

**Pembroke Planning Board
Minutes of Meeting
(Adopted)
Tuesday, January 27, 2009**

MEMBERS PRESENT: Robert Bourque, Chairman; Alan Topliff, Vice Chairman; Kevin Krebs; Kathy Cruson; Cindy Lewis, Selectmen's Representative; Todd Terrien; Mark Zydel

ALTERNATE PRESENT: Brian Seaworth

EXCUSED:

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

Chairman Bourque opened the meeting at 7:00 p.m.

Old Business

Zoning Ordinance Public Hearings. Board to vote send as each written to Town Meeting or to vote to not send them to Town Meeting.

- 1. Amendment 1. § 143-8. Definitions.** To amend the Zoning Ordinance definition of usable land.

Chairman Bourque stated that the definition of *usable land* will mean the same as *contiguous buildable area* and read aloud, the definition of contiguous buildable area.

Member Krebs questioned the lot size requirement under the new definition. He recommended: (1) that *usable land* mean the same as *buildable area* rather than *contiguous buildable area*; or (2) replace *usable land* with *buildable land*.

Ms. Alexander advised the Board that no further changes could be made that would require a second public hearing.

Chairman Bourque opened the public hearing at 7:01 p.m.

There being no questions or comments, Chairman Bourque closed the public hearing at 7:01 p.m.

MOTION: Chairman Bourque moved to NOT send the definition of *Usable Land* in Amendment 1. §143-8 Definitions to Town meeting. Seconded by Member Krebs.

VOTE: Robert B. – Y Cindy L. – Y Mark Z. – Y Kevin K. - Y
 Alan T. – N Kathy C. – N Todd T. - N

MOTION TO NOT SEND THE DEFINITION OF USABLE LAND IN AMENDMENT 1. §143-8 DEFINITIONS TO TOWN MEETING PASSED ON A 4-3 VOTE.

2. Amendment 2. §143-21. Table of Dimensional and Density Regulations. To amend Reference Heading A to delete “in Useable Land”, to delete Note 1 relating to the use of useable land, and to amend the provisions of Note 13 regarding siting buildings and septic systems within the 70% minimum contiguous buildable area by eliminating the word “private”, correcting two “s” typographical errors, and by adding Code Enforcement Officer responsibilities.

Chairman Bourque read Amendment 2. §143-21 changes aloud.

Chairman Bourque opened the public hearing at 7:07 pm.

There being no questions or comments, Chairman Bourque closed the public hearing at 7:07 p.m.

MOTION: Member Terrien moved to send Amendment 2. §143-21. Table of Dimensional and Density Regulations to Town meeting. Seconded by Chairman Bourque.

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

MOTION TO SEND AMENDMENT 2. §143-21. TABLE OF DIMENSIONAL AND DENSITY REGULATIONS TO TOWN MEETING PASSED ON A 7-0 VOTE.

3. Amendment 3. §143-72. Wetlands Protection (WP) District. To amend the wetland buffer requirements to prohibit roadways and construction work zones within the buffer and to remove requirements for wetlands buffer markers.

Ms. Alexander said that it was recently brought to her attention that Item 2, which reads:

(2) No structure, roadway, or construction work zone shall be located closer than 20 feet measured horizontally from any wetland.

would mean that anyone applying to DES for a wetland crossing would also have to go to the Zoning Board of Adjustment (ZBA) for a variance.

Selectmen’s Rep. Lewis asked if Ms. Alexander had checked with legal counsel regarding making minor changes to the amendment at this time? Ms. Alexander said that, since a variance is required as the ordinance presently stands, if language was added that made it unnecessary for an applicant to apply for a variance unless they received a DES wetland’s permit, legal counsel considered the change to be substantive.

Selectmen’s Rep. Lewis said that minor changes can be made such as removing the word “roadway” from the Amendment. Ms. Alexander said that, in her opinion, removing the word “roadway” was a substantive change.

Chairman Bourque opened the public hearing at 7:14 p.m.

There being no questions or comments, Chairman Bourque closed the public hearing at 7:14 p.m.

MOTION: Selectmen's Rep. Lewis moved to send Amendment 3. §143-72 Wetlands Protection (WP) District to Town meeting without changes. Seconded by Member Terrien.

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

MOTION TO SEND AMENDMENT 3. §143-72 WETLANDS PROTECTION (WP) DISTRICT TO TOWN MEETING WITHOUT CHANGES PASSED ON A 7-0 VOTE.

4. Amendment 5. Article XVII, Growth Management Ordinance. To amend §143-139. Effective Dates to display strikeout text to be deleted and to modify the effective date and time to 12:00 AM April 1, 2009.

Chairman Bourque opened the public hearing at 7:15 p.m.

Chairman Bourque indicated that Amendment 4 was not being voted on, because the Board voted to send it to Town meeting at a prior meeting.

There being no questions or comments, Chairman Bourque closed the public hearing at 7:16 p.m.

MOTION: Member Zydel moved to send Amendment 5. Article XVII, Growth Management Ordinance to Town meeting. Seconded by Chairman Bourque.

VOTE: Robert B. – Y Cindy L. – Y Mark Z. – Y Kevin K. - Y
Alan T. – N Kathy C. – N Todd T. - Y

MOTION TO SEND AMENDMENT 5. ARTICLE XVII, GROWTH MANAGEMENT ORDINANCE TO TOWN MEETING PASSED ON A 5-2 VOTE.

New Business

5. Minor Subdivision Application. Dolcha Investments. Case #08-09. Map 258, Lot 35 at 766 Borough Road and North Pembroke Road in the Rural/Agricultural Residential (R3) District. The applicant, Richard D. Bartlett and Associates, LLC, on behalf of owner Dolcha Investments, LLC, proposes a two-lot subdivision on 18.41 acres. *Board to consider for completeness. Application was advertised as a public hearing.*

Present were: Tracey Sweeney, L.L.S. of Richard D. Bartlett & Associates, LLC representing Dolcha Investments LLC, and Dr. and Mrs. Charles Albee.

Mr. Sweeney stated:

1. The existing lot contains 18.41 acres. They are proposing a 2 lot minor subdivision consisting of a 2.66 acre lot and a 15.75 acre lot.
2. They are also requesting a topography waiver and a wetlands waiver.
3. The map of the 2.66 acre lot has all the wetlands delineated.
4. The 15.75 acre lot has a beaver pond shown on the plan. Topography is shown on all area considered the “frontage area”.
5. They have received DES subdivision approval.
6. They will note on the plan that the small lot is Lot 35-1.
7. They have received a driveway permit.
8. They added the 20’ wetlands buffer.
9. Regarding the placement of a monument: A portion of the stone wall that crosses the beaver pond is submerged. The applicant requests that a reference monument be placed at the nearest shore. (A reference monument has already been noted on the plan.)

Selectmen’s Rep. Lewis stated that she works with Richard D. Bartlett & Associates, LLC.

MOTION: Selectmen’s Rep. Lewis moved to approve the waiver for topography on the entire property. Seconded by Member Cruson.

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

MOTION TO APPROVE THE WAIVER FOR TOPOGRAPHY ON THE ENTIRE PROPERTY PASSED ON A 7-0 VOTE.

MOTION: Selectmen’s Rep. Lewis moved to approve the waiver for delineating wetlands on the entire property. Seconded by Chairman Bourque.

VOTE: Robert B. – Y Cindy L. – Y Mark Z. – Y Kevin K. - N
 Alan T. – Y Kathy C. – Y Todd T. - N

MOTION TO APPROVE THE WAIVER FOR DELINEATING WETLANDS ON THE ENTIRE PROPERTY PASSED ON A 5-2 VOTE.

Selectmen’s Rep. Lewis suggested that the right-of-way width be checked.

The existing driveway location serves the existing house. There is an existing byway accessing the field which access has been granted by Public Works.

MOTION: Vice Chairman Topliff moved to accept the application as complete. Seconded by Member Terrien.

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

MOTION TO ACCEPT THE APPLICATION AS COMPLETE PASSED ON A 7-0 VOTE.

Chairman Bourque opened the public hearing at 7:27 p.m.

There being no questions or comments, Chairman Bourque closed the public hearing at 7:27 p.m.

MOTION: Vice Chairman Topliff moved to approve the application with the following conditions: (1) Obtain a revised NH DES Subdivision approval for Lot 35 stating the correct lot number; (2) Add a Note to the plan: Any permanent driveway shall be paved from the edge of the Town roadway with a maximum width of 20' and a minimum length of 25' from the end of the driveway before the issuance of a Certificate of Occupancy; (3) Add a Note to the plan: The owner shall grant to the Town half the width of the right-of-way from the center of Borough Road. Seconded by Chairman Bourque.

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

MOTION TO ACCEPT THE APPLICATION WITH THE FOLLOWING CONDITIONS: (1) OBTAIN A REVISED NH DES SUBDIVISION APPROVAL FOR LOT 35 STATING THE CORRECT LOT NUMBER; (2) ADD A NOTE TO THE PLAN: ANY PERMANENT DRIVEWAY SHALL BE PAVED FROM THE EDGE OF THE TOWN ROADWAY WITH A MAXIMUM WIDTH OF 20' AND A MINIMUM LENGTH OF 25' FROM THE END OF THE DRIVEWAY BEFORE THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY; (3) ADD A NOTE TO THE PLAN: THE OWNER SHALL GRANT TO THE TOWN HALF THE WIDTH OF THE RIGHT-OF-WAY FROM THE CENTER OF BOROUGH ROAD PASSED ON A 7-0 VOTE.

6. Major Site Plan Application. JBH Helicopter Services. Case #08-112. Map 561, Lot 25 at 720 Clough Mill Road in Commercial/Light Industrial (C1) District and the Aquifer Conservation (AC) Overlay District. The applicant, Bruss Construction, Inc., on behalf of owners Newcomb Group, LLC, proposes the addition of a 3,720 sf. hangar and an attached 1,680 sf. of storage with a 1,680 sf. mezzanine, at JBI Helicopter Services. The proposal includes the construction of a concrete apron and the removal and replacement of a 12,000 gallon fuel tank. *Board to consider for completeness. Application was advertised as a public hearing.*

Present were: James Bruss of Bruss Construction, Curt West, Vice President of JBI Helicopter Services, Ray Newcomb, Manager, and Timothy Goldë of Goldë Planning & Design, Inc.

Mr. Bruss said that the facility has been at the site for approximately 20 yrs. Mr. Newcomb has worked there since the facility opened and took ownership in 1995. It's a family business.

The proposed total expansion is 5,400 sq. ft.: 3,720 sq. ft. designated for the hanger area and the remainder for support area (parts storage/cleaning room). Mr. Bruss said: (1) there is no plan to increase the number of employees, (2) onsite parking is more than adequate, (3) the number of helicopter trips per day will not increase; (4) they will renovate the existing office area to create more file storage and improve the work environment, (5) there will be a new septic system, and new fuel storage tank to replace the old system; and (6) they are creating a new tarmac area.

Mr. Goldë, with the help of aerial photos, explained that there is a 60' x 90' existing hanger and office. There is an existing concrete apron on the West side of the building, and fuel dispenser at the end of the concrete apron where the underground fuel storage tank is located. It requires a significant length of line to carry the fuel to the dispensing location. Water is currently provided by an onsite well and sewage disposal is provided with an onsite septic system. The paved parking lot has 29 spaces. The runoff is carried by a series of catch basins into an existing surface storage detention area.

Mr. Goldë explained that the applicant is proposing: (1) to expand the hanger space on the other side of the existing office; (2) reconfigure the office space; (3) increase the concrete apron area (a portion will have a snow melt system); (4) install a new double-wall underground storage tank with a dispensing facility above the tank; (5) add catch basins to the storm water drainage system including stormceptor.

He reviewed the administrative items on Ms. Alexander's report:

1. The antenna and windsock height appear on C3 and Sheet 2.
2. A copy of the underground storage tank permit will be submitted.
3. A copy of the new leachfield permit will be submitted. (The new leachfield will be located in the landscape area in front of the proposed building in order to maintain a gravity system.
4. A note will be added to the plan that the existing security system will be upgraded.
5. The dimensions of the parking spaces will be added to the plan.
6. The stormceptor is labeled on Sheet C3 noting that the proposed item is an Extended Oil Storage model. They will add the note to Sheet C4.
7. Sheet C2 displays the driveway width.
8. The solid waste receptacle is listed on C3. It will be labeled on the recordable plan.
9. They will copy the Vicinity Map on the cover onto the recordable plan.
10. The labels for Test Pit No. 2, in the snow storage area, and Test Pit No. 1, in the surface detention area, will be enlarged.
11. They did not provide a separate landscaping plan. They have included a fair amount of landscaping on the parking lot side of the building. Landscaping schedule, along with its relevant information, is noted on Sheet C3.
12. The existing wall-pack lighting on the building will be upgraded to match the wall-pack lighting on the remaining new building (4 on the aviation side of each hanger, 3 on the North and South ends of the building, and a total of 4 on the parking lot side of the building).

13. There will be inspection hoods placed in each of the catch basins. Catch basin inspection/maintenance will be provided if necessary.
14. They will discuss adding a note to the plan that annual monitoring and maintenance of the stormwater systems and catch basins with hoods will be performed by the Code Enforcement Officer.
15. Applicant asked that a bond not be necessary considering the facility's reputation.

Selectmen's Rep. Lewis stated, for the record, that she works with the Project Engineer, Project Surveyor, and the Project Designer.

MOTION: Selectmen Rep. Lewis moved to approve the waivers to NOT require separate landscape and lighting plans. Seconded by Member Terrien.

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

MOTION TO APPROVE THE WAIVERS TO NOT REQUIRE SEPARATE LANDSCAPE AND LIGHTING PLANS PASSED ON A 7-0 VOTE.

MOTION: Vice Chairman Topliff moved to accept the application as complete. Seconded by Member Zydel

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

MOTION TO ACCEPT THE APPLICATION AS COMPLETE PASSED ON A 7-0 VOTE.

Chris Culberson of the Pembroke Water Works stated all of their concerns and what they are proposing is much better than what is currently in place. The issues stated by the Pembroke Water Works have all been addressed. They have no further issues at this time.

Ms. Alexander noted the January 26, 2009 letter from the Code Enforcement Officer stating that he considers this a non-comforming use and, therefore, is allowed under §143-68. Aquifer Conservation (AC) District G and is a definite improvement to the facility. She also said that the concrete apron is considered a parking lot.

Ms. Alexander noted that the Town Engineer recommended that a note be added that the Planning Board reserves the right, at a later time, to secure a bond for surety in an amount to be determined.

Chairman Bourque opened the public hearing at 8:05 p.m.

Jo Ann Humphreys, 421 Borough Road, said she was concerned that fire trucks could not handle a fire at the facility. Mr. Bruss stated that the Code Enforcement Officer asked that there be a proposed fire hydrant in the lawn area outside the parking lot.

Mr. Bruss said that they hired SFE Engineering to work with the Fire Chief to perform a complete code review of the entire building, and all systems. They are in compliance with Life Safety and International Building Codes.

Mr. Goldë explained that the Fire Department does not presently have access around the entire building, but the proposed building will allow the Fire Department with 360° degree access to the building.

Mr. Goldë read, aloud, the Vehicle Usage Chart:

<u>Type</u>	<u>Existing Average</u>	<u>Existing Maximum</u>	<u>With Expansion</u>
Passenger Vehicles	30 per day	70 per day	No change
Commercial Vehicles	1 per day	2 day per day	No change
Heavy Trucking	1 per a month		No change
Helicopter Flights	3-10 per day	10 per day	12 Per Day
Helicopter Storage	4-6	10	12

Mr. Newcomb said that they service helicopters for the FBI, NH State Police, Channel 4, Channel 7, and others. The proposed facility could allow for increased helicopter maintenance service but the need does not exist.

There being no questions or comments, Chairman Bourque closed the public hearing at 8:17 p.m.

MOTION: Vice Chairman Topliff moved to approve a Special Use Permit. Seconded by Member Terrien.

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

MOTION TO APPROVE A SPECIAL USE PERMIT PASSED ON A 7-0 VOTE.

MOTION: Chairman Bourque moved to approve the application with the following conditions:

1. Submit the NH DES underground storage tank (UST) installation/relocation permit and note the permit number on the plan.
2. Submit the NH DES subsurface permit for the construction of the new leachfield and note the permit number on the plan.
3. Add a plan Note stating that the existing security system will be upgraded.
4. Add the appropriate details or notes for the length, width, striping size/color of proposed parking spaces.
5. Add a plan Note on Sheet C4 that the unit will be modified to an Extended Oil Storage unit consistent with the manufacturer’s recommendations to be sure the correct unit is installed.
6. Label the solid waste receptacle on Sheet C8.

7. Provide a vicinity map on Sheet C8 at a scale around 1"=1,000 to show the detail of surrounding properties and zoning districts.
8. Add a Note to the Plan stating the annual inspection and maintenance schedules of the stormwater systems, including the catch basins with hoods and the "Stormceptor". State that inspections shall be undertaken by the owner, and the facility will provide the annual inspection and maintenance report to the Code Enforcement Officer. State that the Planning Board reserves the right, if the report is not provided, to require the owner to provide a bond or surety to ensure their maintenance and inspection.

Seconded by Vice Chairman Topliff.

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

MOTION TO APPROVE THE APPLICATION WITH THE FOLLOWING CONDITIONS:

- 1. SUBMIT THE NH DES UNDERGROUND STORAGE TANK (UST) INSTALLATION/RELOCATION PERMIT AND NOTE THE PERMIT NUMBER ON THE PLAN.**
- 2. SUBMIT THE NH DES SUBSURFACE PERMIT FOR THE CONSTRUCTION OF THE NEW LEACHFIELD AND NOTE THE PERMIT NUMBER ON THE PLAN.**
- 3. ADD A PLAN NOTE STATING THAT THE EXISTING SECURITY SYSTEM WILL BE UPGRADED.**
- 4. ADD THE APPROPRIATE DETAILS OR NOTES FOR THE LENGTH, WIDTH, STRIPING SIZE/COLOR OF PROPOSED PARKING SPACES.**
- 5. ADD A PLAN NOTE ON SHEET C4 THAT THE UNIT WILL BE MODIFIED TO AN EXTENDED OIL STORAGE UNIT CONSISTENT WITH THE MANUFACTURER’S RECOMMENDATIONS TO BE SURE THE CORRECT UNIT IS INSTALLED.**
- 6. LABEL THE SOLID WASTE RECEPTACLE ON SHEET C8.**
- 7. PROVIDE A VICINITY MAP ON SHEET C8 AT A SCALE AROUND 1"=1,000 TO SHOW THE DETAIL OF SURROUNDING PROPERTIES AND ZONING DISTRICTS.**
- 8. ADD A NOTE TO THE PLAN STATING THE ANNUAL INSPECTION AND MAINTENANCE SCHEDULES OF THE STORMWATER SYSTEMS, INCLUDING THE CATCH BASINS WITH HOODS AND THE "STORMCEPTOR". STATE THAT INSPECTIONS SHALL BE UNDERTAKEN BY THE OWNER, AND THE FACILITY WILL PROVIDE THE ANNUAL INSPECTION AND MAINTENANCE REPORT TO THE CODE ENFORCEMENT OFFICER. STATE THAT THE PLANNING BOARD RESERVES THE RIGHT, IF THE REPORT IS NOT PROVIDED, TO REQUIRE THE OWNER TO PROVIDE A BOND OR SURETY TO ENSURE THEIR MAINTENANCE AND INSPECTION.**

PASSED ON A 7-0 VOTE.

Chairman Bourque recessed the meeting at 8:41 p.m.

Chairman Bourque continued the meeting at 8:49 p.m.

7. Minor Site Plan Application. Merrill/Dennison. Case #08-113. Map 634, Lot 48-1 at 619 Sand Road in the Commercial/Light Industrial (C1) District the Aquifer Conservation (AC) Overlay District, and the Architectural Design (AD) Overlay District. The applicant, CLD Consulting Engineers, on behalf of owner Merrill/Dennison, LLC, proposes to remove a 8,900 sf garage, remove certain existing paving, add a driveway and parking spaces along the east side of the remaining building, add a connecting driveway to the rear portion of the site, and relocate minor structures. *Board to consider for completeness. Application was advertised as a public hearing.*

Present were: Ken Rhodes, of CLD Consulting Engineers, Dick Anagnost representing Pembroke Commercial Group, Alex Vailas, representing Pembroke Commercial Group and the interests of Frank Merrill.

Mr. Rhodes said that Pembroke Commercial Group and Mr. Merrill have agreed to a lot line adjustment of 2 acres of property to be appended to the existing Pembroke Commercial site. This will provide an opportunity for the two parties to get additional interest in the property. The first step to accomplishing the lot line adjustment is to approve this minor site plan application.

The applicant is proposing to remove some of the paving, remove 8,900 sq. ft. of an existing building, keep the existing parking spaces on the existing site plan, add 8 parking spaces and a drive to the rear of the building, remove a fence and clear some minor structures. Mr. Rhodes said that this will clear the zoning violations that are created by adding a property line in the proposed location.

Mr. Rhodes addressed the Summary of Outstanding Items:

1. They will provide the signatures of the owner on the plan.
2. They will provide the seal and signature of the land surveyor on the plan.
3. Until the next application is addressed, the lot remains 5.772 acres.
4. Applicant could not provide information specific on the wall at this time.
5. He indicated the approximate location of the septic tank and leachfield. They would like a waiver on finding the septic. They will be connecting the building to the existing pump station as approved by the Sewer Department.
6. This site plan is conditional on the subdivision being executed.
7. The Conservation Commission would like permeable pavement. The Town engineer had no comment. The applicant is not increasing overall storm water runoff and did not feel that this was a good application for permeable pavement.
8. They will label the setbacks.
9. Parking calculations were taken from the previously approved plan minus the 8900 sq. ft.
10. Special use permit has been signed.

11. Outdoor lighting: There are no poles in that area, wall packs presently exist on the building, and no changes for lighting is being proposed. The only changes that will be made are in the rear of the building. Applicant is trying to keep the landscaping very simple.
12. Applicant would like a waiver on additional information pertaining to outdoor lighting and landscaping since they will be removing structures and not adding new structures.
13. Since the septic will be connected to the pump station, applicant asks that the Board not require them to display the septic and leachfield on the plan.
14. Requesting a waiver on the landscaping plan.

Mr. Rhodes said that the current septic system would be abandoned in place. When the next site plan comes forward, then it will be removed.

Sewerage capacity of 500 gallons per day was previously approved. Ms. Alexander said that a bond for demolition and reclaiming the site does not mention removal of the existing sewer system or making the sewer connection. She suggested that it be added. Mr. Rhodes agreed.

MOTION: Chairman Bourque moved to waive the need to provide outdoor lighting of the site on the plan. Seconded by Member Zydel.

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

MOTION TO WAIVE THE NEED TO PROVIDE OUTDOOR LIGHTING OF THE SITE ON THE PLAN PASSED ON A 7-0 VOTE.

MOTION: Chairman Bourque moved to waive the need to provide existing landscaping and buffer/screening on the plan. Seconded by Member Zydel.

Member Cruson felt that landscaping and screening would be a good idea. She expressed concern over soil stabilization and of the sand blowing from the south side of the Dennison building.

Mr. Vailas said that presently the land is a part of someone else’s property but, as the Applicant acquires the land, the Applicant would agree to landscaping as part of that property’s redevelopment. Mr. Anagnost said that if they are successful, the entire Merrill property will be reinvested.

Chairman Bourque suggested that stabilization of the site be added as a condition of approval.

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

THE MOTION TO WAIVE THE NEED TO PROVIDE EXISTING LANDSCAPING AND BUFFER/SCREENING ON THE PLAN PASSED ON A 7-0 VOTE.

Mr. Rhodes retracted a waiver request for the signatures of the property owners and the signature and seal of the surveyor.

MOTION: Selectmen's Rep. Lewis moved to accept the application as complete. Seconded by Chairman Bourque.

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

MOTION TO ACCEPT THE APPLICATION AS COMPLETE PASSED ON A 7-0 VOTE.

Chairman Bourque opened the public hearing at 9:30 p.m.

Mr. Rhodes clarified the dumpsters location.

There being no questions or comments, Chairman Bourque closed the public hearing at 9:35 p.m.

MOTION: Vice Chairman Topliff moved to approve the Special Use Permit by the Health Officer. Seconded by Chairman Bourque.

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

MOTION TO APPROVE THE SPECIAL USE PERMIT BY THE HEALTH OFFICER PASSED ON A 7-0 VOTE.

MOTION: Vice Chairman Topliff moved to approve the Application with the following conditions:

1. Provide the seal and signature of the land surveyor on the plan.
2. Add the existing parcel size of 5.772 acres to the plan.
3. Submit a letter of approval from the Sewer Commission for 500 gpd for connection to the Pembroke Crossing pump station.
4. Label the setback dimensions on the plan (50' front, 40' rear, and 25' side).
5. Add a Note to the plan that soil stabilization in conformance with the erosion control notes on the plan will be completed within one year of Board approval.
6. Submit the product to be used for the retaining wall and provide engineering detail, depending on the product and height, subject to the approval of Town Engineer.
7. Verify the location of the Aquifer Conservation District boundary and update the plan as necessary.
8. This site plan is approved conditional upon the approval of a lot line adjustment between Lot 48-1 owned by Merrill/Dennison, LLC and Lot 48-3 owned by Pembroke Commercial Group, Inc., application number 08-10.

Seconded by Selectmen's Rep. Lewis.

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

MOTION TO APPROVE THE APPLICATION WITH THE FOLLOWING CONDITIONS:

- 1. PROVIDE THE SEAL AND SIGNATURE OF THE LAND SURVEYOR ON THE PLAN.**
- 2. ADD THE EXISTING PARCEL SIZE OF 5.772 ACRES TO THE PLAN.**
- 3. SUBMIT A LETTER OF APPROVAL FROM THE SEWER COMMISSION FOR 500 GPD FOR CONNECTION TO THE PEMBROKE CROSSING PUMP STATION.**
- 4. LABEL THE SETBACK DIMENSIONS ON THE PLAN (50' FRONT, 40' REAR, AND 25' SIDE).**
- 5. ADD A NOTE TO THE PLAN THAT SOIL STABILIZATION IN CONFORMANCE WITH THE EROSION CONTROL NOTES ON THE PLAN WILL BE COMPLETED WITHIN ONE YEAR OF BOARD APPROVAL.**
- 6. SUBMIT THE PRODUCT TO BE USED FOR THE RETAINING WALL AND PROVIDE ENGINEERING DETAIL, DEPENDING ON THE PRODUCT AND HEIGHT, SUBJECT TO THE APPROVAL OF TOWN ENGINEER.**
- 7. VERIFY THE LOCATION OF THE AQUIFER CONSERVATION DISTRICT BOUNDARY AND UPDATE THE PLAN AS NECESSARY.**
- 8. THIS SITE PLAN IS APPROVED CONDITIONAL UPON THE APPROVAL OF A LOT LINE ADJUSTMENT BETWEEN LOT 48-1 OWNED BY MERRILL/DENNISON, LLC AND LOT 48-3 OWNED BY PEMBROKE COMMERCIAL GROUP, INC., APPLICATION NUMBER 08-10.**

PASSED ON A 7-0 VOTE.

MOTION: Selectmen's Rep. Lewis moved to adjourn the meeting after Case #08-10 has been heard and postpone the remainder of the agenda items to another meeting. Seconded by Member Zydel. Unanimously approved.

- 8. Minor Subdivision Lot Line Adjustment Application. Merrill/Dennison-Pembroke Commercial Group. Case #08-10.** Map 634, Lots 48-1 and 48-3 at 619 Sand Road and 16 Sheep Davis Road, respectively, in the Commercial/Light Industrial (C1) District, the Aquifer Conservation (AC) Overlay District, and the Architectural Design (AD) Overlay District. The applicant, CLD Consulting Engineers, on behalf of owners Merrill/Dennison, LLC, and Pembroke Commercial Group, proposes to remove 2.01 acres from Lot 48-1 (Merrill/Dennison) and add 2.01 acres to Lot 48-3 (Pembroke Commercial Group). *Board to consider for completeness. Application was advertised as a public hearing.*

Mr. Rhodes said that it is proposed that the 2 acre parcel be appended to the current Pembroke Commercial Group property. The \$30,000 maintenance bond was reinstated and the Applicant has accepted the condition as built. He further stated that

1. The owners' signatures will be placed on the plan.
2. The plan represents the existing condition and are not aware of any previous activity.
3. With regard to the water line and leachfield, he asked that a letter from the Sewer Department be adequate.
4. Will discuss posting a financial guarantee that improvements on the minor site plan will be completed.
5. Existing light poles are shown on the plan and the manhole label is actually the pump station.
6. Will correct the data table.
7. Special Use Permit.
8. Owner's signature will be placed on plan.
9. I. Topography: Not appropriate for this application. Requests a waiver.
 J. Notes 5b and 5c: If location specific, they will add to Plan.
 U. NH Natural Heritage Inventory: Requests a waiver.

There was discussion regarding past environmental issues on the property. Ms. Alexander suggested that the plan list past activities on the two properties and their outcomes for the past 10 years.

MOTION: Selectmen's Rep. Lewis moved to waive topography on the entire area of both lots, with spot elevations. Seconded Member Zydel.

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

MOTION TO WAIVE TOPOGRAPHY ON THE ENTIRE AREA OF BOTH LOTS, WITH SPOT ELEVATIONS PASSED ON A 7-0 VOTE.

MOTION: Selectmen's Rep. Lewis moved to waive soil types with a legend on the plan and New Hampshire Natural Heritage Inventory letter. Seconded Member Zydel.

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

MOTION TO WAIVE SOIL TYPES WITH A LEGEND ON THE PLAN AND NEW HAMPSHIRE NATURAL HERITAGE INVENTORY LETTER PASSED ON A 7-0 VOTE.

MOTION: Selectmen's Rep. Lewis moved to accept the application as complete. Seconded by Member Terrien.

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

MOTION TO ACCEPT THE APPLICATION AS COMPLETE PASSED ON A 7-0 VOTE.

MOTION: Chairman Bourque moved to approve the Special Use Permit by the Health Officer. Seconded by Vice Chairman Topliff.

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

MOTION TO APPROVE THE SPECIAL USE PERMIT BY THE HEALTH OFFICER PASSED ON A 7-0 VOTE.

Chairman Bourque opened the public hearing at 10:19 p.m.

There being no questions or comments, Chairman Bourque closed the public hearing at 10:19 p.m.

MOTION: Member Zydel moved to approve the application with the following conditions:

1. Add a Note to the plan stating any Planning Board activity, and the resulting outcome, on either of these two properties in the last ten years.
2. Display the water lines and submit a letter of approval from the Sewer Commission for 500 gpd for connection to the Pembroke Crossing pump station.
3. Provide a financial guarantee, in an amount of \$35,000 as determined by Town Engineer, from Merrill/Dennison to the Town of Pembroke to ensure that the removal of buildings and debris is complete on Lot 48-1 by March 2012.
4. Add the open space percentage and buildable area to the lot data table.
5. Verify the location of the Aquifer Conservation District boundary and update the plan as necessary.
6. Display easement locations indicated by plan Notes 5b and 5c.

Seconded by Chairman Bourque.

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

MOTION TO APPROVE THE APPLICATION WITH THE FOLLOWING CONDITIONS:

- 1. ADD A NOTE TO THE PLAN STATING ANY PLANNING BOARD ACTIVITY, AND THE RESULTING OUTCOME, ON EITHER OF THESE TWO PROPERTIES IN THE LAST TEN YEARS.**
- 2. DISPLAY THE WATER LINES AND SUBMIT A LETTER OF APPROVAL FROM THE SEWER COMMISSION FOR 500 GPD FOR CONNECTION TO THE PEMBROKE CROSSING PUMP STATION.**
- 3. PROVIDE A FINANCIAL GUARANTEE, IN AN AMOUNT OF \$35,000 AS DETERMINED BY TOWN ENGINEER, FROM MERRILL/DENNISON TO THE TOWN OF PEMBROKE TO ENSURE THAT THE REMOVAL OF BUILDINGS AND DEBRIS IS COMPLETE ON LOT 48-1 BY MARCH 2012.**

4. **ADD THE OPEN SPACE PERCENTAGE AND BUILDABLE AREA TO THE LOT DATA TABLE.**
5. **VERIFY THE LOCATION OF THE AQUIFER CONSERVATION DISTRICT BOUNDARY AND UPDATE THE PLAN AS NECESSARY.**
6. **DISPLAY EASEMENT LOCATIONS INDICATED BY PLAN NOTES 5B AND 5C.**

PASSED ON A 7-0 VOTE.

9. Approval of 2008 Growth Management Report

MOTION: Member Terrien moved to approve 2008 Growth Management Ordinance and send it to the Board of Selectmen. Seconded by Member Zydel.

VOTE: Robert B. – Y Cindy L. – Y Mark Z. – Y Kevin K. - Y
 Alan T. – N Kathy C. – N Todd T. - Y

MOTION TO APPROVE 2008 GROWTH MANAGEMENT ORDINANCE AND SEND IT TO THE BOARD OF SELECTMEN PASSED ON A 5-2 VOTE.

Chairman Bourque noted that, with regard to the Field lot line adjustment and the plan’s hatched area, Town Counsel recommended that the Board hold a public hearing and remove it as a condition of approval. Ms. Alexander said the public hearing would be paid for by the Town and not by the Applicant. It will appear on the February 10, 2009 work session agenda.

Adjournment

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

The vote was unanimous in favor of the Motion.

The meeting adjourned at 10:30 p.m.

Respectfully submitted,
 Jocelyn D. Carlucci, Recording Secretary