

**Pembroke Planning Board
Minutes of Meeting
(Adopted)
Tuesday, March 24, 2009**

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

ALTERNATE PRESENT: Brian Seaworth

EXCUSED: None

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.

New Business

1. Voluntary Lot Merger. Briggs Property. Case #09-04. Map 266, Lots 85-34A and 85-34B at 133A and 133B Tina Drive, respectively. The owner applicant, Neda K. Briggs, has terminated the condominium rights to this property to convert the building back to a duplex under the voluntary lot merger provisions. *No public hearing is required, and as a result, no abutters were required to be noticed.*

Present: Neda K. Briggs.

Mrs. Briggs said that she presently owns both sides of the condos. The building is a duplex. This is a voluntary lot merger.

Ms. Alexander said that there are two qualifications necessary for the Board to approve the voluntary lot merger: (1) the owner must be the same for both parcels; and (2) there would be no violations of ordinances or regulations. She said that approval will not create any problems.

MOTION: Chairman Bourque moved to approve the voluntary lot merger. Seconded by Member Terrien.

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

MOTION TO APPROVE THE VOLUNTARY LOT MERGER PASSED ON A 7-0 VOTE.

Conceptual Consultation

2. Major Subdivision Open Space Residential Development. Theroux Properties. Case #09-01. Map 563, Lot 115-6 at 326-328 Beacon Hill Road in the Rural/Agricultural-Residential (R-3) District with a small corner in the Commercial/Light Industrial (C-1) District. Farwell Engineering Services, LLC, on behalf of Theroux Properties, LLC, is proposing a 14-lot subdivision on 34.82 acres, including one open space lot of 17.59 acres.

Present: Rene Theroux of Theroux Properties, LLC.

Mr. Theroux asked the Board to table this case until his engineer, Mr. Farwell, arrived.

The Board agreed to table the case.

2.a JBI Helicopter Representatives Discussion of Changes to Project (added 3/24 2:00 P.M. – from Audience Items)

Present: Tim Golde of Golde Planning and Design representing Bruss Construction and JBI Helicopter Services, Jim Bruss of Bruss Construction, Inc. and JBI Helicopter Services, and Curt West of JBI Helicopter Services.

Mr. Golde stated that JBI Helicopter (JBI) is presently under construction and would like to make three changes:

1. Drainage: As proposed, they are adding a new hangar on the North side of the building and redoing the concrete tarmac along the North and West sides of the building. The original design had 5 catch basins. In each of the squares of the concrete tarmac, the area was sloped to the catch basins in the middle of each area. Mr. Golde has learned that some aircrafts have very low landing gear and the concern is that, should a helicopter land on the portion of the concrete with its proposed slope, the tail of the aircraft may touch the pavement. The applicant would like to alter the areas of concern. JBI would like to run trench drainage grates along the edge with a cape cod berm so everything can be sloped in the direction originally proposed. The drainage concept will not change but merely change how the water is collected. The water will continue to travel to the storm receptor but the location of the storm receptor will move down the site. Mr. Bruss said that the change would decrease the amount of impervious surface.
2. Hangar Door: The hangar door on the North side of the building opens outward. The applicant would like to increase the North portion of the tarmac 16 ft. in order to accommodate the larger door opening and slightly decrease the West portion of the tarmac. The change will create 1200 sq. ft. less of tarmac and impervious surface.
3. Repaving of Front Parking Lot. The applicant would like to repave the front parking lot and, in so doing, they would like to pull out the curbing in the landscaped areas 3 ft. in order to line up the curbing with the parking stalls.

Ms. Alexander passed out a list of items to be discussed with the Applicant. Mr. Bruss stated:

1. They have moved the storm receptor back as the Town's Engineer originally requested.
2. The fuel tank vent was moved 60 ft. onto the property of Raymond Newcomb. As required, an easement was provided and will be recorded with the new plan.
3. They would like to add indicator lights similar to the lights on the exterior of the building which would be activated only at the time of landing. Mr. West said that JBI has always had night traffic although infrequently, and is not anticipating an increase in night operations.

4. Since the conduit under the parking lot was existing, JBI decided to use it.
5. With regard to additional drainage being added to catch basin 189, they will discuss this with the Code Enforcement Officer. Mr. Golde stated that the pipes from the leaders were shown on plan.
6. Agrees that the electrical plans and the location of the distribution equipment needs to be resolved. The standby generator is shown on the plan.

Mr. Bruss will contact the Code Enforcement Officer to clarify the issues pertaining to:

1. The 2-inch conduit that exits the building
2. The two additional 2-inch temporary conduits to power the temporary office
3. The location of the temporary trailer

With regard to the water line connection, Mr. Bruss stated that they are still discussing it with Town and the Water Department. The applicant has proposed taking a shortcut with the line in order to minimize the cost. Mr. Golde said that the policy is that the line must be in the Town's right of way. He hopes that the issue will be resolved soon.

With regard to the easement, Chairman Bourque asked who would maintain the vent. Ms. Alexander read from the easement that the Grantee has the right to enter the premises for the purposes of maintaining the conduit and light pole. Mr. Golde acknowledged that JBI would be responsible for the maintenance of the vent.

Mr. Bruss said that they will plow beyond the tarmac for snow storage and the product used for heating the tarmac will prevent freezing. The product is used at a number of airports and works quite well. Mr. Golde said that the 12-inch cape cod burm will not pose a plowing problem and the curb is integrated in the slab.

With regard to the collection point where the water drains to the retention pond, Chairman Bourque asked if there was an oil-water separator? Mr. Golde responded yes. Chairman Bourque asked if there was an alarm to indicate that there is oil in the water. Mr. Golde said that they do not have an electronic alarm. There is an oil/water separator in the unit, and a hood in each catch basin. If there is a spill, JBI has the ability to shut down the entire system. There will be a holding capacity in the storm receptor and a holding capacity in each basin. Mr. Bruss said that the storm receptor removes the oil from the water before it discharges it. It stores over 86 gallons. Chairman Bourque asked how the applicant will be notified that there is oil in the water without an alarm? Mr. Golde said that there is a visual indicator when the storage capacity is getting close but there is no alarm. He said that that was why the applicant spoke in length to the Planning Board about JBI's maintenance schedule and the note on the plan. Mr. Golde said that the applicant has an intense checklist.

Selectmen's Rep. Lewis said that there are regulations and certified personnel dispatched if there is a spill. Mr. West said that all spills are attended to. Mr. West assured the Board that JBI is as concerned as they are about the possibility of losing fuel.

Chairman Bourque said that not having an alarm or an alternative backup system in place to safeguard the possible contamination of the aquifer is unacceptable.

Mr. Golde said that there is an indicator on the storm receptor system that will be visible to every employee of JBI if there are any contaminants.

Vice Chairman Topliff recalled that JBI worked with the Water Department to ensure that the Water Department was comfortable with JBI's containment system and that Chris Culberson, the Water Superintendent, was satisfied with the plan as approved. Mr. Bruss said that the system has also been approved by New Hampshire Department of Environmental Services. He said that JBI is willing to bring the manuals to the Board for discussion if necessary.

The consensus of the Board was to accept the changes on the as-built plans.

Chairman Bourque directed JBI to contact the Code Enforcement Officer to answer any concerns that he may have. He also advised them to contact Ms. Alexander for guidance on any other changes to the approved site plan.

2. Major Subdivision Open Space Residential Development. Theroux Properties. Case #09-01. (Continued)

Present: Tobin Farwell, P.E. of Farwell Engineering Services, LLC representing Theroux Properties, LLC

Mr. Farwell said that the applicant is proposing a cluster subdivision along Beacon Hill Road in the R-3 District. They are aware that the site contains wetland and steep slopes. Their conceptual plan has determined that they could create 13 lots. The biggest concern is road length. The regulations indicate that a 600 ft. cul-de-sac is acceptable. They propose a sprinkler systems in each home and a road length of 1300 ft.

Ms. Alexander said that the new Town regulations have not yet been posted on the Town's website. She said that the minimum lot size in the R-3 District has changed to 40,000 sq. ft. and the minimum lot frontage to 150 feet. She invited Mr. Farwell to visit the Planning Department to obtain a copy of the new regulations.

Vice Chairman Topliff said that the Board is in the process of changing the ordinance for cluster subdivisions. The proposed change may be completed in May, 2009. Although it would not go into affect until Town meeting of 2010, the changes may be of benefit to the applicant.

Selectmen's Rep. Lewis stated that the applicant should be aware of the existing buffering requirements. She also said that, under the current growth ordinance, the applicant may have the entire plan approved but would be limited to building 5 lots per year.

Selectmen's Rep. Lewis said that a temporary cul-de-sac or hammerhead may be allowed. She also noted that because of the condition of Beacon Hill Road, some off-site improvements may be required of Beacon Hill Road.

Mr. Farwell said that the conceptual was based on aerial photos. They have not prepared any wetland or topography maps at this time.

Chairman Bourque said that the Board would prefer that the center of the cul-de-sac be owned by a homeowner's association or property owners for taxation purposes.

Mr. Farwell said that the public way to the open space would probably be accessed through an easement on one of the lots. Member Cruson stated that the approximate area of the proposed subdivision is very wet and would like Mr. Farwell to take that into consideration. Mr. Farwell said that wetland delineation, test pits, onsite wells, etc. will be done and the data will be analyzed.

Discussion

3. Draft Open Space Development Ordinance and Phasing Regulations

Open Space Development Ordinance.

Vice Chairman Topliff reviewed the changes discussed at the March 17, 2009 meeting with Steve Whitman, namely: (1) to clarify the density calculation in order to make it easier to understand rather than using the yield plan; (2) consider loop roads or connecting roads as incentives; (3) ownership of conservation easements and the thought that the Planning Board and the Conservation Commission should work together to evaluate areas for open space and its value to the Town; (4) the Board determined that 25 ft. rather than 15 ft. between structures and the edge of pavement of the roadway would be preferred; (5) the Town would probably not want to vary the percentage of open space for different areas of town or dependent on specific characteristics of the parcel.

Phasing.

Member Cruson added that the Board considered decreasing the number of proposed dwelling units from 20 to 10 before phasing would be required. Ms. Alexander said that Mr. Whitman cautioned that, should the Board choose to use a phasing number less than 20, the Board and Town Counsel should be comfortable with the decision.

Subdivision Regulations and Application Procedures.

Member Cruson noted that in reviewing the Proposed Revisions to Subdivision Regulations and Application Procedures, the preliminary review process looked costly and should not be extensive or expensive for the applicant. After discussion, it was the consensus of the Board that the preliminary review would not require engineered plans but rather consist of a map to show adjoining roads and the location of the property along with merely a conversation about the proposed project.

Vice Chairman Topliff said that I. A. 6. of the Preliminary Review section suggests that, should the applicant return to the Board with a plan that does not meet the recommendations that were made at the conceptual, the applicant would be in trouble. He was not comfortable with that. Chairman Bourque suggested adding “that the Board’s suggestions and recommendations are non-binding.” Selectmen’s Rep. Lewis suggested that the Board’s recommendations should be bulleted so that they are clear to the applicant.

Ms. Alexander said that currently the requirements of the conceptual review and design review are not clearly specified. A design review is a set of plans that is above a conceptual consultation but below a full application. As soon as the design application is submitted, the project is grandfathered for a full year in case there are any zoning changes.

There will be two reviews: (1) the preliminary and (2) design, which is typically required for large projects. Vice Chairman Topliff suggested that the Board should be made aware during a conceptual review that the Board would need to decide if a design review would be necessary.

I. A. 4. states that “Public input will be accepted”, suggests that the abutters will be notified and a public hearing will be held. The Board suggested that during the preliminary review, the applicant be advised that a meeting with the abutters may be a good idea and, following that meeting, provide the Board with the notification to abutters list.

Chairman Bourque asked Ms. Alexander to advise Mr. Whitman that the Board would like to see a list of the level of detail expected at the preliminary review such as: (1) location of the project; (2) reference points.

II. Design Standards: Open Space Developments, 2. a. “A septic leach field may be located outside of the lot line boundaries provided the requirements of the . . .”, Member Cruson assumed that this language was pertinent to condos or building units sharing a leach field. She felt that it needed to be clarified that it does not pertain to houses. She also noted that the language in Section II. B. 1. b. which states: “Boundaries shall be clearly marked and identified . . .” should be clarified – possibly by dividing the statement into two sentences.

II. B. 9. states that “All documents, including . . . shall be reviewed and approved by town counsel . . .” Member Cruson suggested that it should read “may, at the Board’s discretion, be reviewed and approved by town counsel . . .”

II. A. 1. Minimum Impact to Natural and Cultural Features: Vice Chairman Topliff noted that paragraphs a through f have potential for conflict. He commented that there should be a blanket statement that states that individual lot lines and building envelopes ought to be balanced between disturbing things, minimizing total road length, minimizing lot sizes, maximizing open space, etc. The overall message should be that it is the Board’s intention that there be flexibility and the Board will guide the applicant to find the best solution that balances intents and requirements.

Vice Chairman Topliff and Member Krebs will create a list of suggestions to help guide Mr. Whitman in his revision of the open space and subdivision regulations. The Board would like to have each revision of the documents dated in order to help the Board decipher between versions.

With regard to the Open Space Development Ordinance, the consensus of the Board was that they were not prepared to create incentives until they understood the regulations.

Open Space Development Ordinance, pg. 3, Table 1 – the Board agreed the Minimum Separation Distance Between Building Envelopes for New Lots should be 50 ft.

After a short discussion it was concluded that the language on Page 5, F. 1. “Agriculture involving animal husbandry and/or boarding” should remain.

Definitions, page 8, Nonbuildable area should be changed to read “. . . slopes greater than 15 percent; . . .” At Vice Chairman Topliff’s request, Selectmen’s Rep. Lewis clarified that the calculation for non-buildable area has always been as follows: The 15% or greater slopes are removed and, therefore, are not counted toward the minimum lot size. She suggested that the Board must clarify how they designate the 15% or greater steep slopes vs. wetland and easements.

It was noted that Greenland’s phasing language allows the Planning Board to negotiate a longer phasing plan if there are over 50 homes. Vice Chairman Topliff suggested that the Board should always require phasing and offer guidance to the developer. Member Cruson pointed out that Greenland stipulates that the Board can raise or lower the phasing number.

Vice Chairman Topliff suggested establishing a list of specific steps the Board would be required to meet in order to justify phasing in order to establish consistency in the Board’s decisions.

Vice Chairman Topliff and Member Krebs will create a list of suggestions for Mr. Whitman. The list will be forwarded to Ms. Alexander who, in turn, will send it to Mr. Whitman and confirm the next meeting date.

Minutes

4. Review and Approve Meeting Minutes of February 24, 2009

MOTION: Chairman Bourque moved to approve the meeting minutes of February 24, 2009 as amended. Seconded by Member Cruson.

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

MOTION TO APPROVE THE MEETING MINUTES OF FEBRUARY 24, 2009 AS AMENDED PASSED ON A 5-0 VOTE WITH 2 ABSTENTIONS.

5. Review and Approve Meeting Minutes of March 3, 2009

MOTION: Member Terrien moved to approve the meeting minutes of March 3, 2009 as amended. Seconded by Chairman Bourque.

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

MOTION TO APPROVE THE MEETING MINUTES OF March 3, 2009 AS AMENDED PASSED ON A 6-0 VOTE WITH 1 ABSTENTION.

Volunteer Applications

Ms. Alexander received two volunteer applications. The applicants are Mark Simard and Jeff White. Mr. White was present and discussed his background and desire to be an Alternate Member of the Board. Mr. Simard was not present. Ms. Alexander will ask Mr. Simard to attend the April 28, 2009 Planning Board meeting.

MOTION: Chairman Bourque moved to recommend Jeff White to the Board of Selectmen as an Alternate Member of the Planning Board. Seconded by Member Terrien. Unanimously approved.

MOTION TO RECOMMEND JEFF WHITE TO THE BOARD OF SELECTMEN AS AN ALTERNATIVE MEMBER OF THE PLANNING BOARD UNANIMOUSLY PASSED.

Miscellaneous

- 6. Correspondence** – CNHRPC Traffic Counting 10 Roads due 4/10, New Boston Wireless Facility Notification 3/26, Weare Wireless Facility Notification 3/24, Bow ZBA PSNH Variance 3/17, Goffstown Wireless Facility Notification 3/12, PSNH Draft Shoreline Management Plan Request for Comments 4/17, Spring Planning and Zoning Conference Registration 5/2, Misc. Publications

Selectmen’s Rep. Lewis said that Selectman Fred Kline is resigning from the Executive Committee of the Central NH Regional Planning Commission. She asked if Member Cruson would be interested in taking his place. Member Cruson declined.

Ms. Alexander noted the following correspondence:

1. The Board is requesting an as-built for Pleasant View Garden and a timeline for completion.
2. Central NH Regional Planning Commission is conducting their annual traffic count program. The list of roads that the Board would like to have a traffic count is due April 10, 2009. Member Cruson suggested Upper Broadway be placed on the list. Ms. Alexander will send the request to the Roads Committee along with the list of past roads that were evaluated and ask for their comments or suggestions. She will also place the list of past roads in the next Board Member packets.

Ms. Alexander will suggest that Central NH Regional Planning Commission submit a copy of the figures associated with the previous traffic counts for comparison purposes.

3. Wireless Facility Notifications from New Boston, Weare, , and Goffstown
4. Bow/Zoning Board /PSNH variance.
5. PSNH Draft Shoreline Management Plan Request for Comments
6. Spring Planning and Zoning Conference Registration through May 2, 2009
7. Wind Energy Information and miscellaneous publications

7. Committee Reports

Conservation Commission: Member Krebs had nothing to report.

Roads Committee: Alternate Member Seaworth had nothing to report.

8. Other Business

- a. April 14 Work Session Agenda – discuss revised fees, revised applications

The Board agreed to postpone the discussion on revised fees and revised applications to the May 12, 2009 work session. The Board agreed that if Mr. Whitman is not able to attend the April 14, 2009 work session, the Board will meet to discuss the road traffic counts.

- b. Planner Items

Ms. Alexander said that LTC Properties Inc. has applied for a variance to the Zoning Board of Adjustment regarding the driveway crossings over wetland areas. The Code Enforcement Officer felt that it fell under the Special Use Permit category and confirmed it with the Zoning Board Chairman because the ZBA had no criteria to act upon. The applicant will be attending the Conservation Commission meeting and then will come to the Planning Board with a full application April 28, 2009.

MOTION: Member Terrien moved to adjourn. Seconded by Member Cruson.

The vote was unanimous in favor of the Motion.

The meeting adjourned at 9:38 p.m.

Respectfully submitted,
Jocelyn D. Carlucci, Recording Secretary