

**Pembroke Planning Board
(Adopted)
Minutes of Meeting
May 12, 2015**

MEMBERS PRESENT: Alan Topliff, Chairman; Brian Seaworth, Vice Chairman; Larry Young, Sr.; Kevin Krebs; Robert Bourque; Kathy Cruson

ALTERNATES PRESENT: Brent Edmonds

EXCUSED: Fred Kline, Selectmen's Rep.

STAFF PRESENT: David Jodoin, Town Administrator; Matt Monahan, Interim Town Planner; Jocelyn Carlucci, Recording Secretary

Chairman Topliff called the meeting to order at 7:00 p.m.

New Business

1. Natural Resource Inventory. Presentation by Rick Van.

Mr. Van gave a very interesting presentation on the Natural Resource Inventory that he prepared. Approximately 20 people attended.

Old Business

A. W.I.N.P. Realty discussion on prior subdivision approval (continued).

Present: Scott Reiff, representing W.I.N.P. Realty, owner of VE-178 and the site of the Soap Bubble Laundromat.

Mr. Monahan said that Mr. Reiff's letter dated April 10, 2015 was read into the Planning Board minutes of April 14, 2015. Since the Board requested additional details, Mr. Monahan invited Mr. Reiff to present the issue in person.

Mr. Monahan also said that he and Everett Hodge, the Code Enforcement Officer, felt that no action by the Planning Board was necessary. Mr. Reiff's presentation is for informational purposes only.

Mr. Reiff said that his intent was to make all Town departments aware of the error that occurred with the 1987 site plan approval in hopes that, if any action on properties VE-178 and VE-179-3 occurs, the Town would notify Mr. Reiff so he could protect his investments.

Mr. Reiff said that approximately 4 months ago, it came to his attention that the property known as VE-179-3 (which was one of the lots of the 1987 Mill Falls condominium approval) could possibly continue the second phase of the 1987 approval as long as nothing physically changed on the site. The property has been sold a number of times since 1987.

His concern was that someone could pull a permit for the 1987 site plan approval even though the site had changed and he would not be notified.

Referring to page 4 of his handouts, Mr. Reiff said that prior to the approval, the existing lot line between Lots VE-178 and VE-179-3 was as noted in green on his map. As part of the 1987 approval, the lot line was changed to the location noted in blue. The reason for the lot line change was to allow a 16' area between the two lots for access to the rear of Mr. Reiff's property for parking, etc. In 1987, the two lots were owned by the same person. The site plan was approved, but the deed for the lot line adjustment which provided the 16' alleyway for VE-178 was never recorded. Therefore, title to the small strip of land was never transferred. The property then went through foreclosure.

Chairman Topliff said that if a condition of a plan was never satisfied, then it would be a Planning Board issue.

Mr. Reiff said that one of the requirements for the 1987 site plan approval for the first phase of the condominiums was for the small parcel of land to be transferred to VE-178. However, the 1987 deed to transfer the land was never recorded, but the 1987 survey and site plan were recorded.

Mr. Reiff said that, in 2005, the owners of VE-179-3 and VE-178 did a lot line adjustment splitting the small parcel in half. He said that the lot line adjustment moved the frontage approximately 3 ft.

Member Bourque was of the opinion that if the site of an approved plan is sold, the new owner must abide by the approved plan and all conditions of the approval. In his opinion, that would mean that the new owner would be required to deed the 16 ft. parcel to VE-178. Chairman Topliff said that the complicating factor was that the planner at the time overlooked the condition and signed the plan which made it full and legal.

Mr. Reiff said that the reason he is before the Planning Board is to make sure that the 1987 site plan approval is red-flagged to note that changes have been made. He does not want a building permit to be granted without further investigation in hopes that an easement for the 16' strip could be addressed.

Mr. Jodoin said that the land that Mr. Reiff is discussing could be land owned by Elliot Connor, THC Realty of Bedford, NH. He said that nothing has been done with the property because there was potential site contamination.

Chairman Topliff suggested that Mr. Reiff and the owner of VE-179-3 agree to record a note on the recorded plot plan to ensure that the matter is flagged to future purchasers.

Chairman Topliff also suggested that a copy of today's minutes be placed in the file.

1. Discussion on potential Technical Review Committee authority and process changes in Site Plan Regulations.

Due to the late hour, the Board agreed to table this subject until the next worksession. Since Vice Chairman Seaworth had a few comments pertaining to the Simple Site Plan, he agreed to discuss them with Mr. Monahan.

Minutes- April 28, 2015

MOTION: Member Young moved to approve the Minutes of April 28, 2015 as presented. Seconded by Member Cruson. Approved with two abstentions: Members Krebs and Bourque.

Miscellaneous

2. Committee Reports-

Conservation Commission: Member Krebs said that the Commission's last meeting was used to prepare tonight's presentation.

Chairman Topliff said that the presentation was very interesting and he would like to see the Board explore strengthening the Town's ordinances on surface runoff to be more in line with current science such as for Best Management Practices. If funding became available, he would like the Planning Board to consider hiring Mr. Van as a consultant.

Vice Chairman Seaworth said that the EPA has expanded their definition with regard to navigable waters and what feed into them. Pembroke will be coming under an area that will require stormwater permits through the EPA. It is not clear what will be required in order to grant the permit. One thing recommended by Central NH Regional Development is that Pembroke's ordinance be tightened up. If pollutants are detected in the Merrimack River and it is found that Pembroke's stormwater system was the cause of those pollutants, Pembroke would be responsible for large fines. On the other hand, if the ordinances were ensuring that developments were controlling their stormwater, it would be a mitigating factor when someone was investigated by the EPA. He said that Chairman Topliff's suggestion may be something to be pursued in the near future.

Mr. Monahan said that Mr. Mike Vignale is working on language for the future stormwater ordinances.

Roads Committee: Vice Chairman Seaworth said that the Committee is still reviewing the budget. The Board of Selectmen approved a proposal for engineering off Dudley Hill Road.

Tri-Town Ambulance: Member Bourque said that they will meet May 13, 2015.

Technical Review Committee: Member Young said that they discussed the liquor store, the Brown Storage, the alarm company, and the Heiser lot line adjustment.

3. Planner Items-

Mr. Monahan read the ordinance aloud regarding temporary storage trailers.

He said that the NH Soccer Association, that purchased property on Buck Street, would like to have a storage trailer on the soccer field site for their material. They have been told that they would need a permit for a temporary storage trailer. Mr. Monahan asked if the Board would require a site plan or Special Use Permit for them to permanently keep the storage trailer onsite.

Member Bourque said that the ordinance was written specifically for construction site temporary trailers.

After a short discussion, it was agreed that, since the storage unit will remain onsite indefinitely, it should be treated like a permanent structure similar to a - storage shed that is built onsite. It would have to adhere to all setback and wetland requirements, receive a permit from the Code Enforcement Officer, and be taxable.

With regard to Clean Energy, Mr. Monahan said that they want to build a smaller container than proposed on their approved site plan. They also want to place another shipping container next to the one at the northerly portion of the property. Chairman Topliff noted that there would be no construction taking place, the truck would back up and drop the container on the site. It would not affect the use of the site and that it is an approved use. After a short discussion, the Board agreed that since the site plan has not been signed, Clean Energy should be asked to revise the site plan to show the placement of the storage unit. Member Young noted that by doing so, there would be a record available so that Clean Energy could not increase the number of storage units in the future.

4. Board Member Items-

Member Bourque said that the gravel pit regulations which were to be reviewed by Central NH Regional Planning had not been discussed.

Members Cruson, Bourque, and Edmonds renewed their Planning Board terms.

MOTION: Member Krebs moved to adjourn the meeting. Seconded by Member Cruson. Unanimously approved.

The meeting was adjourned at 9:22 p.m.

Respectfully submitted,
Jocelyn Carlucci, Recording Secretary