

**Pembroke Planning Board
Minutes of Meeting
(ADOPTED)
Tuesday, October 13, 2009**

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

ALTERNATES PRESENT: Larry Young, Sr., Ron Nowe

EXCUSED: Jeff White, Mark Zydel

STAFF PRESENT: Stephanie Alexander, Interim Planner; David Jodoin, Town Administrator; Jocelyn Carlucci, Recording Secretary

Chairman Bourque called the meeting to order at 7:15 p.m. and noted that Member Zydel and Alternate Member White were absent. Alternate Member Young will vote in place of Member Zydel.

Special Business Meeting:

Old Business

- 1. Meathouse PODs Permit Renewal Request.** *Board to discuss status of PODs and to discuss potential stipulations to permit renewal. Public hearing will occur at 10/27 Business Meeting.*

Ms. Alexander reported that an e-mail received today from the Meathouse indicated that the refrigerated pod had been removed and the remaining pod would be removed soon. Ms. Alexander's reply indicated that she would share the information with the Board. She also informed them that the permit for the last pod would expire October 31, 2009 and that either the pod be removed on or prior to that date or the applicant would be subject to appropriate fees. Late that afternoon, another e-mail was received indicating that the pod was slated to be removed by October 29, 2009. Ms. Alexander said that no public hearing would be required since the pod is soon to be removed.

Ms. Alexander reported that Paulette Malo, of the Sewer Department, said that the Meathouse had not, to date, installed the requested grease trap.

Mr. Jodoin had a three-way telephone conversation with the Meathouse landlord, Alex Vailas, and Jim Collins, and said that the Meathouse is working with a company to move the majority of their processing from the Pembroke site.

Selectmen's Rep. Lewis pointed out that the applicant is in violation of their approved site plan. They are processing meat in a large walk-in cooler without a grease trap. She said that it is against the law to process food and deposit it into the sanitary system without a grease trap. The Board should enforce what was approved on the plan.

Mr. Jodoin will speak with Steve Chabot of Keach Nordstrom about the issue. He also said that Everett Hodge, Code Enforcement Officer, has informed the applicant that signage issues must be addressed. Mr. Jodoin said that he would speak to Mr. Hodge about notifying the applicant that they must comply with the plan conditions (the grease trap installation and signage) or risk site plan revocation.

Work Session:

Discussion

2. Review and Revise Rules of Procedure

- Determine Public Hearing Process

Mr. Jodoin said that, normally, the Chairman would close the public hearing, then a motion would be made to continue the public hearing until a specified date. This would ensure that the abutters would be aware of the next public hearing date without having to be formally notified by the Town.

The consensus of the Board is that Ms. Alexander would prepare an appropriate statement that could be read by the Chairman when a public hearing is to be continued. The language should reflect that the public meeting for the application is closed for the present meeting and will be continued to a specific date and time if the application is not approved.

The new language will be added to the Rules of Procedure, Article VI, 6.4 H) "Call the hearing to a close or (language to be inserted), as appropriate, outlining . . ."

- Determine Meeting Agenda Sequence

After a lengthy discussion, it was agreed that the existing Application Submittal Deadlines should remain unchanged. Changing the deadlines as proposed by Ms. Alexander would work for a full-time planner, but not for a part-time planner's schedule.

3. Review Applications and Checklists

- Special Use Permit Checklist

The Board reviewed the revised Special Use Permit Checklist. It was suggested that the requirements be separated into two sections: 1) those requirements pertaining to an active site plan; and 2) those requirements pertaining to a non-active site plan. This would eliminate the possibility of an applicant duplicating paperwork. Example: All Parts would consist of Subsections A and B, followed by the paragraph: "If the application is not related . . ." and include C, D, E, F, G.

Ms. Alexander agreed to reword Subsection G.

- Design Review/Conceptual Consultation Informational Sheet

The Board accepted the proposed Design Review/Conceptual Consultation Information Sheet. It was also agreed that the document should be titled "Guidelines".

- Conceptual Consultation Checklist

The Board accepted the proposed Conceptual Consultation Checklist with one change: Paragraph 1 to read: "To be listed on the Planning Board agenda . . . no later than 7 days before the next regular business . . ."

- Excavation Application

Ms. Alexander said that the excavation regulations are outdated and the committee may want to consider using future CTAP funds to update them. As a starting point to the revision of the Excavation Application, she combined standard language from other applications and added specifics from the current excavation application. The Board felt that they needed more information pertaining to excavation regulations and applications in order to properly assess the proposed changes.

MOTION: Vice Chairman Topliff moved to table the review of the Excavation Application. Seconded by Chairman Bourque. Unanimously approved.

4. Review Fee Schedule Revisions

As requested by the Board, Ms. Alexander researched the approved square footage of the Associated Grocers of New England ("AG") building in order to properly judge the proposed application and review fees for new commercial/business/industrial plans. She said that AG's Phase 2 building was 651,000 sq. which would result in a \$97,000 fee under the proposed schedule change. It was noted that the Board of Selectmen can elect to waive all or a portion of the fees if applicable.

Ms. Alexander pointed out that some communities have sliding fee schedules. She will provide copies of those examples to the Board.

Suggestion: To cap the fee at a certain square footage.

The Board agreed:

- That the Wireless Co-Location fee be changed to \$150. It will not require as much work by the Planning Department since it would pertain to an existing tower.
- That the New Wireless Tower fee be changed to \$500 because it will require more attention by the Planning Department on issues such as access roads, safety, abutters concerns, etc.
- Page 1, #4 should be changed to reflect that the application will not be heard if there is an escrow balance. Example: The escrow balance must be paid in full by the next public hearing or the application will be denied.

5. Review Exactions Language for Site Plan and Subdivision Regulations

Ms. Alexander said that the proposed document provides guidance for the Board to determine when exaction fees for off site improvements are appropriate. It is meant to go into the subdivision and site plan review regulations.

She explained that if, in the Preliminary Assessment, the Board answers yes to any of the questions, then the Board would proceed to the Exaction Review. The town engineer, along with the Proportional Responsibility Formula, would help the Board determine the exaction fee.

Selectmen's Rep. Lewis said that, in the past, the off-site improvement costs were determined by the Roads Committee. Ms. Alexander will add the Road Committee to the list of people to be consulted.

Ms. Alexander also pointed out that exaction fees must be returned to the applicant if the Town does not appropriate its share of the cost within 6 years from the date of collection.

Vice Chairman Topliff suggested that language be created that would aid the Planning Board in determining when a preliminary assessment is necessary.

Vice Chairman Topliff suggested eliminating the word “common sense” from (2) Commercial (i) and revise as follows: “(i) **Type** – Is this the type of development . . .”

The Board agreed to review the document and discuss it at the next work session.

6. Review Excavation Regulations RSA 155:E

Ms. Alexander said that an application will be coming before the Board on October 27, 2009 for the expansion of an existing gravel operation. It is important that the Board review RSA 155-E to ensure compliance with the law. Ms. Alexander reviewed the RSA with the Board. Ms. Alexander said that when the meeting opens it will be a public hearing. There is no acceptance phase. She pointed out that the Board will have 20 days, after the conclusion of the public hearing, to make a decision. The public hearing can be continued.

Chairman Bourque said that it will be important that the Applicant be aware that the Board has not worked in this area before and, therefore, will be cautious. He also said that the Board will be looking for guidance from Ms. Alexander on October 27, 2009.

The applicant must complete the reclamation within 12 months of completion of the excavation or within 12 months after the expiration of the permit. The permit is for one year. Applicant can renew the permit annually.

Existing gravel pits are grandfathered unless they are expanding their operation.

When excavation is not permitted by zoning, the Zoning Board of Adjustment can grant a special exception.

Member Cruson asked if the Planning Board could deny the permit if it was concerned over destruction of a major road or contamination of the aquifer. Ms. Alexander said she would ask Town Counsel.

The Board agreed to review the draft minutes of previous meetings and continue the remainder of the agenda at the next work session.

Minutes

7. Review and Approve Meeting Minutes of August 11, 2009

MOTION: Alternate Member Young moved to approve the Meeting Minutes of August 11, 2009 as presented. Seconded by Member Seaworth.

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

MOTION TO APPROVE THE MEETING MINUTES OF AUGUST 11, 2009 AS PRESENTED PASSED ON A 6-0 VOTE WITH ONE ABSTENTION.

8. Review and Approve Meeting Minutes of September 8, 2009

MOTION: Alternate Member Young moved to approve the Meeting Minutes of September 8, 2009 as presented. Seconded by Chairman Bourque.

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

MOTION TO APPROVE THE MEETING MINUTES OF SEPTEMBER 8, 2009 AS PRESENTED PASSED ON A 5-0 VOTE WITH TWO ABSTENTIONS.

9. Review and Approve Meeting Minutes of September 22, 2009

MOTION: Vice Chairman Topliff moved to approve the Meeting Minutes of September 22, 2009 as amended. Seconded by Member Cruson.

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

MOTION TO APPROVE THE MEETING MINUTES OF SEPTEMBER 22, 2009 AS AMENDED PASSED ON A 6-0 VOTE WITH ONE ABSTENTION.

10. Review SB 189 Legislation

Ms. Alexander reviewed the SB 189 legislation. Specifically that all the Notices of Decision be recorded with or on the plat. The Notice of Decision and meeting minutes must be available five business days after the meeting.

Miscellaneous

11. Other Business

Ms. Alexander will order 20 Planning and Land Use Regulation Handbooks.

In order to complete the Buildout Analysis that was begun a number of months ago, a subcommittee is required. The subcommittee will meet twice for a 2-hour session. Alternate Member Young agreed to be part of the subcommittee. A representative of the Conservation Commission will also be sought.

On October 21, 2009, the Town's letter of credit for \$435,000 will expire on the North Pembroke Road project. Chairman Bourque asked Ms. Alexander to call the Bank and see if the letter of credit was renewed. The Board agreed that unless the letter of credit is renewed, revocation of the site plan approval will be considered.

MOTION: Member Krebs moved to review the remaining zoning amendments at the next work session. Seconded by Member Seaworth.

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

MOTION TO REVIEW THE REMAINING ZONING AMENDMENTS AT THE NEXT WORK SESSION PASSED ON A 7-0 VOTE.

MOTION: Member Seaworth moved to adjourn. Seconded by Member Krebs.

The vote was unanimous in favor of the Motion.

The meeting adjourned at 10:03 p.m.

Respectfully submitted,
Jocelyn D. Carlucci, Recording Secretary