

**Pembroke Planning Board  
Minutes of Meeting  
(Adopted)  
Tuesday, April 28, 2009**

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

**ALTERNATES PRESENT:** Jeff White; Brian Seaworth

**EXCUSED:** Mark Zydel; Kevin Krebs;

**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. and appointed Alternate Member Seaworth to vote in place of Member Zydel and Alternate Member White to vote in place of Member Krebs.

**Old Business**

- 1. Major Site Plan Extension. Knoll Crest. Case #07-101.** Map 632, Lot 18-5, located on Riverwood Drive in the Commercial/Light Industrial (C1) and the Aquifer Conservation (AC) Zoning Districts. The applicant, Gladstone Brothers Construction, on behalf of Bolton Holdings, Inc., did not provide the information specified at the February 24, 2009 meeting. The current extension expires on April 28, 2009. *Report by Staff. The approval on this site plan has lapsed.*

Ms. Alexander reviewed the project history: (1) April 24, 2007 the project was conditionally approved; (2) April 22, 2008 the project received a six-month extension to October 22, 2008; (3) September 23, 2008 the project was granted a six-month extension to April 28, 2009; (4) February 24, 2009 Applicant appeared before the Planning Board with revised plans. Only a few outstanding items remained for final approval; (5) March 31, 2009 Applicant did not present final materials; (6) April 1, 2009 Ms. Alexander called the Applicant's representative at Northpoint Engineering, LLC to inquire of materials and was told that their client was informed of the deadline and had intended to submit materials. Applicant's representative indicated that he would call their client; (7) April 28, 2009 Ms. Alexander forwarded a copy of the Outstanding Issues Report to Northpoint Engineering. Northpoint Engineering representative stated that Gladstone Brothers and Northpoint Engineering would not be present at the April 28, 2009 meeting. An e-mail from Jeffrey Lewis of Northpoint Engineering indicated that it appears that the Applicant will allow the application to lapse.

Ms. Alexander stated that April 28, 2009 is the last day of the Applicant's site plan approval. The meeting was not required to be noticed as a public hearing because the Applicant had not provided anything to the Town. Ms. Alexander said that the subdivision approval is slated to lapse.

Chairman Bourque asked if there was a representative present in the audience from either Northpoint Engineering or Gladstone Brothers. No one came forward.

Ms. Alexander said that Town Counsel confirmed that no vote was necessary and that the application will merely lapse.

## **New Business**

- 2. Special Use Permit. Silver Hill Development-Dyer. Case #09-SUP-4AC.** Map 561, Lots 12, 12-1, and 77 at 830 North Pembroke Road, a landlocked parcel off of North Pembroke Road, and 620 Borough Road in the Rural/Agricultural Residential (R3) District, Aquifer Conservation (AC) Overlay District, Flood Development Overlay District (FD), Shoreland Protection Overlay District (SP), and Wetlands Protection (WP) Overlay District. The applicant, TF Bernier Inc, on behalf of owners Silver Hill Development Corporation and William J. Jr. and Andrea Dyer, requests a Special Use Permit from Article 143-68.E, Aquifer Conservation District, which is required for any activity taking place in the District. A lot line adjustment will be considered under application #09-03. *Board to consider for approval. Application advertised as a public hearing.*
  
- 3. Minor Subdivision Lot Line Adjustment. Silver Hill Development-Dyer. Case #09-03.** Map 561, Lots 12, 12-1, and 77 at 830 North Pembroke Road, a landlocked parcel off of North Pembroke Road, and 620 Borough Road respectively in the Rural/Agricultural Residential (R3) District, Aquifer Conservation (AC) Overlay District, Flood Development Overlay District (FD), Shoreland Protection Overlay District (SP), and Wetlands Protection (WP) Overlay District. The applicant, TF Bernier Inc, on behalf of owners Silver Hill Development Corporation and William J. Jr. and Andrea Dyer, proposes a three-lot lot line adjustment. *Board to consider for acceptance. Application advertised as a public hearing.*
  
- 4. Special Use Permit. Silver Hill Development. Case #09-SUP-3AC.** Map 561, Lots 12, 12-1 at 830 North Pembroke Road and a landlocked parcel off of North Pembroke Road in the Rural/Agricultural Residential (R3) District, Aquifer Conservation (AC) Overlay District, Flood Development Overlay District (FD), Shoreland Protection Overlay District (SP), and Wetlands Protection (WP) Overlay District. The applicant, TF Bernier Inc, on behalf of owners Silver Hill Development Corporation and William J. Jr. and Andrea Dyer, requests a Special Use Permit from Article 143-68.E, Aquifer Conservation District, which is required for any activity taking place in the District. A wetland crossing for a driveway will be considered under application #09-SUP-2WP. *Board to consider for approval. Application advertised as a public hearing.*
  
- 5. Special Use Permit. Silver Hill Development. Case #09-SUP-2WP.** Map 561, Lots 12, 12-1 at 830 North Pembroke Road and a landlocked parcel off of North Pembroke Road in the Rural/Agricultural Residential (R3) District, Aquifer Conservation (AC) Overlay District, Flood Development Overlay District (FD), Shoreland Protection Overlay District (SP), and Wetlands Protection (WP) Overlay District. The applicant, TF Bernier Inc, on behalf of owner Silver Hill Development Corporation, requests a Special Use Permit from Article 143-72.D, Wetland Protection District, Other Requirements, which is required for any construction activity taking place within 20' of a wetland. A new 24' wide driveway is being proposed to access existing and future uses of the properties which crosses the wetland. *Board to consider for approval. Application advertised as a public hearing.*

Present: Tim Bernier of T.F. Bernier, Inc.

Chairman Bourque requested that the Applicant present the plan along with the Special Use Permits. He also announced that anyone in the audience could come forward to see the map more clearly.

Mr. Bernier explained that there is a Special Use Permit for work in the Aquifer Conservation District which is associated with a lot line adjustment. Silver Hill Development properties proposes to create a three-lot lot line adjustment between Lots 12, 12-1 and 77. The proposal is to transfer 13.373 acres from Lot 77 to Lot 12-1 and to transfer 17.118 acres from Lot 12 to Lot 12-1. Lot 12-1 currently has no road frontage. The area transferred from Lot 12 will provide Lot 12-1 with 312' of frontage on North Pembroke Road. Lot 12 will continue to have 735' of frontage on North Pembroke Road after the adjustment. The Frontage on Lot 77 on Borough Road will be unchanged.

Mr. Bernier stated that the zoning regulations require a Special Use Permit for any activity in the Aquifer Protection District (Case #09-SUP-4AC). There will be no activity on the ground associated with the lot line adjustment.

Mr. Bernier explained that Silver Hill Development received site plan approval to expand New England Flower Farms LLC. The shared driveway between New England Flower Farms and Pembroke Sand and Gravel has created a safety issue. There are two Special Use Permits associated with a new driveway for Pembroke Sand and Gravel.

Ms. Alexander reviewed the outstanding issues:

Item 5 – Conservation Commission had no objection to the lot line adjustment.

Item 7A – Provide signatures and telephone numbers of applicants on the plan. Mr. Bernier said that the applicant names and telephone numbers are listed on the plan. Signatures will be provided.

Item 7B - Multiple waivers to be discussed.

Mr. Bernier stated that there are no easements on the plan.

Item 8 – Provide signatures on the recordable mylars.

Item 10 - Monuments are noted on the plan at the corners of Lot 12.

Mr. Alexander said that there were extensive comments from NH Natural Heritage Inventory Bureau regarding their concerns about the impact that the project may have on the natural community and plants. They did not provide specific recommendations as to what should be done.

Mr. Bernier said that he attended a site walk with the NH Fish and Game Department who indicated that their concerns evolved around the protection of the Soucook River. The application is over 1,000' from the River. It is merely a movement of a political boundary and no activity is being proposed at this time.

Chairman Bourque opened the public hearing for the Special Use Permit (Case #09-SUP-4AC) at 7:15 p.m.

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

**MOTION:** Vice Chairman Topliff moved to approve the Special Use Permit (Case #09-SUP-4AC) for activity in the Aquifer Conservation District (1) subject to the approval of Case #09-03, a lot line adjustment

between Silver Hill Development Corporation and William J. Jr. and Andrea Dyer. Seconded by Chairman Bourque.

**VOTE:**            Robert B. – Y                    Brian S. – Y                    Cindy L – Y            Todd T. - Y  
                         Alan T. – Y                        Kathy C. – Y                    Jeff W. – Y

**MOTION TO APPROVE THE SPECIAL USE PERMIT (CASE #09-SUP-4AC) FOR ACTIVITY IN THE AQUIFER CONSERVATION DISTRICT (1) SUBJECT TO THE APPROVAL OF CASE #09-03, A LOT LINE ADJUSTMENT BETWEEN SILVER HILL DEVELOPMENT CORPORATION AND WILLIAM J. JR. AND ANDREA DYER PASSED ON A 7-0 VOTE.**

Requested Waivers:

- Item 7G: Provide the entire Lots 12 and 77 on a separate recordable sheet to display the bearings and dimensions. Mr. Bernier said that the remainder of the Dyer parcel is approximately 20 acres and, since the connection point is only 17', they have requested a waiver from preparing a boundary survey of the entire area.
- Item 7I: Display topography of the parcels. Because it is only a lot line adjustment, Mr. Bernier asks for a waiver on displaying the topography.
- Item 7J: Display all required features.
- Item 7K: Display required utilities. Mr. Bernier said that there are no utilities other than in the area where the Dyer's house is located. That area was not surveyed.
- Item 7M: Discuss any need for stormwater management and place on the plan if necessary. Mr. Bernier said that there is nothing physically proposed – only the relocation of the boundary.
- Item 7N: Display the soils types and boundaries.
- Item 7R: Discuss whether there are any easements, etc. in place and place on plan. Mr. Bernier said that there are no easements.

**MOTION:** Selectman's Rep. Lewis moved to approve the waivers noted as 7G through 7R. Seconded by Chairman Bourque.

**VOTE:**            Robert B. – Y                    Brian S. – Y                    Cindy L – Y            Todd T. - Y  
                         Alan T. – Y                        Kathy C. – Y                    Jeff W. – Y

**MOTION TO APPROVE THE WAIVERS NOTED AS 7G THROUGH 7R PASSED ON A 7-0 VOTE.**

**MOTION:** Selectman's Rep. Lewis moved to accept the Plan for review. Seconded by Member Terrien.

**VOTE:**            Robert B. – Y                    Brian S. – Y                    Cindy L – Y            Todd T. - Y  
                         Alan T. – Y                        Kathy C. – Y                    Jeff W. – Y

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

Chairman Bourque opened the public hearing at 7:18 p.m.

There being no comments from the public or from the Board, Chairman Bourque closed the public hearing at 7:19 p.m.

**MOTION:** Member Terrien moved to approve the application (Case #09-03) with the following conditions: (1) Add a note on the plan stating that a Special Use Permit (#09-SUP-04AC) for activity within the Aquifer Conservation District was granted on April 28, 2009 and (2) Provide original signatures and phone numbers of applicants on the plan. Seconded by Alternate Member Seaworth.

**VOTE:**                 Robert B. – Y                 Brian S. – Y                 Cindy L – Y                 Todd T. - Y  
                              Alan T. – Y                 Kathy C. – Y                 Jeff W. – Y

**MOTION TO APPROVE THE APPLICATION WITH THE FOLLOWING CONDITIONS: (1) ADD A NOTE ON THE PLAN STATING THAT A SPECIAL USE PERMIT (#09-SUP-04AC) FOR ACTIVITY WITHIN THE AQUIFER CONSERVATION DISTRICT WAS GRANTED ON APRIL 28, 2009 and (2) PROVIDE ORIGINAL SIGNATURES AND PHONE NUMBERS OF APPLICANTS ON THE PLAN PASSED ON A 7-0 VOTE.**

Discussions on Special Use Permits (Case #09-SUP-3AC and Case #09-SUP-2WP).

Mr. Bernier stated, for the record, that one of the Special Use Permit applications erroneously notes the Dyers and Silver Hill Development. The Special Use Permit is for the property solely owned by Silver Hill Development.

New England Flower Farms LLC requested a site plan approval for expansion of their facility approximately six months ago. The shared driveway which is also used to access Pembroke Sand and Gravel and New England Flower Farms runs near the location of the greenhouses. It has become a safety concern. The applicant wishes to separate the two uses and has received a driveway permit from the Town. The Special Use Permit is for a driveway crossing a wetland. They have met with the Wetlands Bureau and the Fish and Game Department to obtain a wetlands permit. New requirements are presently in affect regarding stream crossings and they are continuing with the process.

The driveway is proposed to cross French’s Brook. The location was chosen primarily to minimize the long-term impact to the stream. The stream channel at the proposed location ranges from 5-7 ft. Recommendations by the Town Engineer is to increase the width of the road crossing by 5’ in order to meet Town road standards.

Mr. Bernier said that the applicant will return to the Board in the future to discuss the possibility of the road becoming a Town road along with subdivision and commercial development in the location.

The applicant is asking for a driveway Special Use Permit to cross French’s Brook at the proposed location. The Conservation Commission is in favor of the proposal. The driveway will be a total of 32’ wide consisting of a 24’ wide travel lane and 4’ shoulders on each side of the road.

Ms. Alexander noted two Special Use Permits being requested: (1) for any activity in the Aquifer Conservation District; and (2) for any activity within 20' of a wetland.

Mr. Bernier said that the road shoulders are shown on the plan as gravel and by town standards, the shoulders are required to be paved. The paved travel width will remain 24'.

Chairman Bourque asked that a notation be inserted in the application that states that the driveway is 24' wide with paved shoulders.

Mr. Bernier said that the driveway cut on North Pembroke Road has been clarified and Everett Hodge, the Code Enforcement Officer, said that the Roads Committee issued the driveway permit.

Mr. Bernier clarified that the North Pembroke Road driveway cut is approximately 1200' north of the existing driveway. The driveway to Concord Sand and Gravel is approximately 300' before the proposed driveway.

Selectmen's Rep. Lewis asked if all of KV Partners' comments were addressed. Originally, a driveway was proposed in hopes of it becoming a Town road to an industrial park. The applicant is aware of the Town Engineers' comments which center around the drainage study and paving the shoulders. The applicant is requesting a Special Use Permit for a wetland crossing. Mr. Bernier said that, as it presently stands, it is a driveway. The issues as to whether it is a town road, is not relevant at this time. In the future, the applicant will discuss a public road. The driveway is a life safety issue.

Chairman Bourque opened the public hearing for the Special Use Permit (09-SUP-3AC) at 7:27 p.m.

Mark Hopkins – 624 Borough Road. He was concerned about the increased truck traffic and the line of sight.

Mr. Bernier said that the truck traffic will not increase – the driveway is merely to create a second access in order to reroute the trucks away from the greenhouse workers and clientele. The line of site at the new driveway is considerably better than the existing driveway.

James Boisvert, Public Works Director, stated that the Police Department has signed off on the driveway and said that the proposed driveway is better than the existing driveway.

Mark Johanson – 373 Eley Lane. He inquired as to the length of the driveway. Mr. Bernier answered that the driveway will end just across French's Brook in order to get into the pit. The area is already permitted for gravel operation.

There being no further comments from the public or from the Board, Chairman Bourque closed the public hearing at 7:30 p.m.

**MOTION:** Vice Chairman Topliff moved to grant the Special Use Permit (Case #09-SUP-3AC) for activity in the Aquifer Conservation District (1) subject to the approval of case #09-SUP-2WP, a Special Use Permit for a driveway crossing a wetland for Silver Hill Development Corporation. Seconded by Chairman Bourque.

**VOTE:**            Robert B. – Y                      Brian S. – Y                      Cindy L – Y            Todd T. - Y  
                         Alan T. – Y                              Kathy C. – Y                      Jeff W. – Y

**MOTION TO GRANT THE SPECIAL USE PERMIT FOR ACTIVITY IN THE AQUIFER CONSERVATION DISTRICT (1) SUBJECT TO THE APPROVAL OF CASE #09-SUP-2WP, A SPECIAL USE PERMIT FOR A DRIVEWAY CROSSING A WETLAND FOR SILVER HILL DEVELOPMENT CORPORATION PASSED ON A 7-0 VOTE.**

Chairman Bourque opened the public hearing for the Special Use Permit (Case #09-SUP-2WP) at 7:31 p.m. There being no comments from the public or from the Board, Chairman Bourque closed the public hearing at 7:31 p.m.

Ms. Alexander reviewed the outstanding items:

- Item 2 – Received a letter from Mr. Bernier describing the project. At this time the applicant is requesting a driveway.
- Item 3 – Town has received the NH DES Standard Dredge and Fill application. A note should be added to the Plan with the permit number.
- Item 4 – Copy of the common driveway easement. Both properties are owned by one entity and the driveway follows along the property line. Because the driveway will be located on two parcels and one of the parcels could be sold at any time, a common driveway easement may be required. Mr. Bernier said that, according to the Zoning Regulations, shared driveways are permitted with a Special Use Permit. Shared driveways are not defined in the Zoning Regulations. At this time, no one is sharing the driveway. It serves two lots (12 and 12-1), which are both owned by and being used by Pembroke Sand and Gravel. If one of the lots should ever be sold, then it would become a shared driveway a Special Use Permit would be required at that time. Both lots have road frontage.

Vice Chairman Topliff noted that Chairman Bourque stepped down from the Board at 7:37 p.m.

The Board agreed that one of the conditions of approval would be to add a note on the Plan that states that, if one of the parcels should be sold, the applicant would be required to secure a common driveway easement and special use permit. The Applicant also agreed.

- Item 7 – The Board agreed that no slope easements were required for the driveways.
- Item 8 – With regard to the culvert stabilization and common driveway easement, Mr. Bernier explained that the driveway was designed to go through an existing excavation-permitted property. The plans show the grades as of today and the grades when it is not excavated as a gravel pit. When the road is completed, there will be no slopes, therefore, the Applicant did not feel that a slope easement was necessary. Mr. Hodges and Mr. Boisvert said that they have no concerns. Alternate Member Seaworth said that the Roads Committee expressed no interest in the driveway except where the cut meets the road. Ms. Alexander said that the Town Engineer’s letter was

- Item 10 – Mr. Bernier sufficiently addressed.
- Item 13 – Mr. Bernier agreed to add a note to the plan citing the standards used for the culvert. Mr. Bernier said that the box culvert has a 9’ span. It is 6’ x 9’ x 5’ high. It is sized for a 100 year storm event. Traditionally culverts are sized for 10 year storm events and checked for 25 year storm events. In a 100 year storm event, the culvert is not full. It is designed to span the entire resource of the brook and keep it in its natural channel.
- Item 14 – Mr. Bernier will add a note on the plan stating that Best Management Practices for sediment and erosion control will be utilized on the site.
- Item 15 – Ms. Alexander stated that a Special Use Permit for a common driveway is not applicable at this time.

Mr. Bernier said that there have been no discussions regarding tree clearing and ditching along N. Pembroke Road. The road presently pitches 2% into the property from the edge of the pavement. There will be no changes. There is a ditch that naturally develops approximately 50’ into the pavement and runs down to a proposed culvert. Everything pitches away from N. Pembroke Road and, as far as this driveway is concerned, there is nothing coming back into N. Pembroke Road. It does not interrupt any existing channel.

Mr. Bernier said that some trees will be removed for site distance safety.

**MOTION:** Chairman Bourque moved to approve the Special Use Permit (Case #09-SUP-2WP) with the following conditions: (1) Add a note to the plan that a Special Use Permit (#09-SUP-03AC) for activity within the Aquifer Conservation District was granted on April 28, 2009; (2) Add a note to the plan stating the NH DES Dredge and Fill Permit number and approval date; (3) Submit a copy of the approved NH DES Dredge and Fill Permit; (4) Add a note to the plan citing the standards used for the culvert; (5) Add a note to the plan stating that Best Management Practices for sediment and erosion control will be utilized on the site; (6) Address Town Engineer’s comments subject to review and approval of Town Engineer; (7) Add a standard Planning Board approval signature box to the plan; and (8) Add a note to the plan that a Special Use Permit for a common driveway and a common driveway easement will be required if one of the lots is conveyed. Seconded by Alternate Member Seaworth.

<b>VOTE:</b>	Brian S. – Y	Cindy L – Y	Todd T. - Y
	Alan T. – Y	Kathy C. – Y	Jeff W. – Y

**MOTION TO APPROVE THE SPECIAL USE PERMIT (CASE #09-SUP-2WP) WITH THE FOLLOWING CONDITIONS: (1) ADD A NOTE TO THE PLAN THAT A SPECIAL USE PERMIT (#09-SUP-03AC) FOR ACTIVITY WITHIN THE AQUIFER CONSERVATION DISTRICT WAS GRANTED ON APRIL 28, 2009; (2) ADD A NOTE TO THE PLAN STATING THE NH DES DREDGE AND FILL PERMIT NUMBER AND APPROVAL DATE; (3) SUBMIT A COPY OF THE APPROVED NH DES DREDGE AND FILL PERMIT; (4) ADD A NOTE TO THE PLAN CITING THE STANDARDS USED FOR THE CULVERT; (5) ADD A NOTE TO THE PLAN STATING THAT BEST MANAGEMENT PRACTICES FOR SEDIMENT AND EROSION CONTROL WILL BE UTILIZED ON THE SITE; (6) ADDRESS TOWN**

**ENGINEER'S COMMENTS SUBJECT TO REVIEW AND APPROVAL OF TOWN ENGINEER; (7) ADD A STANDARD PLANNING BOARD APPROVAL SIGNATURE BOX TO THE PLAN; AND (8) ADD A NOTE TO THE PLAN THAT A SPECIAL USE PERMIT FOR A COMMON DRIVEWAY AND A COMMON DRIVEWAY EASEMENT WILL BE REQUIRED IF ONE OF THE LOTS IS CONVEYED PASSED ON A 6-0 VOTE.**

Let the record show that Chairman Bourque has returned to the Board (7:45 p.m.) and will resume as Chair.

- 6. Special Use Permit. Thayer Corporation. Case #09-SUP-3AC.** Map 632, Lot 18-4 at 718 Riverwood Drive in the Commercial/Light Industrial (C1) District and Aquifer Conservation (AC) District Overlay. The applicant, Thayer Corporation, on behalf of owner Nanco LLC, requests a Special Use Permit from Article 143-68.E, Aquifer Conservation District, which is required for any activity taking place in the District. A minor site plan change of use will be considered under application #09-102. *Board to consider for approval. Application advertised as a public hearing.*
- 7. Minor Site Plan Change of Use. Thayer Corporation. Case #09-102.** Map 632, Lot 18-4 at 718 Riverwood Drive in the Commercial/Light Industrial (C1) District and the Aquifer Conservation (AC) District Overlay. The applicant, Thayer Corporation, on behalf of owner Nanco LLC, proposes a change of use from a 2,600 sf warehouse area to an office area, and from a 600 sf warehouse area to a light manufacturing area. *Board to consider for acceptance. Application advertised as a public hearing.*

Present: Jeffrey Kevan of TF Moran, Inc., Kenneth Champaign and Elston Libby both of Thayer Corporation.

Mr. Kevan said that the project involves an existing building located on Riverwood Drive. The plan shows a future phase which has not been constructed at the rear of the building. The pavement is in, as shown. Applicant presents for a change of use plan. They are proposing a mezzanine over a portion of the front building. The front building, lower floor, is occupied by a furniture store. The portion designated as a warehouse will be changed to office space for the HVAC business. The HVAC business stores materials that are scheduled for installation and/or repairs. They have overhead doors for vehicles to be driven in. They are also proposing taking 600 sq. ft. of warehouse space (presently listed as light industrial on the plan) to be used for fabricating ductwork and small specialty fittings.

The site is on Town sewer and water. 32 parking spaces are required. They presently have 29 parking spaces outside in the paved area and 4 to 5 vehicles can be parked inside for a total of 33 spaces.

Mr. Kevan said that the lighting has not changed from the original design and he will note that HVAC equipment and furniture will be stored on the premises. The utility lines are existing and have not changed. Chairman Bourque said that all the utility lines must be shown on the final plan. Mr. Kevan said that he will take care of all 12 items listed on the Summary of Outstanding Review & Comment Items.

Chairman Bourque asked if any hazardous material or liquids will be stored or used on the site. Mr. Kevan said that there may be oils housed inside of the HVAC equipment but that the materials are all packaged.

Mr. Champagne said that no hazardous materials are stored on the site. There may be a pint of oil that would be stored in a pneumatic sealed compressor unit on site until the date of installation.

Mr. Kevan said he has nothing to do with the furniture business and, therefore, has no knowledge of whether they do any furniture stripping or refurbishing. Selectmen's Rep. Lewis said that the consignment furniture business was given approval a few months ago.

Chairman Bourque opened the public hearing for the Special Use Permit (Case #09-SUP-3AC) at 8:02 p.m.

There being no comments from the public or from the Board, Chairman Bourque closed the public hearing at 8:02 p.m.

**MOTION:** Selectman's Rep. Lewis moved to approve the Special Use Permit for activity in the Aquifer Conservation District (1) subject to the approval of Case #09-102, a minor site plan for Nanco LLC, Thayer Corporation. Seconded by Member Terrien.

**VOTE:**                 Robert B. – Y                 Brian S. – Y                 Cindy L – Y                 Todd T. - Y  
                              Alan T. – Y                 Kathy C. – Y                 Jeff W. – Y

**MOTION TO APPROVE THE SPECIAL USE PERMIT FOR ACTIVITY IN THE AQUIFER CONSERVATION DISTRICT (1) SUBJECT TO THE APPROVAL OF CASE #09-102, A MINOR SITE PLAN FOR NANCO LLC, THAYER CORPORATION PASSED ON A 7-0 VOTE.**

**MOTION:** Selectman's Rep. Lewis moved to accept the minor site plan change of use (Case #09-102). Seconded by Chairman Bourque.

**VOTE:**                 Robert B. – Y                 Brian S. – Y                 Cindy L – Y                 Todd T. - Y  
                              Alan T. – Y                 Kathy C. – Y                 Jeff W. – Y

**MOTION TO ACCEPT THE MINOR SITE PLAN CHANGE OF USE (CASE #09-102) PASSED ON A 7-0 VOTE.**

Chairman Bourque opened the public hearing at 8:03 p.m.

Harold Thompson, Pembroke Sewer Commissioner, stated that there was originally 120 gallons of sewer capacity allotted to the building. The applicant should contact the Sewer Department to discuss its anticipated needs.

There being no comments from the public or from the Board, Chairman Bourque closed the public hearing at 8:04 p.m.

Mr. Champagne said that they are not planning to add additional signage.

**MOTION:** Selectman's Rep. Lewis moved to approve the minor site plan change of use (Case #09-102) with the following conditions: (1) Submit a check for \$25 made out to the Merrimack County Registry of Deeds for the LCHIP fee; (2) Add a Note to the plan stating the number of employees, hours of operation, etc.

(3) Add a note to the plan stating the types of materials stored onsite; (4) Add plan notations stating which uses are existing (furniture store, mezzanine, warehouse) and which are proposed (office, warehouse, light manufacturing) for the first two units; (5) Add a Note to the plan stating what the new office, warehouse, and light manufacturing will be used for; (6) Add a note to the plan stating that a Special Use Permit (#09-SUP-05AC) for activity within the Aquifer Conservation District was granted on April 28, 2009; (7) Submit a letter addressing the Sewer Commission comments to the satisfaction of the Sewer Commission; (8) Add the snow storage area to the plan; (9) Add the water line and connection(s) to the building to the plan; (10) Add the sewer line and connection to the plan; (11) Add utility lines to the plan. Seconded by Chairman Bourque.

1. Submit a check for \$25 made out to the Merrimack County Registry of Deeds for the LCHIP fee.
2. Add a Note to the plan stating the number of employees, hours of operation, etc.
3. Add a Note to the plan stating the types of materials stored onsite.
4. Add plan notations stating which uses are existing (furniture store, mezzanine, warehouse) and which are proposed (office, warehouse, light manufacturing) for the first two units.
5. Add a Note to the plan stating what the new office, warehouse, and light manufacturing will be used for.
6. Add a Note to the plan stating that a Special Use Permit (#09-SUP-03AC) for activity within the Aquifer Conservation District was granted on April 28, 2009.
7. Submit a letter addressing the Sewer Commission comments to the satisfaction of the Sewer Commission.
8. Add the snow storage area to the plan.
9. Add the water line and connection(s) to the building to the plan.
10. Add the sewer line and connection to the plan.
11. Add utility lines to the plan.

**VOTE:**            Robert B. – Y                    Brian S. – Y                    Cindy L – Y            Todd T. - Y  
                         Alan T. – Y                            Kathy C. – Y                    Jeff W. – Y

**MOTION TO APPROVE THE MINOR SITE PLAN CHANGE OF USE (CASE #09-102) WITH THE FOLLOWING CONDITIONS: (1) SUBMIT A CHECK FOR \$25 MADE OUT TO THE MERRIMACK COUNTY REGISTRY OF DEEDS FOR THE LCHIP FEE; (2) ADD A NOTE TO THE PLAN STATING THE NUMBER OF EMPLOYEES, HOURS OF OPERATION, ETC. (3) ADD A NOTE TO THE PLAN STATING THE TYPES OF MATERIALS STORED ONSITE; (4) ADD PLAN NOTATIONS STATING WHICH USES ARE EXISTING (FURNITURE STORE, MEZZANINE,**

WAREHOUSE) AND WHICH ARE PROPOSED (OFFICE, WAREHOUSE, LIGHT MANUFACTURING) FOR THE FIRST TWO UNITS; (5) ADD A NOTE TO THE PLAN STATING WHAT THE NEW OFFICE, WAREHOUSE, AND LIGHT MANUFACTURING WILL BE USED FOR; (6) ADD A NOTE TO THE PLAN STATING THAT A SPECIAL USE PERMIT (#09-SUP-05AC) FOR ACTIVITY WITHIN THE AQUIFER CONSERVATION DISTRICT WAS GRANTED ON APRIL 28, 2009; (7) SUBMIT A LETTER ADDRESSING THE SEWER COMMISSION COMMENTS TO THE SATISFACTION OF THE SEWER COMMISSION; (8) ADD THE SNOW STORAGE AREA TO THE PLAN; (9) ADD THE WATER LINE AND CONNECTION(S) TO THE BUILDING TO THE PLAN; (10) ADD THE SEWER LINE AND CONNECTION TO THE PLAN; (11) ADD UTILITY LINES TO THE PLAN PASSED ON A 7-0 VOTE.

8. **Special Use Permit. LTC Properties. Case #09-SUP-6WP.** Map 565, Lot 193-3 at 245 Pembroke Hill Road in the Medium-Density Residential (R1) District and Wetlands Protection (WP) Overlay District. The applicant, LTC Properties Inc, requests a Special Use Permit from Article 143-72.C, D, & E, Wetland Protection District, which is required for any construction activity taking place within 20' of a wetland. A new roadway and two driveways are proposed to be constructed under application #09-02. *Board to consider for approval. Application advertised as a public hearing.*
9. **Special Use Permit. LTC Properties. Case #09-SUP-8DW.** Map 565, Lot 193-3 at 245 Pembroke Hill Road in the Medium-Density Residential (R1) District and Wetlands Protection (WP) Overlay District. The applicant, LTC Properties Inc, requests a Special Use Permit from Article 143-53, Driveways, which requires a permit for common driveways. A shared driveway is being proposed for two lots under application #09-02. *Board to consider for approval. Application advertised as a public hearing.*
10. **Major Subdivision. LTC Properties. Case #09-02.** Map 565, Lot 193-3 at 245 Pembroke Hill Road in the Medium-Density Residential (R1) District and the Wetlands Protection (WP) Overlay District. The applicant, LTC Properties Inc, proposes a five-lot residential subdivision on 14.595 acres which includes a new road and a detention pond. *Board to consider for acceptance. Application advertised as a public hearing.*

Present: Mark DeGrace and Jason Hill of Holden Engineering on behalf of LTC Properties, Inc.

Mr. DeGrace stated that the property is located at 245 Pembroke Hill Road consisting of approximately 14.595 acres located in the R1 Residential Zoning District. The frontage requirement is 135'. The Applicant proposes a 5 lot subdivision with frontage at 3 locations. They would like to build a new public roadway approximately 350' long off of Pembroke Hill Road with a cul-de-sac. The new roadway will provide frontage for 4 proposed lots. The 5<sup>th</sup> lot will be accessed from a right-of-way on Pembroke Hill Road.

Town regulations require a sidewalk on both sides of a road and, because of grading issues, the Applicant is asking for a waiver to exclude 250' of sidewalk on the west side of the proposed roadway. The sidewalk on the east side of the proposed roadway will remain along with the sidewalk around the cul-de-sac. A guardrail is shown on the plan along the roadway.

They are proposing underground electric. They will have public sewer and onsite wells. With regard to drainage, the Applicant is proposing to collect stormwater drainage from the proposed roadway with a detention basin. He noted that there is water from Deerpath Lane which flows southerly onto the property

to an existing wetland. They will not be affecting that wetland area. To the west of that area, there is a forested wetland and is considered a perched water table.

Mr. DeGrace gave the Board photos of the property that were taken the previous week. Mr. DeGrace said that the State permitted a contractor to fill in an area of the wetlands from 1998 to 2003. The Applicant has inherited the fill that was placed on the site. The Applicant would like to impact the site for the purpose of building a driveway. There will be two wetland crossings associated with the driveway. They would like to remove the old fill and restore the wetlands to its original condition.

A special use application has been submitted for a proposed shared driveway for Lots 7 and 6 which will run off the cul-de-sac. The driveway will have 2 wetland impacts.

Mr. Hill said that Lot 3 has 86,000 sq. ft. of contiguous buildable area. The contiguous buildable area for Lot 6 exceeds 60,000 sq. ft. and Lot 7 is 45,000 sq. ft. All the lots exceed the required contiguous buildable area of 28,000 sq. ft.

Mr. DeGrace said that the second Special Use Permit was for the wetland buffer impact.

The Applicant has submitted driveway applications for 4 driveways. A Dredge & Fill Application will be required. The Applicant wanted the Board's feeling toward the project before they submitted the application.

The Applicant has met with the abutters as a group to present the proposed plan and also spoke with individual abutters to discuss screening. Screening will be added for Lot 3 and on the west side of the proposed public roadway.

Mr. DeGrace said that the Applicant is considering placing a note on the plan which states that the center of the cul-de-sac will be tied in perpetuity to one of the 4 adjacent lots and would not provide buildable area for the benefit of any of the lots. The purpose for the note would be to take the responsibility for the cul-de-sac area away from the Town. The Applicant felt that it would be burdensome to the other home owners if there was a homeowners association in place.

Alternate Member Seaworth said that a discussion with the Roads Committee indicated that if the cul-de-sac was assigned ownership, then it would become a non-conforming lot which is not allowed.

Mr. Hill said that it was recommended by the Board at the Conceptual meeting that the Town not own the center island of the cul-de-sac. In his opinion, in all situations of ownership of the center island of a cul-de-sac, there would inherently be a non-conforming lot created.

Mr. DeGrace said that they would discuss other options with the Applicant.

With regard to the driveway, Mr. Hill said that there will be 2"-3" clean crushed stone with a 12" layer surrounded by filter barriers to keep it in place. It will promote sheetflow drainage. On top, there will be bank run for structural stability of the street. They have met with the Conservation Commission which

agreed that the Applicant should look at a permeable system for the surface of the driveway. There is a cross section on the plan that shows the specific details. There will be culverts with a berm on the uphill side for emergency measures. Culvert 1 is 18" and culvert 2 is 15".

Mr. Hill said that they are proposing to construct a porous pavement system with the permeable roadway as discussed in the wetland crossings. The common driveway and the driveway for the proposed Lot 3 would be paved a porous pavement finished core system with only a permeable roadway base at the wetland crossings. Standard pavement will be used on the municipal roadway.

Selectmen's Rep. Lewis noted the shrubs and trees proposed to be located in the right-of-way should be moved to the abutter's property for ease of snow removal. Mr. DeGrace will offer the landscaping to the abutters.

Mr. Hill said that the Police Chief requested a single light be placed near the cul-de-sac where it becomes tangent. Selectmen's Rep. Lewis suggested that the Applicant speak with the Board of Selectmen about additional street lights.

With regard to the Special Use Permit for the three driveways, Ms. Alexander noted that the Conservation Commission's April 17, 2009 letter expressed concern over the number of wetland crossings and made the following suggestions: (1) create a common driveway for Lots 3 and 4 (now renamed as Lots 6 and 7); (2) remove previous fill material and mitigate the previous wetland impact with appropriate plantings; (3) add to the deed restriction that the permeable pavement installed shall be maintained (vacuumed once a year if sand is used); (4) Best Management Practices to handle storm water runoff will be in place for each house; and (5) Lawn size be restricted to twice the house footprint.

Ms. Alexander said that she received an e-mail from KV Partners and provided a copy to the Applicant. The E-mail states that: (1) underdrains were added as requested but test pit data in the roadway was not provided; (2) underdrain detail needs additional information such as dimensions of stone around the pipe, the type of pipe, filter fabric and the cover over the pipe; (3) use of porous pavement is proposed for the driveways, which seems appropriate, however, the design should comply with the UNHSC Design Specifications; (4) the Typical Common Driveway Sections provide adequate width based on past practices in the Town; (5) revise detail title; (6) indicate that all organic materials below the permeable roadway base will be removed and indicate what they will be replaced with; (7) on the Permanent Pervious Dam Detail, clarify the depth of the stone layer and distance from the culvert to the slope; (8) a Dredge and Fill Permit from NHDES is required; (9) a Storm Water Pollution Prevention Plan will be required prior to start of construction; and (10) An Alteration of Terrain Permit is required when over 100,000 sq. ft. of disturbance is obtained.

Mr. Hill said the disturbance is approximately 75,000 sq. ft. An Alteration of Terrain Permit is not required.

The length of the driveway for Lot 3 is approximately 650 ft.

Vice Chairman Topliff suggested that the Board conduct a site walk in order to get a sense of what the impact will be to the crossings and the 20' buffer. He also suggested that the Board open the public hearing for input from the abutters on the special use permit.

Chairman Bourque opened the public hearing for the Wetlands Special Use Permit (Case #09-SUP-6WP) at 8:44 p.m.

Mary Morse of 247 Pembroke Hill Road expressed concern over the impact of the local dug wells with regard to possible contamination and water flow.

Therese McCarthy, 376 Third Range Road stated she will be affected by Lot 3 and its 650' driveway. She was concerned about the impact to their well system along with the impact to the septic line that runs through the proposed subdivision property. There is only partial planting on the buffer zone which would affect the privacy of her yard. The proposed 2' shrubs will not give her adequate privacy. She said that there is a natural deer run that passes through her property.

Ms. McCarthy clarified that the proposed driveway access is the right-of-way for the sewer for the McCarthy, Zydel, and Howe properties.

Mr. Hill said that the location of the driveway for Lot 3 is not on top of the sewer line. The edge of the driveway is within a few feet of the edge of the easement but the driveway is not on top of the sewer easement.

John Morse of 247 Pembroke Hill Road said that the proposed driveway will be too close to his property line. When he expressed this concern to Mr. Holden, he was told that the driveway could be moved over the sewer line increasing the distance from the property line.

Mr. Thompson of the Sewer Commission said he would have to check the regulations regarding placement of a driveway or roadway on a sewer easement. He also said that the Sewer Commission is not concerned that the wetlands could disrupt the sewer pipes.

Leslie Alcorn, 229 Pembroke Hill Road expressed concern for: (1) determining the responsible party for repairing a sewer line that is placed under a privately-owned driveway; (2) the impact on the originally proposed "permeable" driveway if future homeowners decide to seal the driveway; (3) adequate culvert cleaning if determined it is the responsibility of the homeowners.

Mr. Thompson explained that the reason sewer is available is because a project that was originally allotted sewer is no longer being undertaken, therefore, additional sewer is available.

Linda Morasse, 225 Pembroke Hill Road asked why the town would allow a cul-de-sac to be built rather than a dead end road? Chairman Bourque said that the Applicant has to provide a turnaround and usually the cul-de-sac is preferred by the designer rather than a hammerhead.

Therese McCarthy, 376 Third Range Road questioned the Town's ability to maintain the new roadway, sidewalk, clean the new culverts, and mow the grass on one side of the sidewalk.

Raymond Lavoie of 231 Pembroke Hill Road expressed concern about firetruck access on the long driveways and the wells' ability to maintain 30 minutes of flow required by code for fire sprinkler systems.

Mr. Hill said that the town will maintain the detention pond through an easement in accordance with development standards. Chairman Bourque clarified that if the detention pond is too steep, the Applicant will be required to construct a fence around it.

Jonathan Burnham, Maintenance Director for the Pembroke schools said that he has not spoken to anyone about the project. The school was noticed of the hearing but it was not directed to the correct party. He suggested that, in the future, the notices be mailed to the Superintendent's office rather than the school. His concern is the detention pond on the school side of the property. Drainage along Belanger Drive has been working well for the past three years.

Michele Zydel, 378 Third Range Road is concerned with (1) the runoff from the proposed driveway and potential flooding to her back yard; (2) establishing the responsible party for mitigating the wetlands, if they are diminished due to tree or vegetation removal; (3) potential rerouting of water flow which could impact Rowe Avenue; and (4) who is responsible for maintaining the homes that are built and not purchased in the development.

John Morse, 247 Pembroke Hill Road suggested that the Town review the information provided for the 650' driveway intended to be placed over the sewer line easement. There is 47' between the easement and his property line of which 20' is the easement. By Mr. Morse's calculations, the Applicant would need 28' to build the driveway and Mr. Morse's calculations show that there is only 27' of available land.

Mr. DeGrace stated that the Applicant has not submitted the Standard Dredge and Fill Application to NH DES but merely sent a copy to the Town.

Carol Mandigo, 229 Pembroke Hill Road said that, after measuring her property frontage and reviewing Mr. Holden's plans, there appears to be a discrepancy in the distances between the Mandigo and Morasse property lot lines. The cul-de-sac road is slated to be built between the Mandigo and Morasse properties. Presently the distance between the existing lot line markers is 42', not the required 50' for a road.

Martin Morasse, 225 Pembroke Hill Road said that there were issues regarding the 42' width between the Mandigo and Morasse property when the 1985-1987 subdivision was proposed. Since that time, the Town has redone the road and has reset the stakes exactly in accordance with Town records and, once again, there is still only 42' between the 2 properties.

Chairman Bourque explained to the audience that the process for the subdivision has just begun. The Special Use Permits, which are subject to the approval of the major subdivision, needs to be voted on by the Board. At the present time, the Board is discussing the Special Use Permits. The application will need to be accepted in for review. At that time, modifications of the plan based on discussions between the

Planning Board, the Town Engineer, and the Applicant will be made. He said that, if the meeting was continued, the abutters would not be renoticed of the next meeting date. The Board meets once a month for public hearings on the 4<sup>th</sup> Tuesday of the month.

Mr. DeGrace clarified that any fill on the site from past projects that remains outside of the proposed roadway will be removed and the wetlands will be restored.

Mary Morse of 247 Pembroke Hill Road asked what the impact would be, in terms of flooding, once the old fill material is removed. Vice Chairman Topliff explained that the Applicant's intent is to remove the fill from the wetland areas that was added a number of years ago. This would improve the amount of water storage that the wetlands would hold. The intent is to restore that area, as much as possible, to the original wetland conditions.

Jim Boisvert, Public Works Director, said that he had not received a copy of the Applicant's response to KV Partner's letter dated April 6, 2009 which listed approximately 22 concerns. Ms. Alexander will send a copy of that letter to Mr. Boisvert. Mr. DeGrace said he would reply, within the next few days, to KV Partner's two letters dated April 28, 2009 and send copies to Mr. Boisvert.

Curtis Edmonds, 375 Row Avenue said that he has had water in his cellar for 55 years.

There being no further questions from the Board or the public, Chairman Bourque closed the public hearing at 9:26 p.m.

**MOTION:** Vice Chairman Topliff moved to continue consideration of the Special Use Permit to May 26, 2009 and schedule a Planning Board site walk prior to May 26, 2009. Seconded by Member Terrien.

**VOTE:**                 Robert B. – Y                 Brian S. – Y                 Cindy L – Y                 Todd T. - Y  
                              Alan T. – Y                         Kathy C. – Y                 Jeff W. – Y

**MOTION TO CONTINUE CONSIDERATION OF THE SPECIAL USE PERMIT TO MAY 26, 2009 AND SCHEDULE A PLANNING BOARD SITE WALK PRIOR TO MAY 26, 2009 PASSED ON A 7-0 VOTE.**

The site walk is scheduled for Tuesday, May 12, 2009 at 6:30 p.m.

The Board recessed at 9:30 p.m.

Chairman Bourque called the meeting to order at 9:39 p.m.

**11. Voluntary Lot Merger. Newcomb Group LLC. Case #09-05.** Map 561, Lots 24 and 25 at 722-2 and 720 Clough Mill Road, respectively. The owner applicant, Newcomb Group, LLC, would like to merge the .459 landlocked acres of Lot 24 to the 6.5 acres of Lot 25. *No public hearing is required, and as a result, no abutters were required to be noticed.*

**12. Special Use Permit. JBI Helicopter Services. Case #SUP-7-AC. 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, requests a Special Use Permit from Article 143-68.D-2, E-2, G and H, Aquifer Conservation District, which is required for any activity taking place in the District. A major site plan amendment will be considered under application #08-112A. *Board to consider for approval. Application advertised as a public hearing.*

**13. Major Site Plan Amendment. JBI Helicopter Services. Case #08-112A.** 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 a 28'x60' addition at JBI Helicopter Services. *Board to consider for acceptance. Application advertised as a public hearing.*

Present: Jim Bruss of Bruss Construction, Tim Golde of Golde Planning & Design, and Ray Newcomb, owner of Newcomb Group, LLC and JBI Helicopter Services.

Mr. Bruss said that in January 2009, the Applicant was approved for a 60' x 90' addition to an existing building as well as renovations and additional tarmac. It became evident that an additional 28' of hangar was necessary. Mr. Bruss said that the Applicant submitted a letter of all the changes to date. He explained the following:

**04/01/09 Letter Discussion Items:**

- A: Move Fuel Tank Vent. When the fuel tank was designed, a taller than expected vent was required which made it necessary to move the vent further away from the tarmac area. Applicant has applied for an easement and the final wording is being revised per requested language by the Town's Attorney.
- B: Lighting of Bollards. Two lighted bollards at the corner of the fuel tank station were submitted along with a cut sheet.
- C: Existing Conduit Not Shown on Plan: It is shown on the Plan. The existing conduit is used to feed the temporary job office trailer.
- D: Additional Drainage Being Added to CB 189. Six Inch Drain Lines With Risers Being Added for Roof Gutters. The drains are shown on the Plan. The drainage from the front side of the roof is being introduced directly into the same catch basins as proposed.
- E: Electrical Plans Had Not Been Provided. The Location of the Standby Generator Was Not Shown on the Plan. The standby generator was shown on the civil plans but was not shown on the electrical plans. That has been corrected.
- F: Existing Two Inch Conduit Exits the Front of the Building and Runs South Along Building. This was not Shown on the Plan. Applicant was not aware of the conduit that feeds the existing rear building. It is now on the plans.
- G: Two Additional Temporary Conduits Were Installed for Temporary Service That Were Not on the Plan. The additional lines were added.
- H: Location of the Temporary Office Was Not Shown. Location has been added.
- I: Added Two New Catch Basins. Two new catch basins were added: 1 for the snow storage area and one for a small wet area.

J: Transformer Pad Location Has Changed. It has been noted.

**Additional 04/07/09 PB Meeting Discussion Items:**

1. Added Waste Line from New Bath to Septic Tank. They have an amended approval for construction with the State of NH.
2. Conduits to Tank. Number and size are noted.
3. Holding Tank. The conduit and tank alarm are in place. Water Department will be sending a letter to the Code Enforcement Officer.
4. Landing lighting. Lighting is shown and a cut sheet has been provided.
5. Snowmelt System No Longer Proposed. System was cost prohibitive. Radiant heat will only be provided for trench drains.
6. Relocated Water Line. Prior to starting construction, Applicant was not certain of the location of the water line. The location is noted on the plan.
7. Spare Electric Conduits and Water Line. Two spare conduit and a waterline are proposed to the north of the hangar. Installing them under the concrete now will ensure that they will not have to dig up the concrete at a later date.
8. Security Gate. A security gate with a keypad entry is being proposed 60' from Clough Mill Road. Per Fire/Police request a Knox box will be provided. The system has a sensor that will pick up the Fire/Police frequency or the sound of their siren and will automatically open the gate, thereby causing no delay in response time. If a Knox box is still required, Applicant will have it installed. Mr. Hodges said that the Fire Chief has requested that the system be designed to open the gate when the fire alarm is sounded in addition to a Knox box.
9. Condensers. Location of the condensers have been shown.

**Additions Since 04/14/09 Submission:**

1. Relocated Trash Dumpster. They have been relocated.
2. Moving Temporary Trailers. They have been moved onto the parking lot pavement.
3. Moving Stormceptor. It was moved 20' down the line than originally shown because of ease of installation. An alarm was added as suggested by the Planning Board Chairman.
4. Using Empty Conduit. The conduit that was used to feed the temporary office trailer will be reused to feed the power line to the stormceptor alarm once the temporary office trailer is removed.
5. Moving Gate: The gate will be placed 40' from the road rather than 60' as originally proposed. A loop detector in the asphalt will allow the gate to open automatically when a vehicle drives over it.
6. Landing Lights. The lights are not fiber optic as previously stated. They are L.E.D.
7. Drainage Manhole. Catch basin #2 is intended to be a drainage manhole not a catch basin. It will not have a grate on top. It will have a flush cover.
8. Curb Revision. The curb on the North end of the tarmac has been pulled back to the high point for simplicity of snow removal.
9. Concrete Berm. Originally proposed 2" in 1' of width - would like to change it to 2" at 2' of width.
10. Waste Fill Placement. The project has generated approximately 1500 clean sand fill. There is a low area on the adjacent Newcomb property where they would like to use it to fill the spot.

11. Increase in Retention Basin. In order to prepare for future storm events, the area has been expanded and deepened and resubmitted.

Mr. Bruss said that the largest change has been the 28' expansion of the existing hangar. The addition will be 28' x 60'. The existing was 60' x 90'. The new hangar will be 60' x 118'.

Mr. Bruss reviewed the Outstanding Review and Comment Items:

1. Typographical error of Lot "561" will be corrected on sheets C2 and C8.
2. Town application #08-112A will be placed on sheet C8.
5. Mr. Bruss read the waterline status report aloud. "The waterline status is unlikely to proceed at this time due to costs and lack of interest from neighbors in the general area. It is not required by code for fire protection due to the size of the hangar and fire separations. JBI is continuing to work to see if any possible way to construct, but it is unlikely at best at this time to be built as part of this project."

Chairman Bourque asked if there were sprinklers or fire suppression in the building. Mr. Bruss said no and submitted a copy of a letter to the Board from SFC Engineering, a New Hampshire registered fire protection engineer, which concluded that it was not necessary. The Pembroke Fire Chief commented: "I don't foresee any problems."

Ms. Alexander asked if the Fire Chief was aware of the water situation at the time of his comment and Mr. Hodge said that he approached that specific question with the Fire Chief who replied that he did not have any problem with it considering the alarm system. Mr. Hodge will be meeting this week with the alarm contractor. Mr. Hodge said he researched the topic and, because of the fire separation, it was fine.

Chairman Bourque asked what the maximum fire rate is for each section? Mr. Bruss said that the letter indicates that there must be a 2 hour fire separation between the various areas. All the structure elements are required to be rated for one hour. He explained that the office ceiling was constructed with two layers of 5/8" sheetrock in order to give a fire rated element to the truss work.

6. This pertains to a permit for a pellet boiler. It is not part of this application. When the Applicant decides to install a pellet boiler, they will apply for the necessary permits. The piping is shown on the civil plan and would be installed whether it was part of this project or not.
7. Add 2 existing leachfields on sheet C2. Mr. Bruss said that they found remnants of an existing leachfield which was removed from the site. When the new leachfield has been completed on the front side of the building, the old leachfield will be completely removed because it is in a high compaction area of the tarmac.
8. No comments have been received to date from the other departments. He will be happy to address them as they come forward.
9. The Town engineers comments have been addressed by increasing the size of the existing retention pond. The zoning summary has been revised and will be reflected on the plan.

Mr. Bruss noted that the Applicant is still at 74% of open space on the combined lot.

Mr. Golde said that the lot data is shown on sheet C2. The smaller lot at Map 561, Lot 24 was a landlocked parcel consisting of .46 acres. It was merged with Lot 25 which was 6.5 acres for a new lot area of 6.96 acres.

**MOTION:** Selectmen’s Rep. Lewis moved to approve the lot merger. Seconded by Member Terrien.

**VOTE:** Robert B. – Y                      Brian S. – Y                      Cindy L – Y                      Todd T. - Y  
                    Alan T. – Y                      Kathy C. – Y                      Jeff W. – Y

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

**MOTION:** Selectmen’s Rep. Lewis moved to approve the Special Use Permit for activity in the Aquifer Conservation District (1) subject to approval of case #08-112A, a major site plan amendment for Newcomb Group LLC, JBI Helicopter Services. Seconded by Chairman Bourque.

**VOTE:** Robert B. – Y                      Brian S. – Y                      Cindy L – Y                      Todd T. - Y  
                    Alan T. – Y                      Kathy C. – Y                      Jeff W. – Y

**MOTION TO APPROVE THE SPECIAL USE PERMIT FOR ACTIVITY IN THE AQUIFER CONSERVATION DISTRICT (1) SUBJECT TO APPROVAL OF CASE #08-112A, A MAJOR SITE PLAN AMENDMENT FOR NEWCOMB GROUP LLC, JBI HELICOPTER SERVICES PASSED ON A 7-0 VOTE.**

With regard to the major site plan, KV Partners suggested that a berm be constructed on the downstream side of the retention basin. Mr. Golde said that he responded to KV Partner’s letter with new counts where they enlarged the size of the basin.

Mr. Golde said that the detention pond has a 3 to 1 slope.

Realizing that he failed to open the public hearing prior to the vote on the Special Use Permit, Chairman Bourque instructed the Board to cast a new vote on the Special Use Permit after the public hearing.

Chairman Bourque opened the public hearing at 10:04 p.m.

There being no comments from the Board or the public, Chairman Bourque closed the public hearing at 10:05 p.m.

**NEW MOTION:** Selectmen’s Rep. Lewis moved to approve the Special Use Permit for activity in the Aquifer Conservation District (1) subject to approval of case #08-112A, a major site plan amendment for Newcomb Group LLC, JBI Helicopter Services. Seconded by Chairman Bourque.

**VOTE:** Robert B. – Y                      Brian S. – Y                      Cindy L – Y                      Todd T. - Y  
                    Alan T. – Y                      Kathy C. – Y                      Jeff W. – Y

**NEW MOTION TO APPROVE THE SPECIAL USE PERMIT FOR ACTIVITY IN THE AQUIFER CONSERVATION DISTRICT (1) SUBJECT TO APPROVAL OF CASE #08-112A, A MAJOR SITE PLAN AMENDMENT FOR NEWCOMB GROUP LLC, JBI HELICOPTER SERVICES PASSED ON A 7-0 VOTE.**

**MOTION:** Alternate Member White moved to accept for review the Major Site Plan Amendment (Case #SUP-7AC) as presented. Seconded by Member Terrien.

Mr. Bruss asked if the conditions attached to the original approval carried over to the new approval? Ms. Alexander said that if the conditions placed on the originally approved and recorded plan have not been changed, then those conditions do not have to be added again.

**VOTE:**            Robert B. – Y                      Brian S. – Y                      Cindy L – Y                      Todd T. - Y  
                         Alan T. – Y                              Kathy C. – Y                      Jeff W. – Y

**MOTION TO ACCEPT FOR REVIEW THE MAJOR SITE PLAN AMENDMENT (CASE #SUP-7AC) AS PRESENTED PASSED ON A 7-0 VOTE.**

Chairman Bourque opened the public hearing at 10:06 p.m.

Member Cruson complemented the Applicant on its concise and well-documented project.

There being no comments from the Board or the public, Chairman Bourque closed the public hearing at 10:07 p.m.

Chairman Bourque clarified that the Board is discussing a new phase that will be incorporated on one mylar.

Ms. Alexander suggested that a note be added to the plan about the Special Use Permit. She said that if the Board is satisfied with the Town Engineer’s comments having been satisfactorily addressed, then it would not have to be returned to the Town Engineer for further review.

Since the lot merger was established prior to the Major Site Plan Amendment, Ms. Alexander did not feel it was necessary to add a note to the plan.

The Board accepts KV Partner’s suggestion of constructing a small berm and agrees that the Applicant more than adequately satisfied the condition.

**MOTION:** Chairman Bourque moved to approve the Major Site Plan Amendment with two conditions: (1) that a Note be added to the plan stating that a Special Use Permit (#09-SUP-07AC) for activity within the Aquifer Conservation District was granted on April 28, 2009; and (2) that the new phase will be included on the final mylar. Seconded by Member Terrien.

**VOTE:**            Robert B. – Y                      Brian S. – Y                      Cindy L – Y                      Todd T. - Y  
                         Alan T. – Y                              Kathy C. – Y                      Jeff W. – Y

**MOTION TO APPROVE THE MAJOR SITE PLAN AMENDMENT WITH TWO CONDITIONS: (1) THAT A NOTE BE ADDED TO THE PLAN STATING THAT A SPECIAL USE PERMIT (#09-SUP-07AC) FOR ACTIVITY WITHIN THE AQUIFER CONSERVATION DISTRICT WAS GRANTED ON APRIL 28, 2009; AND (2) THAT THE NEW PHASE WILL BE INCLUDED ON THE FINAL MYLAR PASSED ON A 7-0 VOTE.**

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

The vote was unanimous in favor of the Motion.

The meeting adjourned at 10:09 p.m.

Respectfully submitted,  
Jocelyn D. Carlucci, Recording Secretary