

**Pembroke Planning Board
Minutes of Meeting
(Adopted)
Tuesday, June 23, 2009**

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

ALTERNATES PRESENT: Brian Seaworth

EXCUSED: Jeff White; Larry Young, Sr

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. He noted that Alternate Members White and Young were absent.

Chairman Bourque noted that a representative of Veano's Restaurant wished to approach the Board but had not arrived. They will speak with the representative when he arrives.

The Board agreed to hear from a representative of Redrock Investments LLC prior to the first case. Chairman Bourque and Member Krebs, both employees of Public Service of New Hampshire, recused themselves. Vice Chairman Topliff continued as Acting Chairman.

Acting Chairman Topliff appointed Alternate Member Seaworth to vote in place of Chairman Bourque.

Conceptual Consultation

1. **Red Rock Realty.** Board and applicant to discuss change of use site plan on Keith Avenue from a trailer parking area use to a landscape materials storage area use.

Present: Attorney Richard Uchida of Orr & Reno PA. representing Redrock Investments LLC and Dirt Doctors LLC.

Acting Chairman Topliff explained that Redrock Investments and Dirt Doctors located on Rt. 106 sell landscaping material. Public Service of New Hampshire (PSNH) has an easement to a portion of the property in order to maintain existing transmission lines. The original Joint Use Agreement has expired between PSNH and Redrock Investments LLC (Redrock). In a recent inspection of the site, PSNH noticed that the use of the easement area has changed. There has been conversations and correspondence between Redrock Investments and PSNH to resolve the situation.

A change of use requires the property owner to return to the Board for approval.

Attorney Uchida explained that a site plan was approved in 2006. The property use has changed and, therefore, a new Joint Use Agreement is being negotiated between PSNH and Redrock. Presently, landscaping material such as mulch, stone, and cord wood is being stored on the premises. Enpro was approved as a tenant in the 2006 approval and still occupy the first floor of the building.

The chip storage area contains logs that recently spilt over onto the PSNH area. They must be removed. Now that Goodnow Trucking is no longer on site, the trailer parking area is being used for the creation of mulch along with storage of pallets of stone and bricks. Redlock is discussing a new Joint Use Agreement

with PSNH that would allow storage of mulch, brick, and stone in the trailer and surge areas. The new Joint Use Agreement will meet PSNH and OSHA guidelines and a revised plan will be submitted.

Acting Chairman Topliff stated that the Board is interested in making sure that the change of use is in concert with Pembroke's Zoning Ordinance and does not compromise the aquifer.

Attorney Uchida will return to the Board once the Joint Use Agreement is in place and will submit the Agreement as part of the Change of Use Application.

There being no further questions, Acting Chairman Topliff thanked Mr. Uchida for coming.

Members Krebs and Chairman Bourque returned to the Board and Chairman Bourque resumed his duties as Chairman.

Old Business

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.*

Member Zydel recused himself. Chairman Bourque appointed Alternate Member Seaworth to vote in place of Member Zydel.

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

Mr. Holden reviewed the proposed two-driveway plan which will eliminate the need for a Special Use Permit for a common driveway. He reiterated that: (1) the wetland impact area will be as narrow as possible; (2) the driveway will be made with stone so water will run through the stone and out the other side of the driveway; (3) a culvert will be added; (4) permeable material will be used on the driveways; (5) all houses will have dry wells so that rainwater from roofs will be directed into the drywells rather than across the lawns; (6) they are proposing to limit the size of the lawn area to twice the footprint of the house. (The intent is to have high intensity landscaped yards with the remainder of the lot consisting of trees); and (7) some of the area previously disturbed will be reclaimed and turned back into wetlands.

He is proposing a homeowner's association to own the land in the middle of the cul-de-sac. Their duties would include: (1) hiring someone to look at the driveways where the stone fill will be added; (2) maintaining and overseeing the detention pond; and (3) submitting a copy of the annual report to the Code Enforcement Officer.

He met with Ray Lavoie, 231 Pembroke Hill Road, and determined that the roadway is 5' below Mr. Lavoie's basement floor and, therefore, water from the project would not back up into his house.

With regard to the Pembroke Hill School property, Mr. Holden stated that the water will be directed from the roadways and the driveways into the detention area. Presently, the Inlet is larger than the outlet, so the water goes into the wetland which goes through the stonewall and into the catch basins that belongs to the school. Mr. Holden will be reducing the rate of runoff because the water will run through the woods and into the detention area. The school will experience a reduction in the rate of runoff. He spoke with Jonathan Burnham,

Head of Facilities for the Pembroke Schools, about connecting a pipe onto one of the catch basins in order to create a closed system. Mr. Burnham told Mr. Holden that he spoke with someone at the school who explained that in order to get an easement from the school to install a pipe to the catch basin would be a long process that would require a vote from the school board. It was decided not to make any changes to the way present system.

Mr. Holden hired a biologist to create a mapping of vernal pools as requested by the Board. The biologist determined that there were no vernal pools.

Chairman Bourque open the public hearing at 7:28 pm.

John L. Morse of 247 Pembroke Hill Road, asked for clarification on the sewer line location. Mr. Holden said that the present sewer line runs through the clearing. He will be running 4 new sewer pipes and stubbing them off so if any of the abutters have a problem with their existing sewer pipe, they can abandon the existing sewer pipe and connect to the new pipe. Mr. Holden read aloud a portion of the easement and pointed out that the easement speaks of a driveway and allows for the placement of a sewer line. He said that there is nothing that precludes the driveway from being on top of the pipe.

Harold Thompson, Sewer Commissioner, said that the Sewer Department would prefer that the sewer pipe not be under a driveway.

Mr. Holden clarified that the intent is to place the sewer pipe deep enough to prevent it from freezing and the driveway will be placed on top of the existing sewer line. One right-of-way is 47' wide and the second is 50' wide.

There being no further questions to come before the Board, Chairman Bourque closed the public hearing at 7:40 p.m.

MOTION: Vice Chairman Topliff moved to approve the Special Use Permit for LTC Properties, Case #09-SUP-6WP with the following conditions: (1) This Special Use Permit for activity within 20' of a wetland is approved subject to the approval of Case #09-02, a major subdivision for LTC Properties, LLC.; (2) Submit a copy of the NH DES Dredge and Fill Permit to the Town; (3) Add a Note to the plan that the roadway, associated drainage, and other work within the road right-of-way and proposed driveways be completed and stabilized prior to any stripping or grading of the lots; (4) Add a Note to the plan that a copy of the Storm Water Pollution Prevention Plan (SWPPP) will be completed and forwarded to the Town prior to construction; (5) Provide an annual driveway crossing/maintenance inspection report to the Town Code Enforcement Officer; (6) Add the above conditions of approval as plan Notes on the recorded plans for Case #09-02. Seconded by Chairman Bourque.

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

MOTION TO APPROVE THE SPECIAL USE PERMIT FOR LTC PROPERTIES, CASE #09-SUP-6WP WITH THE FOLLOWING CONDITIONS: (1) THIS SPECIAL USE PERMIT FOR ACTIVITY WITHIN 20' OF A WETLAND IS APPROVED SUBJECT TO THE APPROVAL OF CASE #09-02, A MAJOR SUBDIVISION FOR LTC PROPERTIES, LLC.; (2) SUBMIT A COPY OF THE NH DES DREDGE AND FILL PERMIT TO THE TOWN; (3) ADD A NOTE TO THE PLAN THAT THE ROADWAY, ASSOCIATED DRAINAGE, AND OTHER WORK WITHIN THE ROAD RIGHT-OF-WAY AND PROPOSED DRIVEWAYS BE COMPLETED AND STABILIZED PRIOR TO ANY STRIPPING OR GRADING OF THE LOTS; (4) ADD A NOTE TO THE PLAN THAT A COPY OF THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) WILL BE COMPLETED AND FORWARDED TO THE TOWN PRIOR TO CONSTRUCTION; (5)

PROVIDE AN ANNUAL DRIVEWAY CROSSING/MAINTENANCE INSPECTION REPORT TO THE TOWN CODE ENFORCEMENT OFFICER; (6) ADD THE ABOVE CONDITIONS OF APPROVAL AS PLAN NOTES ON THE RECORDED PLANS FOR CASE #09-02 PASSED ON A 7-0 VOTE.

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.*

THE BOARD AGREED THAT THIS SPECIAL USE PERMIT WAS WITHDRAWN.

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.*

Mr. Holden stated that he has addressed all KV Partner’s comments. He is awaiting approval from the Sewer and Water Departments and a wetlands permit.

MOTION: Vice Chairman Topliff moved to accept the waiver request for the sidewalk to exclude 250’ of the required 835’ – (205-41(19)E.(a)). Seconded by Member Terrien.

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

MOTION TO ACCEPT THE WAIVER REQUEST FOR THE SIDEWALK TO EXCLUDE 250’ OF THE REQUIRED 835’ – (205-41(19)E.(A) PASSED ON A 7-0 VOTE.

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

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

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

Chairman Bourque opened the public hearing at 7:50 p.m.

John L. Morse of 247 Pembroke Hill Road, asked who would repair the sewer line in the future? Mr. Holden said that it would be the responsibility of the person whose sewer line is problematic. He also said that the old sewer line would be under the driveway but the new lines would be run on the side of the driveway so that the abutters can attach to them if the old lines fail.

There being no further questions to come before the Board, Chairman Bourque closed the public hearing at 7:53 p.m.

Selectmen’s Rep. Lewis instructed Ms. Alexander to give the final plan set to David Jodoin for review prior to sending it to Town Counsel.

Comments to Summary of Outstanding Review & Comment Items:

- (7) Waiver request N/A;
- (8) Name of road to be changed;
- (11) Consensus of the Board: Prior comments from various departments justified the use of 2 driveways rather than a shared driveway.

Mr. Holden pursued quotes regarding fixing Belanger Avenue in order to create a connecting road. It would cost \$25,000 to install underdrain and \$50,000 to repair/overlay the street. Mr. Holden said that there would not be enough money to cover the \$75,000 cost. He will resubmit a proposal to the Board of Selectmen to partially fix Belanger Drive and amend the plan if necessary.

The center of the cul-de-sac will be landscaped and will become part of the open space.

A chain link fence will be placed around the detention pond.

Mr. Holden said that the plan set and recording plan will contain the map and lot numbers.

Ms. Alexander will ask the Fire Department to comment on the relocation of the fire hydrant, the driveway length, and egress on a Town road.

The Board reviewed comments from KV Partner in letter dated June 16, 2009. Mr. Holden has a copy of the letter. Applicant will submit a landscaping plan. Selectmen's Rep. Lewis asked that the Applicant take into consideration abutters' request for privacy with the use of evergreens.

Mr. Holden said that Mr. Burnham was expected at the meeting to comment that the school has no drainage issues regarding this project. Chairman Bourque asked that the Head of Facilities be asked to submit a letter to the Board indicating such.

- (18) There are no signs presently anticipated. Mr. Holden may consider an announcement sign.
- (24) The Board had no additional comments.
- (38) Abutters to agree to Applicant's landscaping plan.

The Board agreed that there were no outstanding issues that would stop the Applicant from proceeding.

MOTION: Chairman Bourque moved to continue the public hearing to July 28, 2009. Seconded by Vice Chairman Topliff.

The vote was unanimous in favor of the Motion.

The Board recessed at 8:29 p.m.

Chairman Bourque called the meeting to order at 8:36 p.m.

New Business

5. Special Use Permit. Silver Hills Business Park. Case #09-SUP-9AC. Map 559, Lots 12 and 12-1 at 830 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 143-68.E, Aquifer Conservation District, which is

required for any activity taking place in the District. A related major subdivision will be considered under application #09-06. *Board to consider for approval. Application advertised as a public hearing.*

- 6. Major Subdivision. Silver Hills Business Park. Case #09-06.** Map 559, Lots 12 and 12-1 at 830 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, is proposing a five-lot subdivision on two lots totaling 116.1 acres which includes the construction of a new road to be dedicated to the Town. *Board to consider for acceptance. Application advertised as a public hearing.*

Present: Tim Bernier of T.F. Bernier, Inc. representing Silver Hill Development, Frank Merrill, owner of Silver Hill Development, Pembroke Sand and Gravel, and Merrill Construction.

Mr. Bernier explained that the proposal is to take Lots 12 and 12-1 and subdivide them into 5 lots. Three lots will be on the westerly side of French’s Brook and 2 lots on the easterly side of the Brook. The proposal includes the construction of a new Town road.

Originally, the proposed driveway was to serve Merrill Construction and Pembroke Sand & Gravel. The long-term plan has always been to create a commercial project once the gravel operation ended. Since the last approval, Mr. Bernier said that the lot line adjustment created some interest in the lots for a commercial use which resulted in the need to create a Town road. The driveway will now be a town road. The Applicant has obtained a zoning variance for commercial use in the area. They would like to work with the Board to rezone the entire area to a commercial zone. This will be considered Phase 1 of the Business Park. Applicant proposes to construct a 1300’ Class B Town road which would provide the frontage for the 5 lots and will consist of a temporary turnaround (preferably a hammerhead).

Vice Chairman Topliff asked if a drainage report should be reviewed by the Town engineer prior to approving the plan? Ms. Alexander said that the Water Works said that they had no comments at this time. She presumed that it also was meant for the aquifer protect district. Selectmen’s Rep. Lewis said that when the site plans for each lot comes in, drainage requirements will be addressed. Ms. Alexander suggested that the Board review the need to declare this a Development of Regional Impact prior to approving the special use permit. She read the criteria for a Development of Regional Impact.

MOTION: Vice Chairman Topliff moved that the application be considered a Development of Regional Impact. Seconded by Member Cruson.

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

MOTION THAT THE APPLICATION BE CONSIDERED A DEVELOPMENT OF REGIONAL IMPACT PASSED ON A 7-0 VOTE.

Mr. Bernier asked the Board to consider the road turnaround. Selectmen’s Rep. Lewis said that the Town does not want to own the road until it would no longer be used for the gravel business. Mr. Bernier said that his understanding is that when the lots are sold, the road needs to be a Town road. Selectmen’s Rep. Lewis said that, in the past, that was not the case. The Applicant would need a bond amount for the final pavement and would need to be 80% developed before the Town can take it over.

Mr. Merrill said that they have potentially 20 years remaining in the gravel pit. Mr. Bernier will discuss possibilities with the Applicant.

Mr. Bernier said that they have considered a design plan that would extend to Clough Mill Road. He said that the gravity sewer could be extended to the top of the hill. They anticipate extending it to the Silver Hill Development property.

With regard to the turnaround, Alternate Member Seaworth explained that the Roads Committee preferred a cul-de-sac because they thought that the user of the road may have an easier time maneuvering a cul-de-sac rather than a hammerhead. Mr. Bernier said that the turnaround was designed for tractor trailers but stated that a hammerhead will hold up to the trucks better than a cul-de-sac. With regard to drainage, he said that a cul-de-sac would have pavement and runoff. Selectmen's Rep. Lewis pointed out that most truck drivers will turn around in the gravel pit rather than at the road. Mr. Bernier offered to speak to the Roads Committee. Vice Chairman Topliff commented that a hammerhead would be better for the future road extension and encouraging commercial development is good for the Town.

The consensus of the Board was to allow a hammerhead as the turnaround.

With regard to signs for the business park, they will only have a street sign until such time as the area is rezoned.

Selectmen's Rep. Lewis suggested that the Applicant designate an area for an easement to accommodate future signage.

Lighting: Mr. Bernier said that they proposed pole street lights at the intersection. Selectmen's Rep. Lewis said that the Board will comment further on the lighting once Police Chief Lane meets with the Board of Selectmen on July 6 to discuss lighting.

Transformers: Chairman Bourque suggested that the Applicant place transformers on a slab in order to contain possible loss of oil. He also suggested that the Applicant avoid creosote poles.

Shade trees: In order to prevent the Applicant from planting and removing trees because of a design change by the new lot owners, Selectmen's Rep. suggested that the Applicant not plant trees. The Board will address that issue at the time that each future lot owner comes to the Board will their site plan.

Mr. Bernier said that the consensus of the Wetlands Bureau and the Fish & Game Department was that French's Brook did not contain habitat for sensitive species. They will work with the Wetlands Bureau with regard to lot buffers to the Soucook River. Selectmen's Rep. Lewis suggested that a Plan note be added.

Mr. Bernier said that they have designed the roads based on existing contours and have checked all drainage facilities to ensure that they will continue to work as designed after the gravel material is removed. Although it appears that the Applicant will need multiple slope easements, the slopes will disappear once the gravel has been mined. He will work with Ms. Alexander and KV Partners on this issue.

Waiver requests: Mr. Bernier said that they are requesting two topography waivers. The Applicant has provided topography for the 3 lots on the west side of the brook through to Lot 12-1. Since the remainder of the lot will not be accessible, the Applicant requests a waiver from the topography of the remaining acreage (approximately 40 acres) and the active gravel pit area which is constantly changing.

Selectmen's Rep. Lewis said that she had no issue with the waivers. She suggested that the Applicant allow for a future sidewalk when designing the road.

Mr. Bernier said that no right hand turn lane has been discussed. They propose cutting back and creating a swale along the side of the North Pembroke Road corner which will create the necessary sight distance. The Applicant will obtain an easement to go onto a portion of an adjoining lot. They will be using ITE numbers in order to obtain Town Engineer's requested traffic counts.

Mr. Merrill agreed that a turning lane would be a good idea.

MOTION: Chairman Bourque moved that the Major Subdivision be considered a Development of Regional Impact. Seconded by Vice Chairman Topliff.

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

MOTION THAT THE MAJOR SUBDIVISION BE CONSIDERED A DEVELOPMENT OF REGIONAL IMPACT PASSED ON A 7-0 VOTE.

7. Special Use Permit. JBI Helicopter Services. Case #09-SUP-10AC. 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 minor site plan amendment will be considered under application #08-112A2. *Board to consider for approval. Application advertised as a public hearing.*

8. Minor Site Plan Amendment. JBI Helicopter Services. Case #08-112A2. 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 changes to the previously approved detention pond at JBI Helicopter Services. *Board to consider for acceptance. Application advertised as a public hearing.*

Present: Jim Bruss of Bruss Construction and Tim Golde of Golde Planning & Design.

Mr. Golde said that he is here to discuss the on site detention basin. The Town Engineer recommended more freeboard from the pond elevation to Clough Mill Road. In response to that, the Applicant proposed making the detention pond larger. He explained that when the initial drainage calculation was made, they used a perk rate that the septic designer had done when he did the test pits for the septic. They also did a test pit in the detention area which was a very conservative infiltration rate used in the analysis. It showed that there would be 2.5 ft. of water in the detention area in a 25-year storm.

In 2006 there was a very large storm and even though there was a small amount of snow on the ground, there was no water observed in that basin area. Mr. Golde was asked to consider a better test be done which would justify altering the detention area. He performed a Bore Hole Infiltration Test which consisted of a 30" hole, installed a 6" PVC sleeve in the hole, and soaked it for 24 hours. Mr. Golde ran a hose into every hole for 24 hours. He did 4 sets of tests to determine how many inches decreased over an hour. The result was that the infiltration was much higher than was used in the initial analysis.

Mr. Golde said that with that analysis they feel that increasing the size of the detention area is unnecessary. The area is currently a nice front lawn and since it is not necessary to make it any larger given the additional testing results, they would prefer not to dig up the area. A letter has been submitted to the Board and to Ms. Alexander. KV Partners has reviewed the analysis and commented by letter of June 16, 2009.

Mr. Golde discussed the letter:

Paragraph 1 indicates that KV Partners concurred with the procedure and rate used for the testing; Paragraph 2 indicates that the Environmental Protection Agency rules require pretreatment of storm water. Mr. Golde explained that the Applicant's disturbance area is too small to trigger them to require a state permit. Past concerns of the Planning Board was one of fuel containment if something went wrong. Thus, the Applicant included all the containment around the tarmac area, the oil water separator, and the alarm on the oil water separator.

Mr. Golde added that pretreatment of stormwater is intended to remove the hydrocarbons and sediments from a parking lot. The heliport tarmac is not a parking lot for a large number of vehicles and does not have sediment because the heliport is not sanded or salted. He feels that the stormceptor with the oil water separator is more appropriate for the Applicants particular use and does not need the state permit that the Town engineer quoted.

Paragraph 3 suggests that there should be an emergency overflow structure (pipe) that ties to the system that is in Clough Mill Road. Mr. Golde said that when the JBI facility was originally constructed and the original drainage was installed, two basins were installed in the entrance specifically to catch any overflow. The "structure" that KV Partners references in his June 16, 2009 letter already exists.

In summary, they do not feel it is necessary to excavate the existing flat grass lawn in order to create more freeboard. The change would be a minor amendment to the plan.

Chairman Bourque found a comment from the Code Enforcement Officer that questioned if the detention pond would handle the quick melt runoff of the 3 large storage areas if the ground was frozen.

Mr. Golde said that the entrance is graded to move the water to the existing two structures.

Vice Chairman Topliff said that he would not be in favor of going against the Town engineer's initial recommendations because (1) the building and parking lot are significantly larger which would cause additional runoff to the detention pond; (2) there was not a strong endorsement from KV Partners for not expanding the detention area.

Ms. Alexander was instructed to ask for clarification of Mr. Vignale's June 16, 2009 letter. Since Mr. Vignale may not be aware of the existing catch basins, Mr. Golde suggested that Mr. Vignale conduct a site visit at the Applicant's expense. Ms. Alexander will make the suggestion to Mr. Vignale.

MOTION: Chairman Bourque moved to continue the Special Use Permit (Case #09-SUP-10AC) and Minor Site Plan Amendment (Case #08-112A2) until such time as clarification of KV Partner's June 16, 2009 letter. Seconded by Vice Chairman Topliff. Unanimously agreed.

Minutes

9. Review and Approve Meeting Minutes of May 26, 2009

MOTION: Chairman Bourque moved to postpone the review and approval of the meeting Minutes of May 26, 2009 to July 28, 2009. Seconded by Vice Chairman Topliff. Unanimously approved.

Miscellaneous

10. Correspondence - None

11. Committee Reports – None

12. Other Business

- a. July 14 Work Session Agenda – PB Applications and Fees, definitions, buildable vs. nonbuildable area

Ms. Alexander said that the Board will receive documentation in the mail.

- b. Planner Items

Ms. Alexander said that the Zoning Board of Adjustment approved an area variance for Veano’s Restaurant. Veano’s moved their previously approved cooler from one end of the building to the other. The cooler will also be larger than originally approved.

Selectmen’s Rep. Lewis expressed her displeasure at the alterations requested to the site plan previously approved by the Planning Board.

The Board agreed that Ms. Alexander write a letter asking Veanos to provide the Planning Board with a sketch of vegetation screening around the cooler.

Selectmen’s Rep. Lewis said that the Planning Board and Zoning Board are not allowed to share their thoughts on a project. This causes consistency issues.

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

The vote was unanimous in favor of the Motion.

The meeting adjourned at 9:57 p.m.

Respectfully submitted,
Jocelyn D. Carlucci, Recording Secretary