

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

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

**ALTERNATES PRESENT:** Brian Seaworth; Larry Young, Sr.

**EXCUSED:** Kathy Cruson; Todd Terrien; Jeff White

**STAFF PRESENT:** David Jodoin, Town Administrator; and Jocelyn Carlucci, Recording Secretary

Chairman Bourque called the meeting to order at 7:00 p.m. He noted that Member Terrien has resigned from the Planning Board and, therefore, is absent. Chairman Bourque said that Alternate Members Seaworth would vote in place of Member Terrien and Alternate Member Young will vote in place of Member Cruson. Vice Chairman Topliff will arrive late to the meeting.

**Old Business**

**1. Condominium Site Plan Revocation. Chickering Meadow. Case #03-104, #03-105, and #07-104.** Map 266, Lot 58-10-38 at 214C Cardigan Drive, Lots 58-11-57 and 58-11-60 at 226A and 226D Liberty Drive respectively, Lots 58-11-61 and 58-11-64 at 228A and 228D Liberty Drive respectively, Lots 58-11-65, 58-11-66, and 58-11-68 at 230A, 230B, and 230D Liberty Drive respectively, and Lots 58-11-69 and 58-11-70 at 232A and 232B Liberty Drive respectively in the Medium Density-Residential (R1) District. The Planning Board will consider revoking the condominium site plan approval granted on October 28, 2003 and its amendment on November 27, 2007 on the basis of non-completion of site improvements. *Noticed as a public hearing.*

Present: Bob Pace, owner of Chickering Meadow Development, and Steven Chabot of Keach-Nordstrom Associates, Inc.

Mr. Pace said that his attorney was not able to join him this evening. He asked that, should any negative action be required of him that the Board would allow the hearing to be continued so that he may have his counsel present.

Chairman Bourque asked Mr. Pace to explain why the items on the site punchlist had not been addressed.

Mr. Pace said that: (1) no one from the Town of Pembroke has been willing to give him a definitive timeframe in which the work must be completed. He knows of no NH statute that can substantiate when the work must be completed; (2) the rain has slowed the work progress; (3) 50% of the items have been completed; (4) he has hired Amoskeag Landscaping to help him complete some of the items on the punchlist; and (5) all the striping was completed today.

Chairman Bourque stated that Mr. Pace has had 12 months to complete the conditions of approval.

Mr. Pace responded that it is his understanding that he had 5 years to complete the project. He said

that there is no significant runoff issues or damage to the property of the abutters.

Mr. Chabot said that he was at the project site at noon and 6:15 p.m. this evening and Mr. Pace has completed 25% of the items on the list.

Mr. Pace said that they are planning on completing the final units as they sell them. They have 10 remaining units – all in Phase IIIB. Mr. Pace suggested that he be given a month to work on the project and then return to the Board.

Chairman Bourque opened the public hearing at 7:09 p.m.

Roland Lemoine, 222D Belknap Drive, President of the Chickering Meadow Association, said that he would like the Board to set a time limit for Mr. Pace to complete the outstanding items. Some of the units have no grass or sprinklers. He said that some of the items on the plan have not been completed and that the completed items were not built according to the plans.

Mr. Pace said that there are 2 runoff swales that are not constructed. The drainage system is already vegetated and functioning. Brown Engineering has been hired to evaluate the swales and perform drainage calculations.

Frank Silva, 222A Liberty Drive, said that his unit had a substantial mold issue. Mr. Pace agreed to monitor the mold every 90 days for one year. In the past 7 months, the applicant has had the mold tested once. Mr. Silva is willing to have the testing done if Mr. Pace will pay for it.

Larry Perron, 229 Dearborn Road, said that when the culvert on Dearborn Road is full, the residual water is suppose to empty into a trench. The system does not work because there is uneven ground between the culvert and the trench which stops the water from reaching the trench. Mr. Perron did not feel that it would be difficult to fix the problem.

Mr. Chabot said that he is aware of the trench at Dearborn Road. It was constructed as shown on the plan but has not checked it in 3 years. The trench is at the limit of the wetlands. He is not sure that anyone can remove the uneven ground without affecting the wetlands and applying for a permit.

Chairman Bourque said that something should be done to allow the drainage to work as originally intended.

Jason Esposito, 226C Liberty Drive, Vice President of Chickering Meadow Association stated that if the vegetation was done properly the first time, it would not be a problem now. He researched the applicant's company with the Better Business Bureau and found that they are rated F. He is not confident that the applicant will correct the issues that are presently in front of the Board.

Francis Maffucci, 214D Kearsarge Drive, said that there is a live power box connected to the Stoddard trailer, which the applicant was suppose to have disconnected 2 years ago.

Mr. Pace said that he has a work order with Public Service of New Hampshire (PSNH) to look at the power box. He believes that it is not live.

Bill Rossignol, 218A Kearsarge Drive, said that he contacted PSNH to have the power box discontinued but was told that Mr. Pace was the only one who could issue a work order to PSNH for it to be done. Mr. Rossignol said that a snow fence is still up and buried in the grass which shows the applicant's unwillingness to take care of the project.

Constance Catanese, 214B Cardigan Drive asked if the project currently had a bond for the maintenance.

Mr. Jodoin said that there is no bond on this project.

Roland Lemoine, 222D Belknap Drive, asked that a performance bond be required by the applicant, in order to protect the homeowners, rather than to revoke the site plan.

Mr. Pace asked what the timeframe is to complete the site plan. He said that he has 10 units that are framed and must be completed.

Mr. Chabot said that the majority of the work on the punch list pertains to Phase III.

Mr. Pace asked that the Board allow him one month to complete as much work as possible and then return to the Board.

Chairman Bourque noted that the punch list that Keach-Nordstrom is overseeing contains conditions for site plan approval. Many of the issues addressed by the audience should be resolved between the association and Mr. Pace. The Board is only empowered to rectify the items that were approved on the site plan.

Mr. Pace stated that he walked the project with Stephanie Alexander July 21, 2009. There are 4 units that have no grass in the backyard. There is a swale that must be constructed and if grass was growing, it would have to be torn out to complete the work. He also asked that the Board allow Amoskeag Landscaping to complete their work.

Paula Kudrick, 217 Dearborn Road, said that the items on the punch list should be completed correctly the first time so that the responsibility to correct the substandard work does not fall on the association.

Chairman Bourque said that it is his opinion that Mr. Pace is responsible for completing the project per the approved site plan. Once done, the Town will no longer be part of the project and the issues must be dealt with between the homeowners and the association.

In response to Mr. Pace's question pertaining to his responsibility to the project, Chairman Bourque said that if the units receive their Certificate of Occupancy and Keach-Nordstrom signs off on all the units, the Town would have no issues.

Selectmen's Rep. Lewis said that if the drainage is not working properly, a Certificate of Occupancy will not be issued. If a slope has nothing growing on it, it is not considered complete. There must be a certain amount of growth.

Mr. Chabot said that, at the present time, the erosion issues are limited to Phase III located on the other side of the wetland crossing. Certificates of Occupancy have been issued even though there are problems with site stabilization. The issues are not detrimental and can be fixed. As the grass grows, there will be less problems.

**Debanond Chakraborty**, 214A Cardigan Drive, said that the Pembroke Water Works told him that the backflow preventers in the older units have not been fixed and water could flood the basements when the hydrants are flushed.

Mr. Chabot said that the Pembroke Water Works is responsible for the water system outside of the buildings. Once it enters the building, it is the building department's responsibility to inspect it.

Chairman Bourque asked for comments from the Pembroke Water Department and the Building Department pertaining to the backflow preventers.

Jason Esposito, 226C Liberty Drive, asked that the Planning Board require the applicant to post a bond to take care of the punch list problems.

Roland Lemoine, 222D Belknap Drive, asked that the Board: (1) require Mr. Pace to complete the punch list on Phases I and II, (2) give Mr. Pace a 30 day extension to do so; and (3) bond the project if the punch list is not completed in 30 days.

Mr. Chabot indicated that all stop signs listed on the site plan are in place. There may be other locations that are not on the site plan that the association would like stop sign to be placed.

Larry Perron, 229 Dearborn Road, said that he has witnessed the plow hit the stop signs. Mr. Pace said that the association is responsible for the plowing and, therefore, if damage occurs at the time the snow is plowed, then the association is responsible for repairing the damage.

Mr. Jodoin said that Keach-Nordstrom has issued an estimate for work to be completed and it will require the applicant to submit \$2,000 to the Town to be placed in escrow.

Selectmen's Rep. Lewis asked how many units the Town has agreed not to give a Certificate of Occupancy for. Mr. Jodoin said his understanding of the 2007 agreement was that one unit would not be given a Certificate of Occupancy.

Selectmen's Rep. Lewis said that the RSA's indicate that once substantial construction has begun, there is no timeframe for completion. For example, if there was a project that was begun in 1980 or 1990 and nothing occurred for 10-15 yrs., there would be no phasing required. This was substantiated by Town counsel. Therefore, when economies change and a project is not completed,

the applicant still has approval to finish the project. It just might take some time.

Paula Kudrick, 217 Dearborn Road, asked that the Board be very precise with their decision and not to give the applicant any “wobble room” to not complete the tasks.

Mr. Pace said that, like the homeowners, he would also like to see the project completed. He purchased the project with the approvals in place and was not involved in the approval process. The seller (Alan Clark) constructed the road into the cul-de-sac prior to selling the project to Mr. Pace.

There being no further questions from the public or the Board, Chairman Bourque closed the public hearing at 8:05 p.m.

Alternate Member Young asked if legal counsel could be asked if a bond can be held for a punch list or if a Certificate of Occupancy can be held on more than one unit in order to gain assurance that the problems will be fixed.

Mr. Jodoin said he would speak with legal counsel about bonding the uncompleted items. He also said that the applicant’s escrow account would need an additional \$2,000 in order to continue to have Keach-Nordstrom monitor the project.

**MOTION:** Alternate Member Young moved to: (1) increase the escrow amount by an additional \$2,000; (2) allow the applicant 30 days from today (July 28, 2009) to complete the balance of the outstanding items; and (3) have the applicant return to the Planning Board on August 25, 2009. Seconded by Alternate Member Seaworth.

**VOTE:**            Robert B. – Y            Larry Y. – Y            Cindy L. – Y  
                         Kevin K. – Y            Brian S. – Y            Mark Z. – Y

**MOTION TO : (1) INCREASE THE ESCROW AMOUNT BY AN ADDITIONAL \$2,000; (2) ALLOW THE APPLICANT 30 DAYS FROM TODAY (JULY 28, 2009) TO COMPLETE THE BALANCE OF THE OUTSTANDING ITEMS; AND (3) HAVE THE APPLICANT RETURN TO THE PLANNING BOARD ON AUGUST 25, 2009 PASSED ON A 6-0 VOTE.**

Chairman Bourque continued the public hearing until August 25, 2009.

Vice Chairman Topliff joined the Board.

**2. 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 retention pond. *Application continued from previous meeting. Applicant submitted request for continuance to the 8/25/09 meeting.*

Chairman Bourque stated a letter dated July 10, 2009 from Peter Holden of Holden Engineering & Surveying, Inc. was received asking that the hearing be continued to the August 25, 2009 meeting. The Board agreed.

Jason Hill of Holden Engineering & Surveying, Inc. on behalf of LTC Properties gave a progress report. He said that they have finalized legal documents associated with easements, bylaws for the Homeowners Association, and technical review comments from Mike Vignale of KV Partners. The applicant met with the Board of Selectmen in June to discuss the possible creation of a connecting road to Belanger Drive. The Board of Selectmen rejected any monetary assistance to make improvements to Belanger Drive, therefore, the applicant is prepared to finalize the cul-de-sac design with the five-lot subdivision. The applicant also needs additional time to finalize the landscaping issues with abutters.

**3. 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. *Development of Regional Impact under RSA 36:55, II, proximity to the borders of a neighboring community; III, transportation networks; and V, proximity to aquifers or surface waters which transcend municipal boundaries declared at June meeting. Board to consider for approval. 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 reviewed the plan to take Lots 12 and 12-1 (116 acres) and subdivide them into 5 lots, and construct a new road which will provide frontage to the 5 lots. The activity proposed is to construct of new Town road in the subdivision which is in the Aquifer Protection District. Since the proposal consists of a commercial subdivision, each lot would be required to come before the Board for specific uses and permits associated with the uses.

Mr. Bernier responded to the letter dated July 22, 2009 from the City of Concord Planning Board (a copy of which is attached):

1. The property is not in the Wellhead Protection Area. Conversations with the Water Department indicated that the property is in the Aquifer Protection District but not in the Wellhead District.
2. There will be individual wells and septic systems.
3. The bridge has been repaired as noted. All the deficiencies noted by the City Engineer are existing deficiencies.
4. The proposal does not increase any traffic from the construction industry. The development of each lot may increase the traffic from the individually lots but not from the gravel pit. The land is presently a gravel pit and, as the lots are turned into

commercial uses, the gravel area will decline. The city engineer requested a traffic assessment and the ITU numbers show approximately 250 trips per day when built out which is low for an industrial park.

Mr. Merrill stated that the bridge has an E2 classification. Heavy equipment cannot run over it. Mr. Bernier pointed out that the industrial park traffic will consist of cars and delivery trucks and not large trucks hauling gravel. The use will have no affect on the intersection of Route 106 and North Pembroke Road. It is presently a signalized intersection with turning lanes. Mr. Bernier will address all the concerns in the Concord Planning Board letter and will send a copy to the Board.

With regard to Central New Hampshire Regional Planning Commission's letter dated July 6, 2008, Mr. Bernier clarified that, with this proposal, Merrill Construction will no longer be in the Aquifer Protection District. They have met with the Water Department and they were happy with the proposal to move the use outside of the Aquifer Protection District. Dennison Cabinets received a variance to have their woodworking cabinet business in the Aquifer Protection District. The Pembroke Water Works had no concerns with them.

With regard to stormwater mitigation, Mr. Bernier said that, as of the middle of July, they had exceeded the requirements and will continue to work with the State for the appropriate permits.

Chairman Bourque noted that there is no Special Use Permit for French's Brook listed on the Agenda.

Mr. Bernier reviewed the Sediment and Erosion Control Plan. He said that the long-term design elements consist of a retention and treatment pond which takes all the water from the road and another located at station 13+00. There is a swale located at 8+00 which has a cross culvert. The stream crossing will have an oversized culvert to mimic the natural velocity through the channel. They are proposing an opening of 5' high and 9' wide with natural channel flooring in a box shape. The square footage in the culvert is substantial. It can pass a 100-year storm event without filling the culvert.

To cross the brook, Mr. Bernier said that they have maintained a 1% grade across the brook which allowed them to transfer runoff away from the brook. On the opposite side, we were able to trap everything from the top of the bank on the south side of the brook and drain it into the gravel pit area then to the brook. The North side will be caught in the retention basin and treated.

With regard to KV Partner's letter dated July 21, 2009, Mr. Bernier noted:

1. A traffic engineer was contacted and will prepare a traffic analysis.
2. The guardrails will note the type of terminal units that are proposed.
3. A note will be added that the culvert will meet DOT standards.
4. The slope easements will be added to the plan and the easements will reflect the final layout of the road.
5. Proposed improvements to the North Pembroke Road intersection will consist of work on the East side of Merrill Road. The slope will be cut back and a ditch line will be

added which will also increase sight distance. A right-hand turn lane is proposed on the Westerly side for vehicles turning into the subdivision. The pavement will be noted on the plan.

6. They will revise the compaction note to 95%.
7. The driveway (16+00) is the future extension of the road that will be used as a driveway to Pembroke Sand & Gravel. They will discuss it with Mr. Vignale.
8. They will expand the amount of silt fence shown on the plan.
9. They will review the calculations, breaking out the quantities, and attempt to make it clearer.
10. He will review the berm width of the retention pond to make sure that it is 5' with a minimum of 1' of freeboard.
11. They will clarify the berm width for the retention pond and surface treatment.
12. They will clarify the stone lined swale and filter fabric specification.
13. They will add a level lift to the plan.
14. The stone sizing calculations will be added to the report.

Mr. Bernier also said that the Storm Water Pollution Plan is part of the construction. The Alteration of Terrain Permit is due. NHDES subdivision approval has been submitted for the Subsurface Systems and wetland crossing.

Chairman Bourque opened the public hearing at 8:45 p.m.

There being no questions from the public or the Board, Chairman Bourque closed the public hearing at 8:46 p.m.

**MOTION:** Vice Chairman Topliff moved to approve the Special Use Permit (Case # 09-SUP-9AC) from Article 143-68.E, Aquifer Conservation District, which is required for any activity taking place in the District. This permit is granted conditionally until Case #09-06 has received final approval, at which time this Special Use Permit becomes final for as long as the Case is approved. If at any time the Case is revoked or final approval is not received, this Special Use Permit becomes invalid. Seconded by Selectmen's Rep. Lewis.

|              |               |              |              |
|--------------|---------------|--------------|--------------|
| <b>VOTE:</b> | Robert B. – Y | Larry Y. – Y | Cindy L. – Y |
|              | Kevin K. – Y  | Brian S. – Y | Mark Z. – Y  |
|              | Alan T. – Y   |              |              |

**MOTION TO APPROVE THE SPECIAL USE PERMIT (CASE # 09-SUP-9AC) FROM ARTICLE 143-68.E, AQUIFER CONSERVATION DISTRICT, WHICH IS REQUIRED FOR ANY ACTIVITY TAKING PLACE IN THE DISTRICT. THIS PERMIT IS GRANTED CONDITIONALLY UNTIL CASE #09-06 HAS RECEIVED FINAL APPROVAL, AT WHICH TIME THIS SPECIAL USE PERMIT BECOMES FINAL FOR AS LONG AS THE CASE IS APPROVED. IF AT ANY TIME THE CASE IS REVOKED OR FINAL APPROVAL IS NOT RECEIVED, THIS SPECIAL USE PERMIT BECOMES INVALID PASSED ON A 7-0 VOTE.**

**4. 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. *Development of Regional Impact under RSA 36:55, II, proximity to the borders of a neighboring community; III, transportation networks; and V, proximity to aquifers or surface waters which transcend municipal boundaries declared at June meeting. 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 said that the site is 116 acres with 114' of frontage on North Pembroke Road which will be subdivided into 5 lots, 4 of which will be for commercial development and the 5<sup>th</sup> lot will be used by Pembroke Sand and Gravel. The new road will be approximately 1200'. Mr. Bernier said that soil lines for all of the land are on the plan. The boundary lines for all of the property are on the plans. The applicant is requesting 2 waivers for topography. One is for a large portion of Lot 12-1. Because of severe grade changes, there is no future development that could be done in that area, therefore, they did not feel it was necessary to document the topography for that area. With regard to the gravel pit area (Lot 12), all the wetlands are shown, but did not show topography and 15% slopes in the active gravel pit because the area is continually changing.

**MOTION:** Selectmen's Rep. Lewis moved to waive the topography and wetlands on the back portion of Lot 12 to the southeast corner of Lot 12-1 and waive the topography of the gravel pit area of Lot 12. Seconded by Member Zydel.

**VOTE:**            Robert B. – Y            Larry Y. – Y            Cindy L. – Y  
                         Kevin K. – Y            Brian S. – Y            Mark Z. – Y  
                         Alan T. – Y

**MOTION TO WAIVE THE TOPOGRAPHY AND WETLANDS ON THE BACK PORTION OF LOT 12 TO THE SOUTHEAST CORNER OF LOT 12-1 AND WAIVE THE TOPOGRAPHY OF THE GRAVEL PIT AREA OF LOT 12 PASSED ON A 7-0 VOTE.**

**MOTION:** Chairman Bourque moved to accept the application as complete. Seconded by Member Zydel.

**VOTE:**            Robert B. – Y            Larry Y. – Y            Cindy L. – Y  
                         Kevin K. – Y            Alan T. – Y            Brian S. – Y  
                         Mark Z. – Y

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

Chairman Bourque opened the public hearing at 9:05 p.m.

There being no further questions from the public or the Board, Chairman Bourque closed the public hearing at 9:06 p.m.

The concensus of the Board was for the applicant to complete more of the outstanding items noted by Ms. Alexander's and return to the Board in August.

With regard to the road, Selectmen's Rep. Lewis said that the Board of Selectmen normally wants the road completed and in place for one year before accepting it as a Town road.

With regard to the North Pembroke Road bridge, a suggestion to create a CIP account for the bridge repair was made. Additional research will be required to consider the use of impact fees, the creation of a Tax Increment Finance District, and capital reserve funds for the bridge repair.

The board recessed at 9:20 p.m.

Chairman Bourque called the meeting to order at 9: 26 p.m.

**5. 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. *Application continued from the last meeting. Board to consider for approval. Application advertised as a public hearing.*

Present: Jim Bruss of Bruss Construction, Tim Golde of Golde Planning & Design and Ryan Newcomb from JBI Helicopter Services.

Mr. Golde explained that the initial analysis for the freeboard was based on field data taken onsite. After continued testing, it was found that the infiltration rate was very fast. After a review of the calculations and retesting, they designed a solution which pleased Mr. Vignale and the Applicant and addressed the treatment of storm water and containment.

KV Partners' letter dated July 7, 2009 recommends that the Board approve the revised design as presented in the plan (C3).

Chairman Bourque opened the public hearing at 9:34 p.m.

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

**MOTION:** Selectmen’s Rep. Lewis moved to approve the Special Use Permit (Case #09-SUP-10C) for activity within the Aquifer Conservation District. This permit is granted conditionally until Case #08-112A2 has received final approval, at which time this Special Use Permit becomes final for as long as the Case is approved. If at any time the Case is revoked or final approval is not received, this Special Use Permit becomes invalid. Seconded by Chairman Bourque.

**VOTE:**            Robert B. – Y            Larry Y. – Y            Cindy L. – Y  
                         Kevin K. – Y            Brian S. – Y            Mark Z. – Y  
                         Alan T. – Y

**MOTION TO APPROVE THE SPECIAL USE PERMIT (CASE #09-SUP-10C) FOR ACTIVITY WITHIN THE AQUIFER CONSERVATION DISTRICT. THIS PERMIT IS GRANTED CONDITIONALLY UNTIL CASE #08-112A2 HAS RECEIVED FINAL APPROVAL, AT WHICH TIME THIS SPECIAL USE PERMIT BECOMES FINAL FOR AS LONG AS THE CASE IS APPROVED. IF AT ANY TIME THE CASE IS REVOKED OR FINAL APPROVAL IS NOT RECEIVED, THIS SPECIAL USE PERMIT BECOMES INVALID.**

**6. 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 retention pond at JBI Helicopter Services. *Application continued from the last meeting. Board to consider for acceptance. Application advertised as a public hearing.*

Present: Jim Bruss of Bruss Construction, Tim Golde of Golde Planning & Design and Ryan Newcomb from JBI Helicopter Services.

Mr. Golde said that the amendment to the plan includes the Inset and the notes that refer to the Inset which will be reflected on the plan when it is recorded. (The Board received a copy of the Inset and notes.)

Per Ms. Alexander’s recommendation, Mr. Golde agreed to revise the grading and utility plan to include a Planning Board signature/endorsement box.

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

There being no further questions from the public or the Board, Chairman Bourque closed the public hearing at 9:31 p.m.

**MOTION:** Selectmen’s Rep. Lewis moved to approve the Minor Site Plan Amendment with the condition that the signature/endorsement box be added to the Plan at C3. Seconded by Chairman Bourque.

**VOTE:**            Robert B. – Y            Larry Y. – Y            Cindy L. – Y

Kevin K. – Y  
Alan T. – Y

Brian S. – Y

Mark Z. – Y

**MOTION TO APPROVE THE MINOR SITE PLAN AMENDMENT WITH THE CONDITION THAT THE SIGNATURE/ENDORSEMENT BOX BE ADDED TO THE PLAN AT C3 PASSED ON A 7-0 VOTE.**

**New Business**

**Conceptual Consultation**

**7. Buck Street Merger/Lot Line Adjustment.** *Board and applicant to discuss a voluntary merger and lot line adjustment of three lots, two of which are non-conforming, in the R-1 District and Aquifer Conservation and Floodplain Overlay Districts.*

Present: David Noyes, Surveyor and owners of all three lots.

Mr. Noyes gave the Board a copy of the tax map which illustrates the proposed lot line adjustment. He indicated that the property has been surveyed in the past. The applicant is proposing to change the boundary line between Lot 160 and 161 and merge the remainder of Lot 161 with Lot 162. As a result Lot 162 will disappear. Mr. Noyes said that he has missed the deadline for the Special Use Permit and would like to find another way. He would also like to waive the contour map, soil analysis and a complete survey of the 7.8 acres. He has the survey for the 7.8 acres that was previously prepared.

Chairman Bourque suggested that the applicant submit the waiver requests in writing explaining the reason for the waivers. Selectmen's Rep. Lewis said that, in the past, if the applicant has a past survey, then the Board can use the available survey.

Chairman Bourque agreed that, because this was strictly a lot line adjustment, there was no reason to perform a soil analysis and note the topography. The existing use will not change. It will remain residential. There is no construction of any kind.

Since Mr. Noyes missed the deadline for the Special Use Permit, he asked if the Board would consider waiving it. If a Special Use Permit was required, then the Applicant would have to wait until the October meeting. One of the sibling's sons would like to purchase Lot 161 and, in order to do so, the bank is requiring a merger. In order for the merger to occur, a survey must be done. Mr. Noyes can have the survey completed by the August deadline and return to the Board at the August meeting.

The concensus of the Board was that the Special Use Permit would not be necessary.

Selectmen's Rep. Lewis advised Mr. Noyes to survey the frontage as planned and to bring a copy of the existing survey for the remainder of the property to be given to Ms. Alexander.

**Minutes**

**8. Review and Approve Meeting Minutes of July 14, 2009**

**MOTION:** Vice Chairman Topliff moved that the meeting minutes of July 14, 2009 be approved as presented. Seconded by Alternate Member Seaworth. Unanimously approved.

**Miscellaneous**

**9. Correspondence**

Selectmen’s Rep. Lewis said that she was asked by Mr. Jodoin to contact McCourt Engineering Associates, PLLC regarding the Great Northern Video building that is for sale on Route 106. Green Mountain Communication (GMC) is presently going through a site plan process in Hooksett. Once they saw the Great Northern Video building, they contacted Mr. Jodoin inquiring about the cost of Pembroke’s planning process. The building is perfect for their use but would like to increase the rear parking for their trucks which will be parked there at nights and weekends. A copy of the conceptual site plan was given to the Board.

GMC would like to come before the Board for a conceptual at the August meeting. If the Board would allow them 3 more days, GMC could submit the paperwork for a minor site plan and make any changes based on the conceptual. The Board would need to agree that this would be a minor site plan so that GMC could come before the Board in September with their plan. There will be no change of use.

Mr. Jodoin said that Green Mountain Communication would like to consolidate their two other locations (Wolfeboro and Manchester) into one location which will require additional overnight/weekend parking for their trucks. Selectmen’s Rep. Lewis said that currently the parking meets current zoning but they would like to increase the parking area for their own trucks, not parking for their customers.

The consensus of the Board was that it can be submitted as a minor site plan.

**MOTION:** Selectmen’s Rep. Lewis moved: (1) that Green Mountain Communication be allowed to come before the Board for a conceptual hearing on August 25, 2009; (2) that the Board agree to consider this a minor site plan; and (3) that Green Mountain Communication will have until Aug. 28<sup>th</sup> to submit their documents for the minor site plan. Seconded by Chairman Bourque.

**VOTE:**            Robert B. – Y            Larry Y. – Y            Cindy L. – Y  
                         Kevin K. – Y            Brian S. – Y            Mark Z. – Y  
                         Alan T. – Y

**MOTION (1) THAT GREEN MOUNTAIN COMMUNICATION BE ALLOWED TO COME BEFORE THE BOARD FOR A CONCEPTUAL HEARING ON AUGUST 25, 2009; (2) THAT THE BOARD AGREE TO CONSIDER THIS A MINOR SITE PLAN; AND (3)**

**THAT GREEN MOUNTAIN COMMUNICATION WILL HAVE UNTIL AUG. 28<sup>TH</sup> TO SUBMIT THEIR DOCUMENTS FOR THE MINOR SITE PLAN PASSED ON A 7-0 VOTE.**

**10. Appointment of Planning Board Member to Capital Improvements Program (CIP) Committee**

Chairman Bourque announced that Member Terrien resigned from the Board effective July 28, 2009. After a brief discussion, it was agreed that Member Terrien's resignation letter will be passed onto the Board of Selectmen for approval and that a letter be written requesting that Alternate Member Seaworth be accepted as a full member.

Alternate Member Seaworth volunteered to be the Planning Board representative to the CIP Committee.

**11. Other Business**

- a. August 11 Work Session Agenda – Finalize PB Applications and Fees, Review Definitions, Review Buildable vs. Nonbuildable Area, Discuss Zoning Ordinance Changes

Member Krebs asked that the items that have been postponed from recent meetings (such as definitions) be reviewed on August 11, 2009.

**MOTION:** Vice Chairman Topliff moved to adjourn. Seconded by Chairman Bourque.

The vote was unanimous in favor of the Motion.

The meeting adjourned at 9:59 p.m.

Respectfully submitted,  
Jocelyn D. Carlucci, Recording Secretary