

**Pembroke Planning Board
Minutes of Meeting
(Adopted)
Tuesday, May 26, 2009**

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

ALTERNATES PRESENT: Jeff White; Brian Seaworth; Larry Young, Sr.

EXCUSED: Todd Terrien; Mark Zydel

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

Chairman Bourque called the meeting to order at 7:00 p.m. and welcomed Larry Young, Sr. as a new alternate member. Chairman Bourque appointed Alternate Member Young to vote in place of Member Zydel and Alternate Member Seaworth to vote in place of Member Terrien.

Old Business

1. **Meathouse. Case #07-103.** *Board and applicant to discuss outdoor grilling area, POD storage unit, and grease trap.*

Present: Chris Robinson, General Manager of Distribution and Melvin Hollidge, General Manager/Concord Meathouse.

Mr. Robinson said that the State Health Department informed the Meathouse that the grilling area by the front door was insufficient.

Chairman Bourque said that the site plan shows a grilling area in the rear. Mr. Robinson was not aware that there was an approved grilling area.

Mr. Robinson explained that the vacant space near their building is presently being renovated for a new business which will cause them to lose storage area. They are asking permission to place a storage pod through the summer at the Meathouse. Mr. Robinson has spoken with Everett Hodge, the Code Enforcement Officer. Chairman Bourque asked that Mr. Robinson speak with Mr. Hodge and obtain a storage permit for no more than six months. Mr. Robinson said that the pod will be located in the dirt next to some parking spaces.

With regard to the grease trap, Mr. Robinson said that a grease trap was never installed at their facility. He explained that the Meathouse location takes care of all the production for the company. He said that he will speak with "Upper Management" to discuss installing a grease trap.

Harold Thompson of the Sewer Department recommended that an outside grease trap be installed at their building. He suggested that Mr. Robinson come to the Sewer Department as soon as possible.

Selectmen's Rep. Lewis informed the Board that the parking requirement on the site plan was based on the Meathouse being used as retail space and not as a processing facility. She asked if the Board would be receiving a revised parking plan.

Ms. Alexander said that a parking plan would not be coming from the Meathouse but Veanos will have an additional 35 spaces constructed from the original site plan. Nothing definitive has come to the Planning Department. Selectmen's Rep. Lewis said that, regardless of the parking that is established for Veanos, the processing facility takes away from the parking that was approved in the overall site plan.

Mr. Robinson said that the available parking spaces will increase because they are now running a night crew rather than having all employees at the facility during the day.

Chairman Bourque said that his understanding was that the Health Inspector had shut down the grilling area in the front of the Meahouse and recommended that a screened area in the rear be established. This will also free up the two parking spaces that the present front grilling area used.

Selectmen's Rep. Lewis said that, like the parking, the majority of the approved signage for the site was used and that is why Veanos has to get approval for additional signage.

Vice Chairman Topliff said that, in the original application, processing was not approved. If it had been in the original application, a grease trap would have been mandatory. He recommended that Management take care of the grease trap issue as soon as possible.

Mr. Robinson said that the Meathouse's long-term goal is to move to a larger facility. Vice Chairman Topliff explained that when an application is brought before the Board, one of the requirements is that the applicant state the uses of the building. Processing was not one of the stated uses and, therefore, is in violation of the approved site plan. He clarified that the Board would rather not pursue the violation and stressed that it is vital that the applicant have a grease trap installed immediately. Mr. Robinson agreed to do so.

Chairman Bourque suggested that the applicant review the approved site plan with regard to the parking area.

2. **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. *Public hearing held during previous meeting. Board to consider for approval. Application continued from previous meeting.*
3. **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 continued from previous meeting.*
4. **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 continued from previous meeting.*

Present: Peter Holden and Jason Hill of Holden Engineering & Surveying, Inc. on behalf of LTC Properties, Inc.

Mr. Holden explained that they are requesting two Special Use Permits – one for impacting the wetland buffer for the construction of driveways and the second for a common driveway.

The present plan is as a result of a meeting with the Conservation Commission. They preferred that the Applicant reclaim some of the past disturbed wetlands and construct a common driveway rather than two driveways. Mr. Holden said that they designed a common driveway that was wider and which gave each resident ownership of half of the driveway.

Mr. Holden said that, after viewing the comments from the Fire and Building Departments, they are proposing to create two driveways as originally proposed. There would be no common driveway. The wetland buffer impact for two driveways is approximately 4,300 sq. ft. and 3,950 sq. ft. for the shared driveway.

The long driveway is approximately 450' long and the other driveway is approximately 200'. They made the driveways wider than the 18' requirement by adding shoulders. The driveways will be permeable pavement to minimize the amount of runoff that would be created.

Mr. Holden stated that if the Board approved the plan with the two-driveways, the Special Use Permit for a common driveway would be eliminated.

Chairman Bourque asked why the Applicant is not proposing the road to Belanger Drive which would eliminate the cul-de-sac? Mr. Holden said that, at the recent Board of Selectmen's meeting, there was discussions of upgrading Belanger Avenue to current road standards. Mr. Holden reviewed Belanger Avenue and determined that it would require the reconstruction of the top half of the road to Third Range Road which his small subdivision could not afford to do. Mr. Holden said that if they could have reconstructed only a portion of the road, they would have been willing to do so.

Mr. Holden said that he intends to still create a driveway on the easterly side of the property. He also said that each wetland crossing would have a culvert and a road base of large stones followed by grading of smaller and smaller stones until the top is gravel. This would allow the water to go through the stones, trickle under the driveway, and continue in its normal path without creating a channel.

Member Cruson asked who would be responsible for monitoring the construction of the wetland crossings for the driveway and road to ensure that it is properly installed. Chairman Bourque said it would be the engineer or Mr. Hodge. Mr. Holden said that the plan with the shared driveway was not brought in front of the Conservation Commission.

With regard to the sewer lines, Mr. Holden said that they are proposing a sewer pump in each house with a line that would follow the driveway into a sewer manhole at Pembroke Hill Road. He said that the Sewer

Commission asked them to fix one of the sewer manholes and they agreed. Mr. Thompson said that the Sewer Department would monitor the installation of the sewer lines.

Chairman Bourque read aloud a letter dated May 22, 2009 from Mary T. and John L. Morse of 247 Pembroke Hill Road, Pembroke, NH. He gave a copy of the letter to Mr. Holden.

Mr. Holden said that there is an easement to install and maintain the sewer line in the area discussed in the letter. He said that he has proposed to locate the line to confirm that it is in the correct spot and would build a driveway next to it if possible. The Applicant would prefer to build the road in the clearing so he would not need to remove all the trees. Mr. Holden said that it is important that the sewer line be built with enough frost protection to prevent the line from freezing.

Mr. Holden clarified that the correct place to build the driveway is in the clearing. If the neighbor's sewer pipe is on the side and there is sufficient room for the driveway, the Applicant will not disturb the pipe, but if the pipe is in the middle of the driveway, they will move the pipe so it is not under the driveway.

Mr. Holden will send a copy of the Sewer Easement to the Planning Board.

Considering the abutters' concerns, Mr. Holden agreed to prepare a document that would detail how the various types of wetlands mitigation techniques such as rocks, culverts, etc. would ensure that there not be a significant change to the area that could cause a harmful affects on the abutters' properties. He will also address the future potential blockage of the culvert.

Mr. Holden clarified that the Road to the cul-de-sac is being proposed as a Town road. He also said that he is proposing one row of a Reddy Rock wall that will be approximately 2 feet tall for landscaping purposes.

Alternate Member Young stated that common driveways pose problems such as the difficulty of two families to agree on issues such as snow plowing and driveway upgrades.

Mr. Hill stated, for the record, that the drainage calculations which were submitted took into account the abutters' property line and the flow across the driveway section. The report demonstrated that the water does not come near, elevation-wise, of backing up over the property line.

The concensus of the Board is that two driveways would be preferred. Mr. Holden will: (1) prepare a report on the effects of the wetlands crossings, (2) review the sewer easement, and (3) report on the potential maintenance to the wetland crossings.

Mr. Holden spoke with the Town's engineer regarding the detention pond depth and concluded that it would be "worked out."

Selectmen's Rep. Lewis stated that the Town will not take over the maintenance of the detention pond. Mr. Holden said that he would be willing to address that in the homeowner's association documents.

Therese McCarthy, 376 Third Range Road said that she is concerned about: (1) the possibility of frozen sewer lines; (2) the inconvenience of the abutters while the sewer lines are being moved; (3) the loss of privacy at her property because the proposed plantings are only two feet tall which will not provide

adequate privacy on the side of her property; and (4) there is no landscaping proposed at the rear of her property.

Chris Culberson, Superintendent of the Pembroke Water Works said that the existing hydrant on the north side of Pembroke Hill across from the proposed road will be relocated to the south side of Pembroke Hill at the proposed road.

Ray Lavoie, 231 Pembroke Hill Road expressed his concern about the water table behind his house and the removal of the hydrant.

Mr. Culberson said that changing the hydrant location will not affect the emergency water service to anyone who currently has it. The hydrant will be moved approximately 100 ft.

Mr. Holden agreed to meet with the Mr. and Mrs. McCarthy and other concerned abutters in order to address their issues. He will prepare a final revised plan set based on this meeting.

MOTION: Chairman Bourque moved to continue the meeting to June 23, 2009. Seconded by Member Cruson. Unanimously agreed.

Conceptual Consultation

5. Pembroke Water Works. *Board and applicant to discuss change of use site plan on Pembroke Street from residential use to Town governmental use.*

Present: Chris Culberson, Superintendent and Norm Provencher of Pembroke Water Works.

Mr. Culberson said that the Pembroke Water Works has purchased 346 Pembroke Street. It consists of 1.6 acres, a house, and a barn. The intent is to utilize the house as their offices, use the former chicken processing area as the shop, and store their equipment in the barn. Architecturally, the buildings will not change. Their hours of operation are from 8-4 p.m. There will be a sign placed outside the home that will look similar to the Town Hall and Library signs. There will be 6 additional parking spaces for customer parking between the house and the barn.

Ms. Alexander said that the change of use is considered a minor site plan.

Mr. Culberson said that they intend to use the existing subdivision plan and redesign it as a site plan. Selectmen's Rep. Lewis advised them to not leave any original surveyor's information on the plan.

Ms. Alexander said that there are off-street parking requirements in the zoning ordinance. The closest table use in the ordinance is for a public utility – which is 1 space for 400 sq. ft. of gross floor area. This includes employee parking.

Selectmen's Rep. Lewis said that although municipal enterprises are not required to file a formal application, traditionally they always have. They only have to pay abutter notifications.

The Board was given a floor plan of the 346 Pembroke Street building. Mr. Culberson said that they are installing a fire alarm system but are not required to unless more than 50% of the building is being renovated. There will not be a handicapped entrance. A handicapped parking space will be created.

Selectmen's Rep. Lewis suggested that the Water Works speak to the abutters to be sure that they have no concerns. She also advised them to show the drainage easement on the plan.

Minutes

6. Review and Approve Meeting Minutes of April 28, 2009

MOTION: Vice Chairman Topliff moved to approve the Meeting Minutes of April 28, 2009 as amended. Seconded by Chairman Bourque.

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

MOTION TO APPROVE THE MEETING MINUTES OF APRIL 28, 2009 AS AMENDED PASSED ON A 5-0 VOTE WITH 2 ABSTENTIONS.

7. Review and Approve Meeting Minutes of May 5, 2009

MOTION: Chairman Bourque moved to approve the Meeting Minutes of May 5, 2009 as amended. Seconded by Vice Chairman Topliff.

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

MOTION TO APPROVE THE MEETING MINUTES OF MAY 5, 2009 AS AMENDED PASSED ON A 4-0 VOTE WITH 3 ABSTENTIONS.

8. Review and Approve Meeting Minutes of May 12, 2009

MOTION: Vice Chairman Topliff moved to approve the Meeting Minutes of May 12, 2009 as presented. Seconded by Chairman Bourque.

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

MOTION TO APPROVE THE MEETING MINUTES OF MAY 12, 2009 AS PRESENTED PASSED ON A 6-0 VOTE WITH 1 ABSTENTION.

Miscellaneous

9. Correspondence

Ms. Alexander noted:

- Letter from Public Service of New Hampshire (PSNH) to Red Rock Investment. There are wood pellet bags being stored under the power lines along with the other previously mentioned items which are also a fire hazard. PSNH will be working with the property owner to create a new Joint Use Agreement. Ms. Alexander will write a letter to the property owner emphasizing that the Joint

Use Agreement is expiring soon. Chairman Bourque informed Vice Chairman Topliff that when the subject comes before the Board, Chairman Bourque will step down.

- A Minimum Impact Expedited Application for 10 Bow Lane. The Department of Environmental Services provided a copy to the Board even though it is not necessary to come before the Board. The Applicant is stabilizing approximately 20 linear ft. of Meetinghouse Brook that eroded as a result of recent flooding and the high volume of seasonal runoff. Alternate Member White said that the Applicant approached the Conservation Commission and the Commission had no problems with the subject. Ms. Alexander said that the Conservation Commission has 30 days to provide comments on the application.
- Town of Bow Abutter Notification regarding the Merrimack Station Clean Air Project. The hearing was on May 21, 2009.
- Pembroke Crossing Construction Services Inspection Report by KV Partners lists a number of things that need to be completed for the approved plan. A copy was sent to Art Rose Construction, Merrill Construction, and Everett Hodge, Code Enforcement Officer.
- Ms. Alexander met with Richard Kruger at the Route 106 Race Park Amusement Center. They reviewed Mr. Kruger's existing 2003 site plan and it indicates that he is allowed to develop an amusement center which he is doing. Additional parking has been added in the recreation area and all arcade and amusements will be in accordance with other regulations. Mr. Kruger has been in touch with Mr. Hodge.
- Town and Country Magazine from the Local Government Center.

Ms. Alexander said that when she writes a letter to anyone, she will place a copy of the letter in the Planning Board file in order to keep the Board informed. Her most recent letter was regarding the Merrill/Dennison property site plan review and their required easement. She has registered the mylar.

Mr. Jodoin said that the National Guard prepared an environmental assessment that was presented to the Board of Selectmen a few weeks ago. Construction will potentially begin in 2011/2012. To his knowledge, they have not yet purchased the property. The property will be a training facility which will include mapping, classroom studies, and artillery training with the use of fake artillery. The artillery will not impact the aquifer. Water Works approved the use and sewer capacity has been reserved for the site.

10. Committee Reports

Conservation Commission - Alternate Member White had nothing to report.
Roads Committee: Alternate Member Seaworth had nothing to report.

11. Other Business

a. Board Member Items

Selectmen's Rep. Lewis said that Chief Lane will be reviewing the street light issues. He will report his findings to the Board of Selectmen. Chairman Bourque questioned whether guidelines for street light locations should be developed with the hope of limiting the street lighting expense to the Town. Vice Chairman Topliff said that it would be good to have a policy in place to minimize the confusion when there is a change in administration.

Selectmen's Rep. Lewis said that legally the Town cannot ask the developer to install a streetlight.

Ms. Alexander said that there is a Dark Skies Ordinance to help communities tone down their lighting with the use of shielding, downward directing, or the use of certain light fixtures.

Chairman Bourque gave Ms. Alexander a copy of his revised minor site plan application. He will finish the review of the major site plan application and send it to Ms. Alexander once completed.

The Board reviewed the 2009 Traffic Count Requests. Alternate Member Seaworth will present the Requests to the Roads Committee for their review and will e-mail Ms. Alexander any changes that the Committee may want.

b. June 9 Work Session Agenda – PB Applications and Fees, definitions, buildable vs. nonbuildable area

Since there was nothing critical on the agenda for the June 9, 2009 work session, the Board agreed to forgo the June 9th meeting and review the application, fee schedules, definitions, and whether a design review is necessary on the July 14, 2009 work session.

Member Cruson will not be available for the July meetings.

Ms. Alexander said that she will not be available for the August 11, 2009 work session. She will also be on vacation on the last week of July and August. She will send a full report to the Board prior to her absence.

MOTION: Vice Chairman Topliff moved to adjourn. Seconded by Member Krebs.

The vote was unanimous in favor of the Motion.

The meeting adjourned at 9:00 p.m.

Respectfully submitted,
Jocelyn D. Carlucci, Recording Secretary