

**Pembroke Planning Board
Minutes of Meeting
(Adopted)
Tuesday, May 25, 2010**

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

ALTERNATES PRESENT: Ron Nowe

EXCUSED:

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

Chairman Topliff called the meeting to order at 7:00 p.m.

Old Business

1. 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.

Chairman Topliff announced that the applicant requested a continuance and, therefore, the application would not be discussed.

Chairman Topliff said that the Pembroke Code Enforcement Officer inspected the applicant's site and found that the piles of mulch exceeded the 13 ft. clearance limit under the power lines. Although Pembroke has no jurisdiction over the Joint Use Agreement, Mr. Gaeta has communicated with Public Service of NH and they are aware of the violation.

MOTION: Member Bourque moved to continue the application of Case #10-102 to the next scheduled meeting (June 22, 2010). Seconded by Member Cruson.

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

THE MOTION TO CONTINUE THE APPLICATION OF CASE #10-102 TO THE NEXT SCHEDULED MEETING (JUNE 22, 2010) PASSED ON A 7-0 VOTE.

New Business

2. Minor Site Plan. Kimball's Market. Case #10-103. Map 565, Lot 241 at 351 Pembroke Street in the Medium-Density Residential (R1) District and the Architectural Design (AD) Overlay District. The applicant, Kimball's Market, on behalf of property owners Robert Cavanaugh and Todd Smith, proposes a change in use from a convenience store and deli to an eating and drinking establishment and deli.

Present: Attorney Friedrich K. Moeckel of Tarbell & Brodich, PA representing Robert Cavanaugh, and Robert Cavanaugh.

Mr. Gaeta said that he and the Technical Review Committee reviewed the plan. There was concern over parallel parking on the South side of the site, parking in front of the building, and a sprinkler system. No updated plan was received. The only outstanding issue was a notarized authorization of representation from the applicant.

Attorney Moeckel presented a notarized authorization, signed by the applicant, which authorized the firm of Tarbell & Brodick to communicate with the Board and assist with the process.

Mr. Gaeta said that he is awaiting a call from the Merrimack County Registry of Deeds for guidance on plan requirements. Selectmen's Rep. Lewis stated that lot line dimensions are needed on the existing plan. Attorney Moeckel said that he would include a third sheet noting the meets and bounds, the surrounding properties, and the maps and lots of the abutters. Attorney Moeckel said that corrected plans would be submitted once the applicant has received input from the Planning Board.

Attorney Moeckel said that one of the issues mentioned by the Technical Review Committee involved the location of the parking rather than the adequacy of the parking.

Attorney Moeckel said that the snow storage area would be on the grassy area between the existing store and the house to the east. The trees would not be removed unless the Planning Board requested it.

Mr. Cavanaugh said that each driveway on site would be used for 2-way traffic. As a safety precaution, Member Bourque suggested placing a 36" convex mirror on the South end of the island. Attorney Moeckel agreed with the idea if the Board requested it.

Member Cruson suggested eliminating any parking near the center island.

Attorney Moeckel said that the house to the east of the store would remain a rental property.

Member Bourque asked if there were any underground tanks located on the premises. Mr. Cavanaugh said that the tanks were removed and that Geolnsight completed their 10-year soil contamination testing. Geolnsight's responsibility with the state has been completed.

Mr. Cavanaugh said he would inquire if the monitoring period for the wells had ended. Selectmen's Rep. Lewis said that it was her understanding that the wells were being kept for future testing. Attorney Moeckel will check on the status of the wells.

MOTION: Selectmen's Rep. Lewis moved to accept the application in for review. Seconded by Vice Chairman Seaworth.

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

THE MOTION TO ACCEPT THE APPLICATION IN FOR REVIEW PASSED ON A 7-0 VOTE.

Mr. Cavanaugh said that the trash dumpster located on the grass would be handled by a disposal company.

Chairman Topliff opened the public hearing at 7:06 p.m.

Selectman John Duggan of Deerpath Lane expressed concern over the restaurant's parking lot size when considering that 2 parking spaces were required for the second floor apartment.

Mr. Gaeta clarified that the Zoning Ordinance requires a restaurant to have 1 space for every 4 seats. The restaurant would seat 72 patrons -- requiring 18 parking spaces. The apartment requires 2 parking spaces. The total spaces needed is 20. The proposed plan shows parking for 25 vehicles.

Attorney Moeckel said that the applicant intends to repave the present parking lot but not to increase the impervious surface.

With the use of the easel, Attorney Moeckel demonstrated the Technical Review Committee's suggestion to move the proposed parking spaces in a southerly direction from the side of the building. By doing so, it may require additional impervious surface between the existing building and the property on the southerly side of the lot.

Members of the Planning Board suggested the following parking scenarios to help create a safer exit strategy:

- (Member Young) – To eliminate the 3 parking spaces to the east of the 5 parallel parking spaces as a turnaround for the parallel-parked cars. It may also provide a snow retention area.
- (Member Bourque) – To eliminate the southern-most parking space of the 3 proposed easterly parking spaces and eliminate the easterly-most parallel parking space in order to create an isle for the traffic to flow to the tree area and turn around on the pavement.
- (Member Krebs) – To eliminate all the parallel parking on the southerly side of the lot and the head-in parking on the south side of the building and replace them with head-in parking only along the south side of the property (facing the abutting property). Selectmen's Rep. Lewis agreed. She said it would allow the applicant to leave the landscape planter beside the building.
- Selectmen's Rep. Lewis said if the applicant moved the parking to the south side of the property and eliminated the two trees to the east of the 3 parking spaces, the applicant would achieve 25 spaces as initially proposed.

It was suggested that the handicapped-accessible parking space, be placed either in the front of the building (which would eliminate anyone from parking there) or on the northerly side of the building. Mr. Cavanaugh said that Fire Chief Harold Paulsen requested that no parking spaces be located in front of the building. Attorney Moeckel said he would speak with Chief Paulsen about the options.

Selectmen's Rep. Lewis said that the applicant will need an amended driveway permit because of the change of use. She advised them to locate their original driveway permit number which would be needed at District 5 in Bedford.

Mr. Jodoin asked: (1) If the lights from the head-in parked vehicles on the south side of the property would irritate the abutters; and (2) How the applicant would restrict patrons from parking against the building which may cause an issue for emergency vehicles.

There being no further comments or questions from the public or the Board, Chairman Topliff closed the public hearing for the evening at 7:34 p.m. noting that in the event that the application was continued to a subsequent meeting, the public hearing may be reopened at that time. Any interested parties wishing to keep abreast of this application were advised to check the Planning Board agenda on the Town's website or call the Planning Department as no future notices will be sent by mail.

Selectmen’s Rep. Lewis advised the Board to look at the site before the next meeting in order to determine the need for screening for the abutting properties. In her opinion, the present screening was adequate. Member Cruson suggested that, when appropriate, the Board consider a condition stating that, if the present screening were removed, a fence or other screening would be provided.

Member Nowe asked if only beer and wine were going to be served on the site? Attorney Moeckel replied “yes”.

MOTION: Selectmen’s Rep. Lewis moved to continue the application to the next public hearing on June 22, 2010. Seconded by Member Bourque.

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

THE MOTION TO CONTINUE THE APPLICATION TO THE NEXT PUBLIC HEARING ON JUNE 22, 2010 PASSED ON A 7-0 VOTE.

3. Special Use Permit-Aquifer. National Powersports Distributors. Case #10-102-SUP-AC. Map 632, Lot 18-4 at 716-718 Riverwood Drive in the Commercial/Light Industrial (C1) District and the Aquifer Conservation (AC) Overlay District. The applicant, ANMI Riverwood Realty, LLC (D.B.A. National Powersports Distributors), on behalf of property owner Nanco, LLC (c/o Nancy Cole), requests a Special Use Permit from Article 143-68.E, Aquifer Conservation District, which is required for any activity taking place in the District. This permit is associated with the related minor site plan application #10-104, a change in use from HVAC equipment manufacturing to motorcycle storage and on-line sales of motorcycle parts.

Present: Nathan Sanel, owner of National Powersports Distributors

Mr. Gaeta reported that the Special Use Permit Application was submitted because the site is over the Town aquifer. The applicant proposes utilizing a previously built warehouse facility (formerly used as an HVAC business) which has been vacant for approximately 6 months. The applicant would like to use the facility for motorcycle storage.

Chairman Topliff said that his concern stems from the storage of fuel in the motorcycle tanks and the possibility of contamination in the event of a spill. Mr. Sanel clarified that their primary facility is down the street from the new site and is also over the aquifer, therefore, they are very familiar with the steps necessary to protect the aquifer. They have a contract with Enpro for emergency services, along with contracts for the removal of the gas and oil that is collected in their service department. They have a \$30,000 wash bay that was built to ensure that the water is filtered “above and beyond” what is necessary. They also have oil absorbent mats in various locations along with a waste protection center where any chemicals or drops of oil are controlled based on Best Management Practices.

Their present facility contains speedy-dry, and diapers. They have done everything that was required. The chemicals are contained in an elevated area to eliminate dripping. They have met all the state requirements and will duplicate their efforts in the new facility. Gas is contained in a 20 gallon special container that allows a funnel in but, should it tip over, the gas cannot come out.

They will also expand their present contracts with the waste removal company and emergency service contract company to the new facility. R. B. Lewis Sprinkler Company has examined the sprinkler system and a letter

was given to Mr. Gaeta testifying that the sprinkler system located in the new building exceeds the requirements for automotive storage usage. There are no specifics for a motorcycle storage sprinkler system.

Mr. Sanel said that, because of EPA regulations, motorcycle tanks are one of the best fuel storage containers because they are not allowed to leak any type of gas vapors, etc. He said that he is very aware of the environmental dangers associated with his profession because they have been in business for 3 years.

Mr. Sanel said that the new facility was built 5 years ago and that there are no drains in the floor where they plan to store the motorcycles.

At the new facility, their intent is to store and ship motorcycles. When preparing the motorcycles for shipment, the gas is removed and stored in a special gas can, and then removed from the site by a removal company. No maintenance or washing of motorcycles will be performed at the new facility.

Mr. Sanel explained that his inventory expands and shrinks rapidly. It could take a month for someone to pick up a motorcycle. Therefore, storage space is critical. Once a motorcycle is purchased, it normally takes 2 weeks to receive full payment. At that time, the motorcycle is prepared for shipment -- the gas is removed from the tank and the motorcycle is crated. All oil and other chemicals remain in the motorcycle. Prefabricated crates will be purchased and will be screwed together on site. They intend to offer winter storage to their patrons.

Chairman Topliff opened the public hearing at 7: 45 p.m.

Chairman Topliff said that, should Mr. Sanel change his business to something other than merely shipping and storing of motorcycles and parts, a Change of Use Permit would be required. If he expanded the existing use and stayed within the footprint of the building, it would be acceptable.

Mr. Sanel said that he understood that if he expanded the business in such a way that it would involve motorcycle maintenance, repairs, or replacement of fluids at the new site, he would be obligated to return to the Planning Board for a change of use.

Mr. Sanel said that his original approval at the present site was for sales and service of motorcycles. It was requested and specified that the present establishment be allowed to perform service for outside patrons. The new location will not be staffed for anything other than storage and shipping of motorcycles.

At Selectmen's Rep. Lewis said that there was a note on the minor site plan which states that no service will be performed at the new site.

There being no further questions or comments from the public or the Board, Chairman Topliff closed the public hearing at 7:51 p.m. with the understanding that if the Special Use Permit was continued to another time, the public hearing would also be continued.

MOTION: Member Bourque moved to approve the Special Use Permit – Aquifer (Case #10-102-SUP-AC). The permit is granted conditionally until the minor site plan application (Case #10-104) has received final approval, at which time the Special Use Permit becomes final for as long as the Case is approved. If at any time the Case is revoked or final approval is not received, the Special Use Permit becomes invalid. Seconded by Vice Chairman Seaworth.

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

THE MOTION TO APPROVE THE SPECIAL USE PERMIT – AQUIFER (CASE #10-102-SUP-AC) PASSED ON A 7-0 VOTE. THE PERMIT IS GRANTED CONDITIONALLY UNTIL THE MINOR SITE PLAN APPLICATION (CASE #10-104) HAS RECEIVED FINAL APPROVAL, AT WHICH TIME THE SPECIAL USE PERMIT BECOMES FINAL FOR AS LONG AS THE CASE IS APPROVED. IF AT ANY TIME THE CASE IS REVOKED OR FINAL APPROVAL IS NOT RECEIVED, THE SPECIAL USE PERMIT BECOMES INVALID.

4. Minor Site Plan. National Powersports Distributors. Case #10-104. Map 632, Lot 18-4 at 716-718 Riverwood Drive in the Commercial/Light Industrial (C1) District and the Aquifer Conservation (AC) Overlay District. The applicant, ANMI Riverwood Realty, LLC (D.B.A. National Powersports Distributors), on behalf of property owner Nanco, LLC (c/o Nancy Cole), proposes a change in use from HVAC equipment manufacturing to motorcycle storage and on-line sales of motorcycle parts.

Mr. Gaeta said that the applicant submitted a parking requirement waiver. The Code Enforcement Officer calculated that a total of 34 parking spaces is required. The current site has 30. The calculation was based on the use of the entire building. Since the large mezzanine area will not be used to its capacity, a waiver is being requested for the difference. The required parking space includes the furniture store parking.

Mr. Sanel noted 2 corrections on the plan: (1) The snow storage area was accidentally eliminated. (He demonstrated where the snow storage area would be.) and (2) The mezzanine area was incorrectly labeled. It is 32.5 ft. wide.

Mr. Sanel said that the furniture store will be given a short term lease to remain in the building. There is 1 propane tank stored on site for use with the fork lift.

Member Bourque said that if Mr. Sanel rents out the entire mezzanine area in the future, additional parking may be needed.

Mr. Sanel said that there are presently 2 employees at the furniture store and anticipates no more than 2-3 employees at the new site. Employees at the present site may park their vehicles at the new site. He estimates that a total of 5-10 parking spaces would be used. He reminded the Board that National Powersports will not conduct retail sales at the new location. The building contains approximately 2600 sq. ft.

Chairman Topliff said that, based on the current request for use, it is unlikely that they would use 30 parking spaces even if they occupied the mezzanine.

MOTION: Selectmen’s Rep. Lewis moved to approve the waiver request for parking with the stipulation that the additional parking spaces are not needed unless the Town foresees an issue of insufficient parking for the existing business and its uses. Seconded by Member Bourque.

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

THE MOTION TO APPROVE THE WAIVER REQUEST FOR PARKING WITH THE STIPULATION THAT THE ADDITIONAL PARKING SPACES ARE NOT NEEDED UNLESS THE TOWN FORESEES AN ISSUE OF INSUFFICIENT PARKING FOR THE EXISTING BUSINESS AND ITS USES PASSED ON A 7-0 VOTE.¹

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

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

THE MOTION TO ACCEPT THE PLAN IN FOR REVIEW PASSED ON A 7-0 VOTE.

Chairman Topliff opened the public hearing at 8:10 p.m.

There being no comments or questions from the Board or the public, Chairman Topliff closed the public hearing for the evening at 8:11 p.m. with the understanding that the public hearing will be continued if the application is continued to a subsequent Planning Board meeting.

With regarding to landscaping, Mr. Gaeta said that the zoning regulations state that any parking lot with 8 or more spaces must be landscaped. The consensus of the Board was that the landscaping was not necessary.

MOTION: Selectmen's Rep. Lewis moved to approve the application of Case #10-104. Seconded by Member Cruson.

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

THE MOTION TO APPROVE THE APPLICATION OF CASE #10-104 PASSED ON A 7-0 VOTE.

Chairman Topliff said that, with regard to the next case, 2 Board members are abutters and 1 member is a member of the First Congregational Church. With that being said, Chairman Topliff recused himself, turning the meeting over to Vice Chairman Seaworth. Member Cruson said that because the case presently is a request by Taylor Community and not by the First Congregational Church, she did not feel a need to step down. Should the situation change, Member Cruson would make that determination at that time.

5. Minor Subdivision. Taylor Community. Case #10-10. Map 565, Lot 258-1 at 216 Church Road in the Medium-Density Residential (R1) District. The applicant, Steven J. Smith & Associates, Inc., on behalf of property owners The Taylor Community, proposes a three-lot subdivision in order to transfer back to the First Congregational Church those parcels not required for the existing 17-lot open space residential subdivision.

¹ Upon consideration of the minutes for approval, the Planning Board felt that additional clarity to this motion would be appropriate. Based upon the information presented by the applicant, the Planning Board was comfortable with the reduction of parking spaces at this time, however, the Board wanted the ability to reconsider the parking space reduction if, in the future, the approved use grew to the point that additional parking was required.

Present: Steven Smith of Steven Smith & Associates, Inc. representing Taylor Community, Tim Martin owner and CEO of Taylor Community, and David Bibbens, representing the First Congregational Church.

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

Mr. Gaeta said that the purpose of the subdivision is to ultimately sell or deed back to the church the land not required by the subdivision. The plan was reviewed by the Technical Review Committee with no significant issues. He noted that the lot requirements in the Subdivision Regulations state that no lot shall be approved if any foreseeable difficulties arise which include being built on a Class 6 road. A large parcel to the northeast is on Third Range Road which is a Class 6 road.

Mr. Gaeta received a plan from Steven Smith & Associates clarifying the limits of the lot, what is current buildable land, and potential buildable land. The applicant meets the 50% buildable land reserved per the open space requirements.

Mr. Smith said that, when the First Congregational Church came before the board for a minor subdivision and consolidation plan (approved March 28, 2000) it created a parcel of land of 51.25 acres together with the existing Church known as Tax Map 565, Lot 258-1. At that time, the Church consolidated its parcel with other properties, one of which was 51.25 acres.

Another minor subdivision application approved by the Planning Board on February 27, 2001 created 2 parcels – the one parcel that the Church presently is located (5.05 acres) and a 46.2 acre parcel that was eventually conveyed to Taylor Community for their project. The location created was 565-258-1. It had 50' of frontage on Pembroke Street, 120' of frontage on Church Road, and encompassed all the land in the back area which was eventually conveyed to the Taylor Community.

The Taylor Community was approved to build a planned residential development consisting of a total of 33 units divided into 3 separate clusters. As a result of the approval, Taylor Community deeded a conservation easement to the Town of 7.3 acres. Another part of the approval consisted of a discussion about the Town not wanting to upgrade Third Range Road. To his recollection, the Town had a rough layout of a road off Church Road that would intersect with Cross Road. The applicant created a right-of-way location dedicated to Pembroke's future new road. His understanding is that the new road and its Cross Road intersection would be the access to Church Road rather than where Third Range Road presently meets Church Road.

Taylor Community only built Phases 1 and 2. Taylor Community had an understanding with the Church that, if the project was not finished by a certain date, Taylor Community would deed the property back to the Church subject to Town approval. Mr. Smith prepared and submitted a plan to deed back as much of the property as possible that Taylor Community felt was unnecessary to support the present residential development.

Mr. Smith said that the proposal is for Taylor Community to keep the area which includes the Conservation Easement which was deeded to the Town and that Taylor Community would then deed a parcel of land to the Church to become part of the Church's property. The "back land" consisting of 24 acres (19.87 acres of usable land area) would be a separate nonbuildable lot until such time as the "proposed new road" was upgraded.

Mr. Smith said that, at the Fire Department's request, Taylor Community would install a gate with a lock box to discourage public access to the pump station.

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

VOTE: Ron Nowe – Y B. Seaworth – Y C. Lewis – Y
 K. Krebs – Y K. Cruson – Y L. Young – Y B. Bourque - Y

THE MOTION TO ACCEPT THE PLAN IN FOR REVIEW PASSED ON A 7-0 VOTE.

Acting Chairman Seaworth opened the public hearing at 8:35 p.m.

John Duggan, Deerpath Lane, expressed his disappointment that the property would not be taxable. Mr. Gaeta said that, in his review of the deed, the understanding was that if the Taylor Community does not receive approval to subdivide and deed back the smaller portions to the Church, the Church has the right to buy the entire lot including the subdivision. As a result the Church would own all of the land, including the subdivision.

Mr. Smith said that the only reason Taylor Community is in front of the Board is to fulfill their agreement with the Church – not to get out of paying taxes.

Mr. Gaeta said that the conservation easement meets the current open space requirements.

David Russell, owner of 27 acres about 400 ft. down Third Range Road. He said that, in 2006, the Planning Board told him that they did not want him to develop Third Range Road which would have given him access to his land. The Town preferred a road built across from Cross Road which would then continue onto Third Range Road. If the proposed road across from Cross Road is built, Mr. Russell’s land would be landlocked. He asked the Board to consider granting him an easement so he could travel down Third Range Road and have access to his property.

Mr. Smith said that the appropriate time to consider Mr. Russell’s request would be when the area is developed.

Member Young remembered that the Town envisioned creating a connector road (across from Cross Road) that would parallel Route 3 and connect to Route 106.

Mr. Bibbens said that the Church has no reason to develop the piece of property in question. The Church’s long range goal is to sell the property to one of the abutters for development, therefore returning it to the tax roll. The only piece of property that the Church wants is the attachment to their field so “they could get their field back.”

Jack Menard, owner of 65 Pembroke Street asked if the right-of-way created as a foot-path and sewer access was part of the parcel that will be returned to the Church? Mr. Smith said no. Cindy Menard asked if the pathway could ever be turned into a road? Mr. Smith said that, if so, Taylor Community would have to return to the Planning Board. Taylor Community does not want the pathway to be a road. It is for the service and maintenance of their utilities. Mr. Smith said that there was no intent to create Phase 3. They were required, under the agreement, to have built Phase 3 prior to this. Taylor Community had to have the small portion of land for the pump house in order to generate open space and buildable land area per the ordinance.

The Board agreed that, should the present application be approved, Phase 3 would go away. If Taylor Community, in the future, ever wanted to build Phase 3, they would be required to return to the Planning Board.

There being no further questions from the Board or the public, Acting Chairman Seaworth closed the public hearing at 8:48 p.m. with the understanding that if the application is continued to another time, the public hearing would also be continued without renotification of the abutters.

Mr. Gaeta said that the only outstanding issue was that the current open space requirements state that a 30' buffer is required between any building envelopes and wetlands. It was not a requirement in the previous open space regulations. Since the application was previously approved, the consensus of the Board was not to require a Special Use Permit.

MOTION: Member Bourque moved to approve the current application with the condition that a gate with a lock box with a key be installed on the access road to the sewer pump station as requested by the Fire Department. Seconded by Member Young.

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

THE MOTION TO APPROVE THE CURRENT APPLICATION WITH THE CONDITION THAT A GATE WITH A LOCK BOX WITH A KEY BE INSTALLED ON THE ACCESS ROAD TO THE SEWER PUMP STATION AS REQUESTED BY THE FIRE DEPARTMENT PASSED ON A 7-0 VOTE.

Mr. Smith said that he will update the plans to show the set monuments and gate. The Registry does not want plans recorded with topography, buildings, and wetlands. He asked if he could provide the Town with a plan consisting of all the information and create a recordable plan that only includes the boundaries. Mr. Gaeta agreed.

Chairman Topliff returned to the Board. Alternate Nowe was no longer needed to vote in place of Chairman Topliff.

The meeting recessed at 8:55 p.m.

Chairman Topliff opened the meeting at 9:00 p.m.

Minutes

6. Review and Approve Meeting Minutes of May 11, 2010

MOTION: Member Young moved to approve the Meeting Minutes of May 11, 2010 as amended. Seconded by Member Bourque.

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

THE MOTION TO APPROVE THE MEETING MINUTES OF MAY 11, 2010 AS AMENDED PASSED ON A 7-0 VOTE.

Miscellaneous

7. Correspondence

Mr. Gaeta received a letter of transmittal from Nobis Engineering regarding Concord Sand and Gravel. The letter states that they have installed the monitoring well sites which should furnish accurate and clear readings. The actual readings will be forthcoming.

The Board was not interested in subscribing to the Commissioner Magazine.

8. Committee Reports

Conservation Commission: Member Krebs had nothing to report.

Roads Committee: Vice Chairman Seaworth reported that the Roads Committee met with the Board of Selectmen regarding the Broadway project. The Committee will return to their regular schedule next week.

9. Other Business

- a. June 8 Meeting Agenda – CIP, Revisit holding applications with unpaid fees

Mr. Gaeta said that a Planning Board representative is still needed on the CIP Committee.

After a brief discussion, it was agreed to not meet on June 8, 2010 for a work session.

- b. Planner Items – Strong Foundations to hold classes at Grace Capital for one year.

Mr. Gaeta reported that Pastor Peter from Grace Capital Church was approached by the Strong Foundation to rent 2 of the Church classrooms for one year. The Strong Foundation will be expanding their building but are concerned that the project may not be completed by the beginning of the school year.

The Board asked Mr. Gaeta to examine the original application approval and minutes associated with regard to renting Church property to other parties.

Mr. Jodoin will research the tax exempt status and clarify the tax implementation associated with renting a portion of the Church property.

The Board agreed to meet on June 8, 2010 in order to review Mr. Gaeta's findings.

- Pembroke Meadows project.

Mr. Gaeta said that Pembroke Meadows is returning to the Board with a 90-unit, single family proposal. They are aware of the sewer capacity issue.

- National Guard

Mr. Gaeta said that the National Guard will receive the decision on their funding in October. If funding is approved, they will meet with the Board for a public hearing for informational purposes only.

- Veanos Restaurant

Mr. Gaeta said that Veanos asked the Code Enforcement Officer if they could place a fenced dumpster pad on their property. They have been renting the use of the Meathouse's dumpster and feel that the rent is too high.

They would like their own dumpster. The Board agreed that they would like a site plan to see where the dumpster will be placed.

– 6 High Street

The ZBA granted a special exception for Jim Bivona's car audio shop. He has applied to the Planning Board.

– Hillman property subdivision

A request was submitted to meet with the Planning Board.

– Curley Cushman lot line adjustment

Mr. Gaeta said that Mr. Cushman received a site plan approval in 2008 but the plan was never recorded. Since the timeline has lapsed, he must return to the Board.

– Ordinance Changes

Mr. Jodoin said that he is working on the updated ordinances that were voted in at the last Town meeting. Mr. Gaeta has completed his review. The Board will receive copies as soon as possible.

– Alternate Status

The Board of Selectmen have not concluded their discussion regarding alternate seat positions.

MOTION: Member Young moved to adjourn. Seconded by Member Bourque.

The vote was unanimous in favor of the Motion.

The meeting adjourned at 9:44 p.m.

Respectfully submitted,
Jocelyn Carlucci, Recording Secretary