

**PEMBROKE PLANNING BOARD
MINUTES OF MEETING
(ADOPTED)
TUESDAY, APRIL 27, 2010**

MEMBERS PRESENT: Robert Bourque, Chairman; Alan Topliff, Vice Chairman; Cindy Lewis, Selectmen's Representative; Kevin Krebs, Larry Young, Sr., Kathy Cruson

ALTERNATES PRESENT: Ron Nowe

EXCUSED:

STAFF PRESENT: Jeffrey Gaeta, Town Planner; Jocelyn Carlucci, Recording Secretary

Chairman Bourque called the meeting to order at 7:00 p.m. He announced that Brian Seaworth was attending a Roads Committee meeting and would be delayed.

Old Business

1. Major Subdivision. LTC Properties. Case #09-02. Map 565, Lot 193-3 at 245 Pembroke Hill Road in the Medium-Density Residential (R1) District and the Wetlands Protection (WP) Overlay District. The applicant, LTC Properties Inc, proposes a five-lot residential subdivision on 14.595 acres which includes a new road and a detention pond. *Extension granted at last meeting to expire 5/25. Application and public hearing continued from previous meeting.*

Present: Jason Hill, Project Engineer of Holden Engineering & Surveying, Inc. representing LTC Properties.

Mr. Hill expressed his appreciation to the Board for their cooperation with regard to several extensions granted allowing the applicant time to prepare legal documentation necessary for the project. The documents have been sent to Mr. Belanger, Town Counsel for his review. Mr. Hill said that Mr. Belanger reviewed the draft easement and deeds, prepared by LTC Properties. The owner has accepted the revisions proposed by Mr. Belanger. A statement to the Town indicating such has been sent.

Mr. Hill said that the applicant: (1) Has addressed all KV Partner's comments; (2) Has paid the outstanding balance with the Sewer Department; (3) Has set up sewer and legal escrows; (4) Has reached agreements with the abutters on the plantings; (5) Has not made any plan changes in the past 4-5 months; and (6) Is proposing on-site wells, public sewer, and residential sprinkler systems for all 5 homes.

With regard to the fire hydrant, Mr. Hill said that the applicant would prefer to keep the fire hydrant in place, but if the Board preferred, they would agree to move the hydrant 100-150 feet to the new intersection.

With regard to the outstanding administrative conditions, Mr. Hill reported:

1. A note regarding Public Works Department and Police Chief approval of the street light has been completed.
2. Submittal of the final letter for connection approval from the Sewer Commission including outstanding payment of \$2,000 has been completed.
3. A note that requires notification of abutters prior to hydrant relocation if applicable will be added if necessary.
4. Pending approval, the Town Driveway Permits will be taken care of.
5. All financial guarantees were construction items.
6. The funds for inspection escrow account are a construction item.
7. Homeowner documentation has been submitted to Town Counsel.
8. The applicant accepted the changes of the revised Town road deed of Lot 5 detention pond easement.
9. Legal deed for common land in the interior of the cul-de-sac was provided last month.
10. The dates of approval and permit numbers will be added to the plans.

11. The Board granted all waivers requested by the applicant.

Mr. Hill said that the applicant has applied to NH DES for the wetland crossings but has not received the permits to date.

Mr. Hill has not been able to obtain Mark Zydel's signature on the plan as requested by the Board.

Mr. Hill said that, although the applicant was not required to install a residential sprinkler system in the homes, they agreed to do such at the Technical Review Committee meeting. When discussing the hydrant, Mr. Hill said that the applicant did not receive feedback from any town official stating that the sprinklers would not be adequate.

With regard to lighting, Mr. Hill said that, at the Technical Review Committee, Chief Lane asked that there be a light placed in the split of the cul-de-sac. Selectmen's Rep. Lewis said that Chief Lane recently commented to the Board of Selectmen that he would prefer to see a light at the entrance of the development. Mr. Hill agreed to clarify the lighting issue with Chief Lane.

Chairman Bourque opened the public hearing at 7:17 p.m.

Mary Morse, 247 Pembroke Hill Road asked for clarity regarding the movement of the hydrant. Her insurance company has said that her insurance premium will increase if the hydrant is moved.

Fire Chief Harold Paulsen said that the residential sprinklers should not be confused with the hydrant. The sprinklers were a requirement by the Fire Department because of the dead-end street.

Chief Paulsen said that good Fire Department practices of today place a new hydrant on the corner of new streets. It would help the new street and Deerpath Lane. The present hydrant is approximately 50 ft. above the entrance of the lower portion of Deerpath Lane.

If a new hydrant was added, Chief Paulsen said that the Fire Department would utilize the new hydrant at the time of a fire because it would have better pressures. Chris Culberson, Superintendent of Pembroke Water Works informed Chief Paulsen that there was a 6" line going up Pembroke Hill and, in order to add a hydrant, the line would have to be increased to 8". Chief Paulsen said that it would not make any difference to the Fire Department if the existing fire hydrant was moved or not but that he would prefer a hydrant at the beginning of the new street because he feels that it would better serve Pembroke.

John Duggan, Deerpath Lane noted that there are no other hydrants at the beginning of the streets along Pembroke Hill Road. He would prefer that the existing hydrant remain in place.

John Morse, 247 Pembroke Hill Road asked that the hydrant be left in its present location. He said that it is not fair to ask that existing residents incur increased insurance premiums because a new development is created. He also said it was illogical to move the hydrant further down the road from its existing location requiring additional water pressure in order to boost it up to the top of the hill.

Anna Varsalone of 452 Deerpath Lane said that her concern with not moving the hydrant would be if it interfered with the Fire Department's performance of their duties. Since it appears that moving the hydrant

is irrelevant to the Fire Department, it would seem more of a hardship to the property owners of Deerpath Lane if the hydrant was moved.

Ray Lavoie 231 Pembroke Hill Road said that the fire hydrant is in front of his property and every winter his stonewall is damaged when snow is cleared around the hydrant.

Mark Zydel, 378 Third Range Road said that he is comfortable with Mr. Hill's proposed plantings, but was not comfortable signing the plan until the plantings are properly installed.

John Duggan pointed out that the homes on Deerpath Lane do not have residential sprinkler systems and the new homes in LTC Properties' development will be equipped with residential sprinkler systems.

Mike McCarthy 376 Third Range Road asked how the abutters would be ensured that the proposed landscaping would be completed as planned. Selectmen's Rep. Lewis said that the Certificate of Occupancy would not be released unless the landscaping was approved or, a bond for the landscaping would be required until the landscaping was completed.

Chief Paulsen added that it may be appropriate to change the existing hydrant to a newer type. They will look into it.

There being no further questions or comments from the public or Board, Chairman Bourque closed the public hearing at 7:32 p.m.

MOTION: Selectmen's Rep. Lewis moved to leave the fire hydrant at its present location and upgrade the hydrant. Seconded by Chairman Bourque.

VOTE: R. Bourque – Y A. Topliff – Y C. Lewis – Y
K. Krebs – Y L. Young – Y K. Cruson – Y

MOTION TO LEAVE THE FIRE HYDRANT AT ITS PRESENT LOCATION AND UPGRADE THE HYDRANT PASSED ON A 6-0 VOTE.

MOTION: Vice Chairman Topliff moved to approve Major Subdivision plan (Case #09-02) with the following conditions:

1. Add a Note to the plan that the Public Works Department and the Police Department must approve the proposed street light prior to installation.
2. Submit Town driveway permits for each of the driveways
3. Provide a financial guarantee for soil preservation, lot drainage, seeding and planting related to road construction in an amount to be determined by Town Engineer.
4. Provide a financial guarantee, in an amount to be determined by Town Engineer, for road construction, site improvements, post-construction performance guarantee, etc. subject to approval by Town Engineer.
5. Submit funds for an inspection escrow account in the amount estimated by Town Engineer, who will also provide the inspection schedule.
6. Revise homeowner's documentation (including bylaws, covenants, and articles of incorporation) and the legal deed for the common land of Lot 8 cul-de-sac based on review by Town Counsel.

7. Provide the revised Town Road deed, the Lot 5 detention pond easement, the drainage easements on Lots 3 & 7, and template property deed based on review by Town Counsel.
8. Complete the dates of approval and permit numbers in the plan notes on the recordable and detail plans.
9. Insert the text of the Notice of Decision onto the final recordable plan or provide \$25 to the Merrimack County Registry of Deeds for Notice of Decision registration in accordance with recent legislation.
10. Provide copies of NH DES Wetland Permits.

Seconded by Chairman Bourque.

VOTE: R. Bourque – Y A. Topliff – Y C. Lewis – Y
 K. Krebs – Y L. Young – Y K. Cruson – Y

MOTION TO APPROVE THE MAJOR SUBDIVISION PLAN (CASE #09-02) WITH THE FOLLOWING CONDITIONS:

- 1. ADD A NOTE TO THE PLAN THAT THE PUBLIC WORKS DEPARTMENT AND THE POLICE DEPARTMENT MUST APPROVE THE PROPOSED STREET LIGHT PRIOR TO INSTALLATION.**
- 2. SUBMIT TOWN DRIVEWAY PERMITS FOR EACH OF THE DRIVEWAYS**
- 3. PROVIDE A FINANCIAL GUARANTEE FOR SOIL PRESERVATION, LOT DRAINAGE, SEEDING AND PLANTING RELATED TO ROAD CONSTRUCTION IN AN AMOUNT TO BE DETERMINED BY TOWN ENGINEER.**
- 4. PROVIDE A FINANCIAL GUARANTEE, IN AN AMOUNT TO BE DETERMINED BY TOWN ENGINEER, FOR ROAD CONSTRUCTION, SITE IMPROVEMENTS, POST-CONSTRUCTION PERFORMANCE GUARANTEE, ETC. SUBJECT TO APPROVAL BY TOWN ENGINEER.**
- 5. SUBMIT FUNDS FOR AN INSPECTION ESCROW ACCOUNT IN THE AMOUNT ESTIMATED BY TOWN ENGINEER, WHO WILL ALSO PROVIDE THE INSPECTION SCHEDULE.**
- 6. REVISE HOMEOWNER’S DOCUMENTATION (INCLUDING BYLAWS, COVENANTS, AND ARTICLES OF INCORPORATION) AND THE LEGAL DEED FOR THE COMMON LAND OF LOT 8 CUL-DE-SAC BASED ON REVIEW BY TOWN COUNSEL.**
- 7. PROVIDE THE REVISED TOWN ROAD DEED, THE LOT 5 DETENTION POND EASEMENT, THE DRAINAGE EASEMENTS ON LOTS 3 & 7, AND TEMPLATE PROPERTY DEED BASED ON REVIEW BY TOWN COUNSEL.**
- 8. COMPLETE THE DATES OF APPROVAL AND PERMIT NUMBERS IN THE PLAN NOTES ON THE RECORDABLE AND DETAIL PLANS.**
- 9. INSERT THE TEXT OF THE NOTICE OF DECISION ONTO THE FINAL RECORDABLE PLAN OR PROVIDE \$25 TO THE MERRIMACK COUNTY REGISTRY OF DEEDS FOR NOTICE OF DECISION REGISTRATION IN ACCORDANCE WITH RECENT LEGISLATION.**
- 10. PROVIDE COPIES OF NH DEPARTMENT OF ENVIRONMENTAL SERVICES (NH DES) WETLAND PERMITS.**

PASSED ON A 6-0 VOTE.

New Business

2. Minor Site Plan Amendment. Dirt Doctors. Case #10-102. Map 632, Lot 8 at 709 Keith Avenue in the Commercial/Light Industrial (C1) District, Aquifer Conservation (AC) Overlay District, Floodplain Development (FP) Overlay District, Shoreland Protection (SP) Overlay District, and Wetlands Protection (WP) Overlay District. The applicant, Dirt Doctors, on behalf of property owner Red Rock Investments, LLC, proposes the storage of mulch and landscape material on site in accordance with an updated Joint Use Agreement with Public Service of New Hampshire.

Present: Attorney Richard Uchida of Orr & Reno PA. representing Redrock Investments LLC and Dirt Doctors LLC.

Chairman Bourque and Member Krebs stepped down from the Board because they are employees of Public Service of New Hampshire.

Acting Chairman Topliff asked that Alternate Member Nowe vote in place of Member Krebs.

Mr. Gaeta summarized the case as follows: Goodnow Trucking is no longer at the premises. A new Joint Use Agreement was required by Public Service of New Hampshire (PSNH) for any operations under the power lines. Previously, tractor trailer truck storage existed under the power lines and the present tenant, Dirt Doctors, is proposing mulch storage under the power lines.

Attorney Uchida said that the actual change of use from Goodnow Trucking occurred in 2006 when Enpro arrived on site. The Planning Board approved a site plan for Enpro in 2006. Enpro is still on site. The change, under the power lines, is what is being discussed. He agreed that the applicant should have approached PSNH at the time that Enpro arrived and Goodnow left, and drafted a new Joint Use Agreement at that time. Unfortunately it was not done and the uses that Goodnow used on the site expired in 2009. This spurred the Town for a new agreement.

The purpose now is to modify the site plan. It was last modified in 2006. In June 2009, the Goodnow Trucking use as permitted under the power lines expired with the Goodnow Lease. A new Joint Use Agreement with PSNH is now required. Under PSNH's procedures, a site plan is required and, until it is perfect with PSNH, a Joint Use Agreement cannot be signed. With the help of David Jodoin, who spoke with PSNH, the plan is now moving ahead.

The plans show the removal of the trailer parking area under the power lines and the creation of a landscape storage area in its place. Brick, stone, and slate will be piled no higher than 13 ft. in that location.

The power line easement is governed by the Joint Use Agreement. PSNH was particular about making sure that the applicant provided: (a) protection around the poles; and (b) clearance under the lines. All were required to be shown on the site plan.

The applicant used to store fire wood in the truck trailer area but is not permitted by PSNH and, therefore, has been moved to an area outside the easement (labeled "Mulch and Firewood Storage Area").

On the 2005 plan, there was a surge area to the right of the trailer area. Mulch was ground up and stored in that area. Now there is landscaping material with smaller mulch areas to the front. It will be boxed in with barriers.

At the suggestion of this Board, the language of the Joint Use Agreement (such as restrictions and rights of the parties) was incorporated on the plan on Page 2.

Attorney Uchida has provided a copy of the Joint Use Agreement to the Town Planning Department. It will be signed by PSNH and the applicant.

Selectmen's Rep. Lewis was pleased that PSNH required the protection of the poles and the height requirement.

Although the Agreement is strictly between PSNH and the applicant and not required to be reviewed by Town Counsel, Mr. Uchida said that he had no objection to Town Counsel reviewing it as long as it did not unnecessarily prolong the process.

Member Nowe asked if there were concerns over dyes from the mulch seeping into the river. Selectmen's Rep. Lewis said that as long as the applicant is using iron oxide which was previously approved, then there was no concern. Mr. Uchida stated that a letter in support of that was submitted to the Town by the applicant. The bark mulch process and dyes used at the time of the last site plan approval, is unchanged. They are 100% organic and approved by NH DES.

MOTION: Selectmen's Rep. Lewis moved to accept the plan in for review. Seconded by Member Young.

Since Member Seaworth arrived at the meeting, Acting Chairman Topliff announced that Member Seaworth would be voting on this application.

VOTE: A. Topliff – Y C. Lewis – Y B. Seaworth - Y
 R. Nowe – Y L. Young – Y K. Cruson – Y

MOTION TO ACCEPT THE PLAN IN FOR REVIEW PASSED ON A 6-0 VOTE.

Acting Chairman Topliff opened the public hearing at 7:51 p.m.

Mr. Uchida clarified that PSNH set the 13 ft. height requirement under the power lines. It pertains to the height of equipment used or any material stored under the lines.

For clarification, Robert Bourque said that there is a minimum distance of 20 ft. clearance from an individual or from the ground required.

Mr. Uchida said that Mr. Gaeta raised a question as to whether a Special Use Permit was needed since the site is in the Aquifer Conservation District. The applicant does not feel that a Special Use Permit is necessary since nothing was changed in that area, and a Special Exception was granted in 2005 for the Aquifer Protection District. The applicant has changed the truck trailer area to a storage area but the grades and uses have not changed. They expanded the landscaping storage into the previously designated tractor trailer storage.

Acting Chairman Topliff said that Mr. Gaeta was not able to find any Special Use Permits that were granted for this property, therefore, the assumption was that in 1999, Special Use Permits were not required or the

Board did not to require it. Selectmen's Rep. Lewis agreed that Special Use Permit applications were not required in 1999.

Selectmen's Rep. Lewis expressed her concern that the applicant consistently, throughout the years, never completed a site plan. She is happy that PSNH has become stricter. She said that there used to be test wells on the site which required periodic testing. Mr. Uchida did not know if the monitoring wells were removed. He agreed to research it.

It was the consensus of the Board not to require a Special Use Permit.

Selectmen's Rep. Lewis said if an agreement was created that would stipulate exactly what the wells would have to be tested for, hopefully the property owner would agree to the testing.

Mr. Gaeta said that he has asked the applicant to submit a new plan since the present plan before the Board is merely a 2006 plan with the mulch storage area added. There are still references to Goodnow Trucking and a 1979 federal agency floodplain notation. The plan also shows 3 test wells. Many of the "proposed" items on the existing plan have been built, therefore the terminology should be changed. Mr. Uchida said he would (1) get a revised plan, (2) get clarification on the wells; and (3) speak with the Water Department regarding necessary specific items to be tested.

Mr. Culberson said that once the water department is aware of what will be stored on-site, they will ask the state for testing recommendations.

Selectmen's Rep. Lewis and Mr. Culberson concurred that past testing has never shown anything harmful in the wells. It was merely a means of protecting the aquifer should something arise.

Attorney Uchida addressed the Planner's Notes as follows:

1. They will provide a signature of the owner on the plans
2. If it is found necessary, the applicant will provide \$25 for the Special Use Permit application and \$90 for the newspaper noticing of the Special Use Permit. If it is found necessary after the initial abutter notification, they will provide an additional \$100 for re-notification of abutters.
3. The plan will be addressed to remove the term "proposed" from any items that have been completed or are not currently proposed under the amended site plan.
4. He will add Plan Reference Number 6 . "Amended Site Plan Prepared for: Dirt Doctors/Goodnow Trucking, Inc. Tax Map 632 Lot 8, 709 Keith Avenue, Pembroke, New Hampshire"; dated 05-11-04, last revised 11-08-05, Scale 1" = 50' prepared by Holden Engineering & Surveying Inc. and recorded at the Merrimack County Registry of Deeds as Plan Number 17706.
5. He will revise Note 6 to include the dates of approval of the special exceptions and variances granted by the ZBA.
6. He will revise Note 7 to reflect total parking provided to equal 37 spaces including 2 handicap spaces.
7. He said that the City of Concord did not feel that this project was a Development of Regional Impact.
8. He will check on the Site Specific Permit number WPS-5417A. (Mr. Gaeta said he spoke with someone at NH DES who did not feel that it was necessary because the square footage of the proposed changes was below the threshold. He also directed Joshua to confer with NH DES to see if he received the same answer.)

9. He submitted a letter regarding the Technical Review Committee comments.
10. The Department comments were part of the Technical Review Committee. Mr. Gaeta said that he did not receive comments from anyone not at the meeting.
11. He will modify Plan Note 8 to display accurate Total Open Space Required: $6.00 * 0.30 = 1.8$ acres.
12. He will revise Note 7.
13. He said the applicant will increase the distance to a minimum of 5 feet between the row of parking and the building.
14. He will increase the aisle width between the two rows of parking.
15. Mr. Gaeta said the applicant received a variance for the landscaping. Attorney Uchida agreed to show the larger trees and shrubs on the plan.
- 16-19. They are all special use permit items.
20. The total square foot area of the existing building, the landscaping features of the area, and the signature of the property owner will be added.
21. They will modify parking areas on the southwest side of the building.
22. They will snow storage area to the plan.

There being no further comments or questions from the public or Board, Acting Chairman Topliff closed the public hearing at 8:15 p.m.

The consensus of the Board was that: (1) the Special Use Permit would not be required; (2) they would like to obtain feedback regarding the monitoring wells in order to determine a monitoring schedule; and (3) this is not a Development of Regional Impact.

Acting Chairman Topliff announced that the public hearing is closed for the evening but, as long as the Board continues to consider the application, the public hearing will also be continued, therefore, members of the audience should continue to watch the Planning Board agenda for future meetings.

Attorney Uchida said that there are no pesticides or insecticides being used on the premises, a letter stating such was submitted at the Technical Review Committee meeting.

MOTION: Selectmen's Rep. Lewis moved to continue the application (Case #10-102) and public hearing to May 25, 2010. Seconded by Member Young.

VOTE: A. Topliff – Y C. Lewis – Y B. Seaworth - Y
 R. Nowe – Y L. Young – Y K. Cruson – Y

MOTION TO CONTINUE THE APPLICATION (CASE #10-102) AND PUBLIC HEARING TO MAY 25, 2010 PASSED ON A 6-0 VOTE.

Chairman Bourque and Member Krebs returned to the Board.

Conceptual Consultations

3. Change of Use – Upholstery shop to car audio installation shop.

Present: Jim Bavona, and Shawn Pento owner of the car audio installation shop.

Mr. Bavona said that the onsite upholstery shop has been discontinued and has rented the upholstery shop area to Mr. Pento. He said that he received a Special Exception and Variance for the construction of storage units. He said a garage door was installed and he received a permit to do so.

Member Krebs asked if there was adequate parking. Mr. Bavona said that he has noted 3 to 5 cars parked on the site per day. There is parking for 4 cars in the snow removal area and could be expanded to include 6 cars. There is also on-street parking. He has instructed Mr. Pento to park the cars on the premises in the snow removal area. The garages are rented for storage and are not used on a daily basis. There is also parking in front of the garages.

Selectmen's Rep. Lewis said that a minor site plan showing the parking spaces that are dedicated to the car audio business, snow removal, storage unit and tenant parking would be needed. Mr. Bavona said he would provide that.

Mr. Bavona said that there is adequate parking spaces on Front Street for the tenants. There is 4 parking spaces for the storage units which can be expanded to 6 and there are 2 parking spaces in front of the garages. He also said that he added a garage to the side of the old upholstery shop.

Selectmen's Rep. Lewis asked Mr. Gaeta to make copies of the variance information for the Board.

Roger Duliette, 5 High Street, lives across the street from the storage facility. He said that his understanding was that when the upholstery shop moved, it was suppose to return to a residential use. The understanding also pertained to another neighboring business known as Granite State Curb.

Mr. Duliette also said that:

1. With regard to the car stereo business, the music is very loud.
2. Mr. Bavona built an additional 8-10 ft. onto the upholstery shop.
3. The garages that were replaced were larger than the originally ones.
4. He was concerned that his property would depreciate because of all the additional cars parked on the road and in the parking lot.
5. He has a very difficult time backing out of his driveway because of the cars parked on both sides of High Street.
6. When cars are parked on both sides of the street, there is barely enough room for one car to maneuver down High Street.
7. The cars associated with that property are not parking in the parking areas, they are parking on the street.

Selectmen's Rep. Lewis said that the Planning Board would get the information from the Code Enforcement Officer.

Chairman Bourque encouraged Mr. Duliette to speak to the Code Enforcement Officer about the grandfather clause associated with the upholstery shop.

Mr. Pento said he could work on the vehicles inside the building if necessary.

4. Constructing a private road, in a deeded right-of-way, to access a land-locked parcel.

Present: Arthur Champagne of 724 Rt. 28.

Mr. Champagne is considering purchasing 2 parcels of land and asked the Board if a road could be made on the property to serve new homes, if built. He approached the Board and showed them a drawing.

Selectmen's Rep. Lewis stated that a woods road right-of-way means that it allows access across the owner's property to get to another property. It does not constitute a road of any kind or the right to build a road to access a property. She said that Mr. Champagne would need 50' of right-of-way and it would have to be built to Town road standards.

When Mr. Champagne asked about the range road, Selectmen's Rep. Lewis informed him that there is a process that must be followed. He could acquire that from the Planning Department.

5. Creating a meeting place/retail outlet for families with autism on Pembroke Street in the R1 District.

No representative was present.

6. Change of Use – HVAC shop (Thayer Corporation) to motorcycle storage and internet sales of motorcycle parts (National Power Sports)

Present: Alan Kanegsberg, Consultant for National Powersports.

Mr. Kanegsberg said that business is growing at 701 Riverwood Drive and would like to purchase the building at 716-718 Riverwood Drive. The intent is for the present owner to remain in the front portion of the building (retail consignment store) and the motorcycle business will operate from the rear of the building. Although the existing zoning (C1) permits the operation of the motorcycle business, it requires a Special Use Permit because it is in the Aquifer Protection District.

National Powersports intends:

1. To not make any changes to the new building.
2. To use the rear of the new building to store motorcycles that are sold and awaiting shipping/pickup.
3. To continue to hold their retail sales business at 701 Riverwood Drive.
4. To not have retail sales at the new building.
5. Crate and ship motorcycles and parts associated with their internet sales business from the new building.
6. To have one part-time person crating and shipping motorcycles and 2 full-time people taking care of internet sales.
7. To not have additional truck activity at the new site. (Motorcycles will be ridden to the new site from the retail site - 701 Riverwood Drive).
8. To have one UPS pickup each day.
9. Winter storage bikes will be serviced at the current facility, then transported to the new facility for storage. There will not be any servicing at the new location. The only fluids that will be stored at the new site will be the fuel drained from the motorcycle tanks prior to crating. When the motorcycles are crated, the fuel will be removed (5-10 gal.) and stored in a NH Department of Environmental Services approved container per Best Management Practices for Ground Water Protection. This is already being performed at the retail site.

10. To recycle the fuel which is removed as per NH property procedures
11. To maintain a contract with Clean Harbors for waste removal.

Mr. Kanegsberg stated that the applicant would like to avoid a minor site plan review in order to save time. They have no winter storage capabilities at the existing site. They would like to house 50-100 motorcycles at the new site.

Chairman Bourque was concerned about storing gasoline in the new building.

Mr. Kanegsberg said that the new building has a sprinkler system.

The consensus of the Board was that a minor site plan would be required. At the present time, the Town has no way to allow a Special Use Permit without attaching it to a minor site plan with notes.

Selectmen's Rep. Lewis suggested that the applicant speak with the Water Department.

Mr. Gaeta said that he spoke with the Sewer Department and an additional sewer permit will be needed for the new location because the Thayer Corporation never submitted one. He suggested that Mr. Kanegsberg contact the Sewer Department.

Minutes

7. Review and Approve Meeting Minutes of April 13, 2010.

MOTION: Chairman Bourque moved to accept the Minutes of April 13, 2010 as amended. Seconded by Selectmen's Rep. Lewis.

VOTE:

A. Topliff – Abstained	B. Bourque – Y	C. Lewis – Y
B. Seaworth - Y	K. Krebs – Y	L. Young – Y
K. Cruson – Abstained		

MOTION TO ACCEPT THE MINUTES OF APRIL 13, 2010 AS AMENDED PASSED ON A 5-0 VOTE WITH 2 ABSTENTIONS.

Miscellaneous

8. Correspondence

Mr. Gaeta reported;

- He received a public hearing notice from the Town of Loudon regarding a Development of Regional Impact for the Winter Snowbowl II event at the New Hampshire Motor Speedway. Chairman Bourque instructed Mr. Gaeta to thank the Town of Loudon for notifying Pembroke.
- A notice that Concord Sand and Gravel permits have gone through a name-change to Continental Paving because of the sale of the property.

Mr. Gaeta and David Jodoin, Town Administrator will meet with Continental Paving on May 3, 2010 and will, at that time, inquire if the asphalt plant will be increasing.

9. Committee Reports

Roads Committee: Member Seaworth reported that recommendations were made to whom the paving contract should be given and what roads are to be paved.

Conservation Commission: Member Krebs had nothing to report.

10. Other Business

- a. May 11 Meeting Agenda will include the updated applications and fees for public hearing.
- b. Board Member Items

Chairman Bourque asked Mr. Gaeta to consider changing the operating rules associated with the application process to include stopping an application process if any Town fees are overdue. Mr. Gaeta will discuss it with Town Counsel. Ron Nowe will also investigate ways to ensure that the Town fees are paid. Harold Thompson, Sewer Commission asked if the sewer fees could be tied to the Occupancy Permit as a Condition of Approval.

Nida Briggs of Tina Drive said she would like to volunteer for the Planning Board and will submit her application form. She is a realtor with Re/Max Omega of Manchester.

MOTION: Vice Chairman Topliff moved to adjourn. Seconded by Member Young.

The vote was unanimous in favor of the Motion.

The meeting adjourned at 9:15 p.m.

Respectfully submitted,
Jocelyn D. Carlucci, Recording Secretary