

**Pembroke Planning Board  
Minutes of Meeting  
(Adopted)  
Tuesday, June 8, 2010**

**MEMBERS PRESENT:** Alan Topliff, Chairman; Brian Seaworth, Vice Chairman; Robert Bourque; Larry Young, Sr.; Kathy Cruson

**ALTERNATES PRESENT:** Ron Nowe

**EXCUSED:** Cindy Lewis, Selectmen's Representative; Kevin Krebs; Robert Bourque

**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. He announced that Member Bourque's father had passed away and, therefore, would not be in attendance. Member Bourque will also be taking a leave of absence for the months of June and July. Mr. Gaeta said that Selectmen's Rep. Lewis would be late for this evening's meeting.

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

**Guests:** Sewer Commissioner Harold Thompson and Selectperson Tina Courtemanche

**Discussion**

**1. Capital Improvements Program – Requests a Planning Board representative**

Alternate Member Nowe volunteered to be the Planning Board representative to the Capital Improvements Program.

**2. Holding applications with unpaid fees**

Chairman Topliff said that the consensus from Town Counsel was that there was no legal way to hold applications with unpaid fees. Mr. Gaeta said that he spoke with other Planners who concurred.

Mr. Gaeta said that it is possible to delay engineering until escrow is received from the applicant. Chairman Topliff said that it is currently the Planning Board's practice to require that money be placed in escrow before hiring the Town's Engineer.

Mr. Jodoin said that it is best to receive an estimate from the engineer prior to the work being performed so that the funds can be requested from the applicant. Presently, when the escrow account becomes low, Mr. Jodoin asks for additional money from the applicant.

Chairman Topliff said that it would be best for the Board to be proactive in monitoring the escrow account in case of any unforeseen engineering expenses.

Mr. Gaeta said that it is possible to attach an escrow amount as a condition of approval but not to mandate the applicant pay their property taxes, sewer or water bills.

Chairman Topliff suggested sending a letter to other town entities such as the water and sewer departments informing them that it is not possible for the Planning Board to mandate that the applicant pay their departmental fees and, therefore, encourage them to request money up front from the applicant to be placed in escrow.

Town Counsel reviewed the Design Review Fee Schedule and said that the 50% application fee being charged and the 50% credit of that fee toward an approval is fine. She said it was not common practice to require an escrow fee up front. Typically, once the application is in, if an engineering review is required, the Town requests an estimate from their engineer and then requests the escrow funds from the applicant.

### **3. Grace Capital Church – Renting space to outside entities**

Mr. Gaeta said that Strong Foundation is no longer interested in renting classroom space from Grace Capital Church.

In his review of the past minutes of meetings for the Grace Capital Church project, he found that there are a few instances that the Church said that they would not use the space for anything outside of their Church use. On their approved site plan, it says that all activities will take place during Sunday mass and that there will be no significant traffic generation outside of the Sunday mass schedule. Also, Mr. Gaeta said that the school use is not allowed by zoning in the LO District. The Church would be required to obtain a variance from the Zoning Board.

Mr. Gaeta said that there is nothing in the Town's regulations that governs places of worship or churches. He also reviewed the State regulations and did not find anything that prohibited Churches from renting space.

Member Young asked if the Church facility could be used by the Town for voting. Mr. Gaeta said that Town activities are allowed in the LO District.

Mr. Jodoin said that the Strong Foundation is tax exempt, therefore, renting to another tax-exempt organization would be acceptable. If the Church rented to a non-tax-exempt organization, the rent would have to cover normal operation expenses.

## **Minutes**

### **4. Review and Approve Minutes of May 25, 2010**

**MOTION:** Member Young moved to approve the Meeting Minutes of May 25, 2010 as amended. Seconded by Vice Chairman Seaworth. Unanimously approved.

## **Miscellaneous**

### **5. Correspondence**

Mr. Gaeta received:

- Abutter notification from the Town of Bow regarding a compliance hearing on architectural and aesthetic standards for the Merrimack Station Clean Air Project.
- Letter from JWF Real Estate and Development Cooperation inquiring if the Town is interested in purchasing land for \$485,000. He will forward the letter to the Conservation Commission.
- The June 2010 Business NH magazine.
- The Spring 2010 newsletter from ESRI Government Matters.

## 6. Committee Reports

### Roads Committee

Vice Chairman Seaworth said that the Roads Committee recommended to the Board of Selectmen the lowest price bid for ditching and culvert work on Cross Country Road. The Board of Selectmen approved the bid.

### Central New Hampshire Regional Planning Commission

Member Cruson said that Central New Hampshire Regional Planning Commission will hold their meeting on Thursday, June 10, 2010 at 7 p.m. at the Page Belting building. Topics will include Safe Routes to School and Local Energy Solutions.

## 7. Other Business

- June 22 Agenda – Red Rock Investments (Old Business), Kimball’s Market Change-of-Use (Old Business), Pento Autobody & Performance Change-of-Use (New Business), Hillman Minor Subdivision (New Business), Curley Minor Subdivision (New Business)

With regard to the approval of the Red Rock application, Mr. Jodoin said that the Joint Use Agreement was a condition of approval and, therefore, is the Planning Board’s responsibility to ensure that the applicant is in compliance with the agreement prior to approval of the plan. Mr. Gaeta will review the Joint Use Agreement to see if a clause was included that would allow Public Service of New Hampshire to revoke the Agreement upon non-compliance.

- Planner Items - Mr. Gaeta received confirmation from Town Counsel that the design review fees were fine. The Planning Board will hold the public hearing on June 22, 2010.
- CTAP Request for Excavation Regulation Revisions – The State will be working with Elaine Wesson to revise town maps listing the gravel pits and current use properties. The Board agreed that it would be a good time to also update the Town Excavation Regulations.

**MOTION:** Member Cruson moved to seek a grant from CTAP (Community Technical Assistance Program) to revise the Town Excavation Regulations. Seconded by Member Young.

**VOTE:** A. Topliff – Y                      B. Seaworth – Y                      R. Nowe – Y  
                   K. Cruson – Y                      L. Young – Y

**MOTION TO SEEK A GRANT FROM CTAP (COMMUNITY TECHNICAL ASSISTANCE PROGRAM) TO REVISE THE TOWN EXCAVATION REGULATIONS PASSED ON A 5-0 VOTE.**

- d. New Hampshire Department of Environmental Services (DES) Innovative Land Development Technical Assistance and Coordinated Permitting Initiative – Mr. Gaeta said that DES inquired if the Planning Board would be interested in joining their permitting initiative. The Board agreed that Mr. Gaeta will join the initiative.
- e. Nicole’s Greenhouse –

Everett Hodge, the Code Enforcement Officer, received a call from Eastern Propane inquiring if Nicole’s Greenhouse had permission to create a propane filling station. They did not, so Mr. Hodge asked the applicant to submit a plan showing the location of the filling station. Mr. Hodge said that Nicole’s Greenhouse and Community Action have an agreement to have a garden area for Nicole’s Greenhouse on Community Action’s property. Mr. Gaeta is not sure what the gardening area is for – whether for growing vegetables to be sold at a future farmstand or another purpose. Mr. Gaeta said that Nicole’s Greenhouse is also storing construction equipment onsite which is over the aquifer.

Mr. Gaeta will inform Nicole’s Greenhouse that they cannot use their site for uses that are not approved by the Planning Board. He will suggest that they return to the Board with a list of their long-term plan for the site so that a minor site plan for all the planned uses can be prepared and approved.

Mr. Gaeta will inform Community Action that the Town has observed that a vegetable garden has been created on their site. If the garden is not solely for their own use, then a change of use to the approved site plan will be necessary.

The Board was concerned about the construction equipment parked on site which is over the aquifer. The Water Department may wish to comment at the conceptual consultation.

- f. Pembroke 600 site – Mr. Gaeta said that he will be meeting with the Turner Group regarding the possibility of the construction of a private college at the site.
- g. Open Space Committee Meeting – Central New Hampshire Regional Planning, the Conservation Commission, and the Board of Selectmen will meet on July 19, 2010 at 6:30 p.m. at Town Hall for an Open Space Committee meeting. Members of the Planning Board are encouraged to attend.

**8. Board Member Items**

Vice Chairman Seaworth asked if there was a deadline approaching with regard to the Cormier Subdivision on North Pembroke Road. Mr. Gaeta will investigate.

Member Cruson volunteered to assist the Planning Department on the gravel pit/excavation project.

**MOTION:** Member Young moved to adjourn. Seconded by Member Cruson.

The vote was unanimous in favor of the Motion.

The meeting adjourned at 8:30 p.m.

Respectfully submitted,  
Jocelyn Carlucci, Recording Secretary