Capital Church. The only signature missing is PSNH because they were closed for the holiday but Diane Montieth of PSNH has approved the Agreement.

Ms. Alexander noted that requirements by the Code Enforcement Officer have been satisfied. The Conservation Commission stated: "The Conservation Commission wishes that there were more porous surfaces to compensate for the impermeable materials due to the increased surface runoff."

Ms. Alexander said that the escrow has been paid. She suggested that the way to accomplish the issue of the slope and drainage easement being extinguished would be to have the Applicant provide letters from the Church and AGNE acknowledging that the easement may be extinguished by the Board of Selectmen.

Mr. Halle said that the plans call for that easement to be extinguished.

At Chairman Bourque's request, Mr. Mock agreed to clarify in writing who approved the various plans that the Board has in their possession, and when the approvals were received. He proceeded to explain that the Board has the final set of prints which were created on October 30, 2008. Mr. Mock said that the reason that there are plans with different dates is because people asked for different things at different times and, in order to keep the project moving forward, different prints were created.

When KV Partners asked for the amendment of the fence and easement of the right of way, Mr. Mock sent the plans electronically (by PDF file) to KV Partners. Since those comments were unrelated to drainage, Fairpoint did not receive them. PSNH received the last set of plans on November 06, 2008. AGNE received their last set of plans on November 4, 2008, at which time everyone's comments were included. Plans were initially sent to KV Partners on October 28, 2008. The Board received plans on November 5, 2008. The changes, i.e. slopes being abandoned and fence being placed in right of way was sent to KV Partners prior to November 5, 2008 as a PDF file. FairPoint received a letter and plans in October and another set of plans on November 10, 2008. Although there were many milestones along the way, Mr. Mock said that the substantial issues were provided to everyone on the plans at approximately October 10, 2008.

Chairman Bourque opened the public hearing at 7:17 pm.

In answer to Member Terrien's question, Chairman Bourque said that Grace Capital Church had applied and paid for their electrical permit.

There being no questions or comments, Chairman Bourque closed the public hearing at 7:18 p.m.

MOTION: Vice Chairman Topliff moved to approve the plans as submitted with the following conditions: (1) A copy of the Joint Use Agreement between PSNH, AGNE, and Grace Capital Church; (2) A letter from Mr. Mock explaining the various plans, the dates they were submitted and who issued, approved, and signed each plan. Seconded by Selectmen's Rep. Lewis.

Attorney Probish said that she anticipated receiving PSNH's signature tomorrow, and therefore would like to proceed with the project. Chairman Bourque said that once the conditions have been met and the Town has received the documents, the Church may proceed with their construction.

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

THE MOTION TO APPROVE THE PLANS AS SUBMITTED WITH THE FOLLOWING CONDITIONS: (1) A COPY OF THE JOINT USE AGREEMENT BETWEEN PSNH, AGNE, AND GRACE CAPITAL CHURCH; (2) A LETTER FROM MR. MOCK EXPLAINING THE VARIOUS PLANS, THE DATES THEY WERE SUBMITTED AND WHO ISSUED, APPROVED, AND SIGNED EACH PLAN.

Chairman Bourque said that Chickering Meadows' has a number of outstanding issues remaining. The Board instructed Ms. Alexander to notify Everett Hodge, the Code Enforcement Officer, that Chickering Meadows is not to receive any additional Certificates of Occupancy until all the conditions have been met.

With regard to Foy Insurance, Member Krebs stated that the Board's waiver for the handicapped accessible parking space grading and dimensional requirement may be problematic. He questioned if the Board was allowed to waive a requirement by the American Disabilities Act. He suggested possibly not using the words "handicapped parking" when denoting the space or moving the parking space location. After a brief discussion, the Board agreed that the subject should be researched further (Is the renovation such that requires an ADA parking space?) and Ms. Alexander should notify the Applicant that there may be a change necessary.

Ms. Alexander reminded the Board that there is an Impact Fee workshop at the Town Library on Monday, November 17, 2008 from 6:00 to 8:00 p.m. She will send a reminder e-mail to all members.

Selectmen's Rep. Lewis said that the Board of Selectmen voted to hold Pembroke Crossing's bond in escrow pending the resolution of outstanding issues.

Adjournment

MOTION: Member Terrien moved to adjourn. Seconded by Chairman Bourque.

The vote was unanimous in favor of the Motion.

The meeting adjourned at 7:27 p.m.

Respectfully submitted,
Jocelyn D. Carlucci, Recording Secretary