

**Pembroke Planning Board
Meeting Minutes
(ADOPTED)
August 28, 2018**

MEMBERS PRESENT: Brian Seaworth, Vice Chairman; Kathy Cruson; Brent Edmonds; Selectman's Rep. Ann Bond

ALTERNATES PRESENT: Robert Bourque

EXCUSED: Alan Topliff, Chairman; Richard Bean; Larry Young, Sr.; Timothy Goldthwaite; Kellie Dyjak

STAFF PRESENT: Carolyn Cronin, Town Planner; Jocelyn Carlucci, Recording Secretary; David Jodoin, Town Administrator

In the absence of Chairman Alan Topliff, Vice Chairman Seaworth called the meeting to order at 7:03 pm. He asked Alternate Member Bourque to vote in place of Member Young.

Acting Chairman Seaworth said that the first item on the agenda was a request to continue and not noticed as a public hearing. He said that the applicant previously received a continuance to September 19, 2018 and is requesting another continuance. The Planner informed the applicant that if they do not receive another continuance, they would have to reapply to the Board.

Acting Chairman Seaworth asked if there were any objections from the Board to not read aloud Agenda Items 1, 2, and 3. There was no objection. Since there was not a representative from Pembroke Meadows present, Acting Chairman Seaworth said that he would move to Agenda Item 4 in order to allow more time for the applicant's representative to appear.

- 1. Major Subdivision Plan Application #18-06, Eric Pearson, Equivise, LLC, acting as Applicant on behalf of Cole Family Trust, owner of Tax Map 565, Lot 55 located at 354-356 Pembroke Street in the Medium Density (R1) Residential Zone, the Aquifer Conservation (AC) District, the Wetlands Protection (WP) District, and the Architectural Design (AD) District.**

The Applicant proposes to subdivide Map 565, Lot 55 into sixteen (16) single-family residential lots on a proposed roadway. The proposed development will be serviced by municipal water and sewer, and includes a closed drainage system and associated drainage easement area. This permit is associated with Special Use Permits for the AC and WP Districts (SUP-AC #18-307 and SUP-WP #18-308).

Request to continue to the September 25, 2018 Planning Board meeting.

- 2. Special Use Permit Application SUP-AC #18-307, Eric Pearson, Equivise, LLC, acting as Applicant on behalf of Cole Family Trust, owner of Tax Map 565, Lot 55 located at 354-356 Pembroke Street in the Medium Density (R1) Residential Zone, the Aquifer Conservation (AC) District, the Wetlands Protection (WP) District, and the Architectural Design (AD) District.**

The Applicant requests a Special Use Permit from Article 143-68.E., Aquifer Conservation District, for single-family residential use over the aquifer. This permit is associated with Major Subdivision Plan Application #18-06.

Request to continue to the September 25, 2018 Planning Board meeting.

3. **Special Use Permit Application SUP-WP #18-308, Eric Pearson, Equivise, LLC, acting as Applicant on behalf of Cole Family Trust, owner of Tax Map 565, Lot 55 located at 354-356 Pembroke Street in the Medium Density (R1) Residential Zone, the Aquifer Conservation (AC) District, the Wetlands Protection (WP) District, and the Architectural Design (AD) District.**

The Applicant requests a Special Use Permit from Article 143-72.D., Wetlands Protection District, for single-family residential use on a parcel containing wetlands. This permit is associated with Major Subdivision Plan Application #18-06.

Request to continue to the September 25, 2018 Planning Board meeting.

Acting Chairman Seaworth said that the case and public hearing were continued from a previous meeting. The applicant is requesting a continuance to September 25, 2018. He read case descriptions 4, 5, and 6.

Acting Chairman Seaworth read aloud a letter dated August 7, 2018 to Carolyn Cronin from Brenton Cole, P. E. Project Manager of Keach-Nordstrom on behalf of the project. It was received on August 7, 2018.

Ms. Cronin said that they are still addressing comments from the State and the Town regarding stormwater and the road design.

MOTION: Alternate Member Bourque moved to continue Application Nos. 18-06, 18-307 and 18-308 to the September 25, 2018 meeting. Seconded by Selectman's Rep. Bond.

VOTE:	K. Cruson – Y	B. Seaworth – Y	A. Bond – Y
	B. Bourque – Y	B. Edmonds - Y	

MOTION TO CONTINUE APPLICATION NO. 18-06, 18-307 AND 18-308 TO THE SEPTEMBER 25, 2018 MEETING PASSED ON A 5-0 VOTE.

Acting Chairman Seaworth said that the public hearing is continued until September 25, 2018 and will not be renoticed. Anyone interested in following these applications are asked to refer to future Planning Board agendas on the Town's website.

At this time, Acting Chairman Seaworth asked if anyone from Pembroke Meadows was in the audience. No one responded. He continued to move through the agenda.

New Business

1. **Minor Site Plan Application #18-104, Eric Steinhauser, PE, Sanborn, Head & Associates, Inc., acting as Applicant on behalf of NG Advantage, LLC, owner of Tax Map 634, Lot 41-2 located at 10 Cooperative Way in the Soucook River Development (SR) Zone, the Aquifer Conservation (AC) District, and the Architectural Design (AD) District.**

The Applicant proposes the addition of one new 40' x 8' decompression skid and the relocation of one existing 40' x 8' decompression skid. This plan is associated with Special Use Permit Application SUP-AC #18-309.

2. Special Use Permit Application SUP-AC #18-309, Eric Steinhauser, PE, Sanborn, Head & Associates, Inc., acting as Applicant on behalf of NG Advantage, LLC, owner of Tax Map 634, Lot 41-2 located at 10 Cooperative Way in the Soucook River Development (SR) Zone, the Aquifer Conservation (AC) District, and the Architectural Design (AD) District.

The Applicant requests a Special Use Permit in accordance with Article 143-68.E., Aquifer Conservation District, for private utility use over the aquifer. This permit is associated with Minor Site Plan Application #18-104.

Present: Eric Steinhauser and Chris Maskwa of Sanborn, Head & Associates, Inc.; Rico Biasetti, CEO, Jay Parent, and Ben Nicols of NG Advantage, LLC.

Ms. Cronin said that this was a minor site plan application for one new skid and the relocation of one existing skid. She said that it was a very minor change to the site. They are in the Aquifer Conservation District and have submitted all the required criteria. The health officer and Pembroke Water Works had no concerns. The applicant submitted a narrative and the safety data sheets for on-site chemicals.

The project is also in the Architectural Design District. The applicant submitted a letter addressing the impact that the project may have.

Ms. Cronin said that there was a Planning Board approval from 2013 that put a limit on the number of trailer trips to the site. The limit was 40 trailer trips per day. There was also a stipulation that if the applicant wanted to change the trip limit, they were required to return to the Planning Board with a site plan. The Applicant has provided a traffic memo and letter requesting to increase the number of trailer trips seasonally. They are asking that the Board remove the stipulation of the 40 trailer trips per day.

With regard to the plans, Ms. Cronin said that it was a minor site plan. The applicant has provided everything on the checklist. No waivers were requested. She recommended that a plan legend and a deed reference for the slope and drainage easement be added to the plan.

There are no issues with regard to completeness.

MOTION: Alternate Member Bourque moved to accept the application as complete. Seconded by Member Cruson.

VOTE:	K. Cruson – Y	B. Seaworth – Y	A. Bond – Y
	B. Bourque – Y	B. Edmonds - Y	

MOTION TO ACCEPT THE APPLICATION AS COMPLETE PASSED ON A 5-0 VOTE.

Acting Chairman Seaworth opened the public hearing on the application at 7:16 pm. He said that if members of the public wish to speak that they state their name for the record and address all comments to the Board. He also pointed out that if the application is not completed this evening, the public hearing would be continued along with the application and would not be renoticed. He said that all interested parties should look for the Planning Board agenda on the Town website or call the Planning Department.

Acting Chairman Seaworth said that he attended the applicant's open house at the facility and thanked them for taking the time to give everyone tours.

Mr. Steinhauser said that this is a minor site plan application to add a decompression skid. There are presently two skids on the property and they would like to add a third and relocate one slightly in order to fit all three skids comfortably.

He said that the change to the facility consists of adding the one 40' x 8' structure. There will be no change in stormwater or topography. They are not changing outdoor lighting, building areas, or on-site parking. He said that there are no changes other than adding another large box to the site. There will be some minor mechanical piping associated with the new skid.

Mr. Steinhauser said that they requested a lift of the trailer trip limit and explained that a trip was a vehicle coming in or out. 40 trips would be 20 coming in and 20 going out. Part of the project, along with adding a skid, is to inject gas from compressed natural gas trucks into the existing pipeline. He explained that that would be done in the winter months when there was more need for gas. They would bring gas from unconstrained pipelines to constrained pipelines like the one at the Pembroke facility.

Mr. Steinhauser said that a traffic memo for the additional trucks was done and focused on Pembroke Street. The memo results show that there would be no impact to Pembroke Street.

He also said that the Aquifer Conservation Overlay District required the applicant to submit a Special Use Permit. They worked with the Pembroke Water Works and provided all the information for on-site chemicals which were the same ones that were originally approved. They updated the safety data sheets for the Town. Matt from the Pembroke Water Works has been out to the site twice. Mr. Steinhauser said that all Matt's correspondence with the Town has shown that everything was in compliance.

With regard to the Architectural Design District, Mr. Steinhauser said that there would be no change to the character of the area and the facility is not visible from Pembroke Street.

Mr. Steinhauser said that a background sound study was done in order to understand the equipment and the sound generated. The sound study showed that there were a few

louder sounds but they were not associated with the facility. They were aircrafts, sirens, etc. They will not be adding louder noise to the site. The study was done over three days in July.

Acting Chairman Seaworth said that his understanding was that the previous application contained approval from NHDOT for the limit on the number of trips. He asked if by lifting the limit they would be calling into question the existing NHDOT permit.

Mr. Steinhauser said that it was a Town requirement not a NHDOT permit requirement.

Acting Chairman Seaworth said that he remembered that when the limit was set it was for only taking gas out of the pipeline and leaving with it. He said that there was a limit on how many trucks could go there since there was only so much gas that could be drawn. The Board set the limit based on how many trucks could possibly use the facility without impacting the operation.

Alternate Member Bourque said that the applicant suggested how many trips at that time. He asked Mr. Steinhauser how many trips they are presently requesting to be added.

Mr. Steinhauser said that they plan to increase the truck traffic based on the season. The narrative indicates that during December and March, they would like to increase the trips to 54. During January and February, they would increase the trips to 120.

Alternate Member Bourque asked if the 40 trips are within a 24 hour period.

Mr. Biasetti said yes.

Alternate Member Bourque asked how many trucks are usually in the yard on the two skids.

Mr. Biasetti said that they do not use the yard for storage. They use the yard for loading. They operate on a 24-hour basis, 7 days a week. He said that they presently are using it for loading of trailers. The gas is brought to commercial and industrial customers.

He also said that during the winter time period that they are discussing, the pipe line pressure drops significantly and the amount of gas in the pipeline drops significantly during the cold months but only when it is extremely cold.

He continued to explain that the pressure is so low, that they need to inject gas into the system to keep the pressures up and the volumes up to supply their customers. He said that it is not every day from December through March, it is typically during the coldest periods when the gas supply is very low in the region. Mr. Biasetti said that when they do this, it is over a 24-hour period -- from 10 am to 10 am (a/k/a a gas day). The gas would be delivered on a pre-rated basis throughout the day. They cannot load the trucks that

quickly at the compression stations, so NG Advantage does not send them all out at once. They are rated in every 45 minutes or so.

Alternate Member Bourque asked what the maximum number of trucks during an overnight period would be.

Mr. Biasetti said that there would be 9 trailers.

Alternate Member Bourque asked how many trailers are now present during normal operations.

Mr. Biasetti said yesterday there were 8 which is a standard day. He said that they typically load 16 to 20 trailers in the course of a day for typical business during the summer months.

Alternate Member Bourque said he wondered how much additional noise would be generated.

Mr. Biasetti said that it would be less. He explained that when they inject into the pipeline, they shutdown all the compressors. They do not need them again until spring. The systems that Mr. Steinhauser was talking about have small electric motors. It is on a chassis similar to a box trailer with electric motors. There is no additional noise from that equipment. With the additional trucks coming through, they will suspend vehicle loading at the site during those 4 months. Any vehicles that normally are loaded at the site (i.e. tractor trailers, busses, etc.) will be sent to the Concord station. This will result in the end bay being used as a pass-through for the trailers.

Alternate Member Bourque asked if he was correct in assuming that during the winter they would be pumping in rather than pumping out of the pipeline.

Mr. Biasetti said yes. He said that typically during the winter, the pressure and the amount of gas is so low that they cannot pump off the line even if they wanted to. As in this past winter, Mr. Biasetti said that during the extremely cold period, the pipe line company will start shutting down customers starting with industrial, and then commercial facilities in order to reserve the gas for key services such as residential, hospitals in Keene, and service areas.

Mr. Biasetti explained that last year they set up a similar system on Long Island to supply National Grid using the same equipment. They are doing it now for Con Edison in New York City because they have the same problems. The amount of energy in the northeast has not increased dramatically. The amount of coal, oil, nuclear, and propane has dropped dramatically. The amount of natural gas infrastructure has not increased with it. He said that there is a lot more natural gas usage in the northeast but there is not enough infrastructure to support it. What they are finding is that there are certain areas at the end of the pipeline that lose velocity and pressure. Pembroke is at the very end of the pipeline

along with Dracut, MA, Long Island, NY and Albany, NY. Mr. Biasetti said that they were approached by National Grid to do the same for them in Boston. The very tail ends of the pipeline lose pressure and it becomes more difficult to supply customers.

He said that it seems strange because they put the business in 5 years ago to draw gas to deliver to customers who didn't have access to it and now they're being asked to put gas into the system. He said that it is a bigger problem but it is an opportunity for only 4 months a year.

Acting Chairman Seaworth said that he recalled the initial application indicated that most of the truck trips would be overnight because the trailers were needed at the customers' site during the day. He asked Mr. Biasetti if that was still typical of the operation now, when drawing out gas and delivering it.

Mr. Biasetti said that now the gas will be sourced from 2 areas – a compression station in Milton, VT where the gas will be removed and brought to Pembroke, and they are building a station in Pennsylvania. Gas will be removed from Pennsylvania and will be brought here. It will be a similar situation except that they will return to the compression station to be loaded. He said that they will not be storing gas on site. All the trailers will be connected and discharging.

Acting Chairman Seaworth said that the comparison that he is trying to make is that during the summer when gas is being removed from the Pembroke site and delivering it, he asked if that was typically when they are moving the trailers during the nighttime hours or if it was spread evenly throughout the day.

Mr. Biasetti said that it was spread evenly throughout the day. Their customers would typically be serviced from Pembroke – the commercial, industrial, hospitals, asphalt companies and they use fuel 24/7. They also have a monitoring system that monitors each of their customers. It would be the same system that they have here monitoring each of the trailers so that they know exactly what stage that are in delivery.

He also said that another thing that they are doing during the 4-month period is that the site is not manned 24/7 today. It is manned by two employees, 5-days a week, 8 hours a day. Mr. Biasetti said that during the 4-month period, the station will be manned with two 12-hour shifts, with two employees per shift, and will be there 24/7 during the entire 4-month period whether they are injecting gas or not.

He also continued to say that they made upgrades to the station. The system had been maintained but over the last 5 years, they removed the odorization system and replaced it with a brand new mercaptan system which will be commissioned when the rest of the equipment is commissioned. Because the technology has advanced, they replaced the old methane detectors with all new "red-eye" methane detectors to cover the site.

Member Edmonds asked if there might be a slight issue with the tank of mercaptan at the site.

Mr. Biasetti said that, as he mentioned earlier, the entire odorization system was removed and replaced this summer with a \$130,000 upgrade. They replaced the old tanks with brand new ones. Whenever an odorization system is installed, Kinder Morgan, who owns Tennessee Pipeline, as part of their process comes and witnesses it and signs off on it. It is in compliance with best management practices.

Mr. Steinhauser said that Matt from the Pembroke Water Works returned to the site last week after his concern was addressed. He sent an email to Ms. Cronin confirming that.

Ms. Cronin said that, since the packets with the memos went out, she received an email from Matt stating that he did the follow-up inspection regarding the mercaptan storage. He indicated that the recommendations were met, the approved tank is up and running, and that they removed the temporary tank from the location. The temporary tank will be removed from the site.

She said that she received an update from the Town Engineer after he reviewed the traffic memo. He indicated that he had no concerns with the traffic.

Acting Chairman Seaworth said that that makes a huge difference from the last time that the applicant was before the Board. At that time, the Board was concerned about night traffic and congestion during the daytime traffic. Now that the applicant's practice is to make sure that the traffic enters and exits through Kline Way, the conditions are much better than in 2013.

Alternate Member Bourque asked if the increase in truck traffic was only for December, January, February, and March.

Mr. Biasetti said that it was only for those 4 months. They do not anticipate any need for natural gas during the summer months. They also do not see a need for it all year long. It is just those 4 peak winter months. He continued to say that the increase in truck traffic should be covered in that time period. If there is a need for it at different times of the year, they would come and talk to the Board about it.

Mr. Steinhauser said that they asked that the limit be eliminated so that it would not become confusing to have an algorithm of what trucks come in and when. He said that they projected a certain number of trucks during the shoulder parts of the winter and the main part of the winter.

Alternate Member Bourque said that he had an issue with setting no limit. He was concerned that the truck traffic could increase and cause a problem.

Mr. Biasetti said that they are limited on how many trailers they can physically load and off-load because of the size of the pipe. There is not an endless amount of gas that they can bring in or off-load because the system takes a set amount of time to off-load each vehicle. The only other way to do something different would have to be dramatic. They would have to expand the site, the pipeline would have to expand the size of the pipe, etc. in order to have an endless volume.

Selectman's Rep. Bond asked what the volume count was.

Mr. Steinhauser said that the trailer count projection for the different months are 54 trailer trips per day (27 in and 27 out) for December and March, and a maximum of 120 trips per day for January and February (60 in and 60 out).

Selectman's Rep. Bond said that her understanding is that Kline Way is underutilized. She asked if NG Advantage trucks use Kline Way.

Mr. Biasetti said that their drivers use Kline Way and prefer to do so.

Mr. Steinhauser said that the trucks going in and out Cooperative Way are not NG Advantage trucks which is easy to see based on the color of the cab.

Susan Burt of Broadway, asked who would monitor the trip counts.

Acting Chairman Seaworth said that there would be no Town entity in place counting trucks. He said that he would imagine that the applicant tracks the use of their facility so that the Town could ask them for specific counts at any given time.

Mr. Biasetti said yes. He said that the Town could have an answer within a day.

Ms. Burt asked who would respond to any complaints.

Acting Chairman Seaworth said that it would depend on the inquiry. If the complaint went to the Police Department, the Police would contact the applicant. If it had to do with enforcement of the zoning regulations or conditions on the site plan, the Code Enforcement Officer would respond.

Ms. Burt asked if, in the future, a pipeline was built along Route 101, as publicized, would that increase Pembroke's volume.

Mr. Biasetti said that the pipeline that they inject into is a Tennessee Pipeline owned by Kinder Morgan. Kinder Morgan supplies companies such as Liberty Utility and National Grid. Once it is into the pipe, the gas is used for the general geographic region.

Acting Chairman Seaworth said that there was talk about a project in the southern part of NH to add a major pipeline and the question was, if a project like that goes through, would that mean a lot more gas in the Pembroke pipe line.

Mr. Steinhauser said that the Rt. 101 corridor a/k/a the Granite Bridge Project of Liberty Utilities which is a local distribution company, would buy their gas from Tennessee or other providers. His understanding is that that pipeline would connect the seacoast to Manchester to increase reliability for customers off Route 101. He did not know how that would affect the Pembroke area because they have plans to use the gas elsewhere. They are not necessarily connected.

Ms. Burt asked if Pembroke's pipeline goes to Manchester.

Mr. Steinhauser said yes. Gas starts from the South and goes North. Pembroke is toward the end of the line. He said that if the line does not need the gas, they would not provide the line with gas. They are only providing gas to Pembroke's line because it needs gas.

With regard to security, Mr. Biasetti said that most of their customer sites are unmanned. This site is manned 5 days a week. It has security cameras and is monitored at Milton, VT. Drivers come in on a regular basis, 24/7. To date, there has not been any issues at the facility.

Ms. Cronin read aloud the proposed conditions of approval.

1. The final plan shall include original signatures of all property owners.
2. The final plan shall include a plan legend.
3. The final plan shall include the deed reference for the Slope and Drainage Easement.
4. The Special Use Permit (SUP-AC #18-309) Notice of Decision and the Site Plan Review #18-104 Notice of Decision are both to be recorded at the Merrimack County Registry of Deeds.
5. The site plan will not be considered as receiving final approval until all applicable conditions of approval are met.
6. *(Potential language: This site plan fulfills the requirement of Condition #5 of the Planning Board decision, dated August 27, 2013, hereby lifting the 40 trailer trip per day limit.)*

The Board agreed with conditions 1 through 5.

With regard to the trip limitation, Alternate Member Bourque said that he would grant their trip request for the 4 winter months, and continue to limit the rest of the year to 40 trips per day.

Acting Chairman Seaworth said that the number of trips that can be tolerated on Kline Way is not dependent on the season. If 120 trips create no problem for Kline Way, then it would

not be problematic during the summer even if the Board does not anticipate them using it as much. With that being said, Acting Chairman Seaworth asked if it made sense to set a seasonal limit when it is, in some ways, arbitrary.

Alternate Member Bourque said that, even though NG Advantage would use Kline Way, other customers may use Cooperative Way which could cause traffic problems.

Member Cruson asked if Associated Grocers of New England (AGNE) had a truck limit.

Ms. Cronin said not that she was aware of. The road was built to accommodate their growth and development.

Member Cruson said that if AGNE is not limited, why would NG Advantage be limited?

Acting Chairman Seaworth said that the reason that the Board limited the trailer trips to 40 was because the Board thought that was so high that their existing business would never be impacted by it, but yet, if the nature of the business completely changed, they would return to the Board. He said that the reasoning behind it was to show that the Board approved what the applicant wanted to do but if the business plan should change, the approval required that they come and discuss it again with the Board.

He wondered if 120 trips or higher was not going to be a problem, if setting a limit would negate what the Board was trying to accomplish.

Member Cruson said that, even if it is a problem, if AGNE uses Kline Way to make it more fluid for their trucks to come and go, it did not make sense to treat another business so radically different.

Acting Chairman Seaworth said that AGNE anticipated their increase in shipping and built a bigger facility. By approving the phased plan, the Board agreed to the increase in traffic that they would generate.

Selectman's Rep. Bond said that trip limits are placed on many businesses, but she did not know if AGNE had trip limits.

Member Edmonds said that he would like to see Cooperative Way posted as no truck traffic allowed and divert all truck traffic to Kline Way.

Mr. Jodoin said that the trucks that use Cooperative Way are not AGNE trucks. They are trucks delivering to AGNE. GPS technology has not caught up with the new road (Kline Way).

Acting Chairman Seaworth said that he thought that the discussion was outside of the scope of the application, especially since the applicant was on board with using Kline Way.

Mr. Steinhauser clarified that the trip limit is for tractor trailers and not vehicles. He said that if a bus fueled up at the site, the bus would not count toward their trip limit.

Ms. Cronin agreed. She said that the applicant is requesting to change trailer trips. She read aloud the 2013 Planning Board decision.

Acting Chairman Seaworth said that although the Board would not be voting on a motion until they were out of public hearing, he wanted to hear Alternate Member Bourque's amended motion to see if the Board would favor it.

Alternate Member Bourque said that his amended motion would be to allow the 120 trips per day during the months of December, January, February, and March and the rest of the year would be limited to 40 trips per day.

Acting Chairman Seaworth asked who would favor the motion:

K. Cruson - N

B. Edmonds - Y

A. Bond - Y

Member Cruson said that she would not support it because she did not understand why the Board would limit it.

Acting Chairman Seaworth said that the majority of the Board would support it so, before ending the public hearing, he said that he would like to discuss possible wording for condition No. 6 in case the motion passes.

Acting Chairman Seaworth asked if 120 trips was an upper limit or a median.

Mr. Biasetti said that the 120 gives them a built-in cushion. The number of trips that they would need to satisfy the requirement with the gas marketers is 54. He said that they rounded it up to 60. The 120 round trips should satisfy their requirements for the designated period of time. He said that if he sensed the business changing, they would talk to town officials first before approaching the Planning Board.

Ms. Cronin suggested the following wording for condition 6:

6. The site shall be limited to 120 trips per day of CNG Transportation trailer traffic in the months of December, January, February and March. The site shall be limited to 40 trips per day of CNG Transportation trailer traffic in the months of April through November.

Acting Chairman Seaworth said that because the Board did not repeal any other conditions from the 2013 application, it is understood that the remaining conditions from 2013 would remain in force.

Selectman's Rep. Bond felt that the previous requirement for a new site plan was excessive.

Acting Chairman Seaworth said that the Planning Board can only create conditions of approval. If the applicant does not follow the conditions of approval, the Board can revoke their site plan. It is their only enforcement mechanism. Once it is written on a site plan, the only way that it can be changed is to return to the Planning Board and change the site plan.

6. Condition Nos. 4, 5, and 6 of the Planning Board decision dated August 27, 2013 shall stand with the exception of limiting to 120 CNG Transportation trailer trips per day in the months of December, January, February and March.

Mr. Biasetti agreed.

Seeing no further comments from the Board or the public, Acting Chairman Seaworth closed the public hearing at 8:26 pm. If the application is not concluded tonight and is continued to another date, the public hearing would also be continued and would not be renoticed.

MOTION: Alternate Member Bourque moved to raise the trailer trip limit to 120 per day during the months of December, January, February and March. Seconded by Selectman's Rep. Bond.

VOTE:	K. Cruson - N	B. Seaworth - N	A. Bond - Y
	B. Edmonds - Y	R. Bourque - Y	

THE MOTION TO RAISE THE TRAILER TRIP LIMIT TO 120 PER DAY DURING THE MONTHS OF DECEMBER, JANUARY, FEBRUARY AND MARCH PASSED ON A 3-2 VOTE.

MOTION: Alternate Member Bourque moved to find the proposed Minor Site Plan #18-104 in harmony with the Architectural Design District. Seconded by Selectman's Rep. Bond.

VOTE:	K. Cruson - Y	B. Seaworth - Y	A. Bond - Y
	B. Edmonds - Y	R. Bourque - Y	

MOTION TO FIND THE PROPOSED MINOR SITE PLAN #18-104 IN HARMONY WITH THE ARCHITECTURAL DESIGN DISTRICT PASSED ON A 5-0 VOTE.

MOTION: Alternate Member Bourque moved to approve Special Use Permit case SUP-AC #18-309 conditionally until Minor Site Plan #18-104 has received final approval, at which time the 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, the Special Use Permit becomes invalid. Seconded by Member Cruson.

VOTE: K. Cruson - Y B. Seaworth - Y A. Bond - Y
B. Edmonds - Y R. Bourque - Y

MOTION TO APPROVE SPECIAL USE PERMIT CASE SUP-AC #18-309 CONDITIONALLY UNTIL MINOR SITE PLAN #18-104 HAS RECEIVED FINAL APPROVAL, AT WHICH TIME THE 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, THE SPECIAL USE PERMIT BECOMES INVALID PASSED ON A 5-0 VOTE.

MOTION: Alternate Member Bourque moved to approve Minor Site Plan Application #18-104 with the following conditions:

1. The final plan shall include original signatures of all property owners.
2. The final plan shall include a plan legend.
3. The final plan shall include the deed reference for the Slope and Drainage Easement.
4. The Special Use Permit (SUP-AC #18-309) Notice of Decision and the Site Plan Review #18-104 Notice of Decision are both to be recorded at the Merrimack County Registry of Deeds.
5. The site plan will not be considered as receiving final approval until all applicable conditions of approval are met.
6. Condition Nos. 4, 5, and 6 of the Planning Board decision dated August 27, 2013 shall stand with the exception of limiting to 120 CNG Transportation trailer trips per day in the months of December, January, February and March.

Seconded by Member Edmonds.

VOTE: K. Cruson - Y B. Seaworth - Y A. Bond - Y
B. Edmonds - Y R. Bourque - Y

MOTION TO APPROVE MINOR SITE PLAN APPLICATION #18-104 WITH THE FOLLOWING CONDITIONS:

1. THE FINAL PLAN SHALL INCLUDE ORIGINAL SIGNATURES OF ALL PROPERTY OWNERS.
2. THE FINAL PLAN SHALL INCLUDE A PLAN LEGEND.
3. THE FINAL PLAN SHALL INCLUDE THE DEED REFERENCE FOR THE SLOPE AND DRAINAGE EASEMENT.
4. THE SPECIAL USE PERMIT (SUP-AC #18-309) NOTICE OF DECISION AND THE SITE PLAN REVIEW #18-104 NOTICE OF DECISION ARE BOTH TO BE RECORDED AT THE MERRIMACK COUNTY REGISTRY OF DEEDS.

5. **THE SITE PLAN WILL NOT BE CONSIDERED AS RECEIVING FINAL APPROVAL UNTIL ALL APPLICABLE CONDITIONS OF APPROVAL ARE MET.**
6. **CONDITION NOS. 4, 5, AND 6 OF THE PLANNING BOARD DECISION DATED AUGUST 27, 2013 SHALL STAND WITH THE EXCEPTION OF LIMITING TO 120 CNG TRANSPORTATION TRAILER TRIPS PER DAY IN THE MONTHS OF DECEMBER, JANUARY, FEBRUARY AND MARCH.**

PASSED ON A 5-0 VOTE.

Acting Chairman Seaworth asked if anyone representing Pembroke Meadows was in the audience. No one replied. He continued with the next case in anticipation of someone from Pembroke Meadows appearing in the near future.

3. **Major Site Plan Application #18-105, Erin Lambert, PE & Chris Nadeau, PE, Nobis Group, acting as Applicant on behalf of Abrasives & Tools of NH, Inc., owner of Tax Map 563, Lot 1 located at 49 Sheep Davis Rd. in the Commercial/Light Industrial (C1) Zone and the Aquifer Conservation (AC) District.**

The Applicant proposes a 2,500 SF building addition, new 350 SF loading dock on the existing building, and reconstruction of the parking area including stormwater improvements. This plan is associated with Special Use Permit Application SUP-AC #18-310.

4. **Special Use Permit Application SUP-AC #18-310, Erin Lambert, PE & Chris Nadeau, PE, Nobis Group, acting as Applicant on behalf of Abrasives & Tools of NH, Inc., owner of Tax Map 563, Lot 1 located at 49 Sheep Davis Rd. in the Commercial/Light Industrial (C1) Zone and the Aquifer Conservation (AC) District.**

The Applicant requests a Special Use Permit in accordance with Article 143-68.E., Aquifer Conservation District, for warehouse/office use over the aquifer. This permit is associated with Major Site Plan Application #18-105.

Present: Jack Reitz and Chris Nadeau of Nobis Group; Jonathan Halle from Warrenstreet Architects.

Ms. Cronin said that this was a major site plan application which also has a Special Use Permit for the Aquifer. The applicant has requested the following waivers:

Part A – General Information

☐ L. Multifamily Housing

Part B – Site Plan Information

☐ B.(3) Contiguous Buildable Area

☐ B.(7) Open Space

☐ B.(11) Proposed Streets

Part C – Construction Plan Information

 B. Roadway Profiles

 C. Roadway Cross-Sections

She said that Multifamily Housing, Open Space, Proposed Streets, Roadway Profiles and Roadway Cross-Sections do not apply for this application. She explained that Contiguous Buildable Area was more of a subdivision matter on the whole parcel as opposed to the already-developed project area.

With regard to the Special Use Permit, the Heath Officer had no concerns. Pembroke Water Works had no concerns. The applicant submitted safety data sheets and a narrative related to the aquifer. She said that the Planning Department had everything necessary for a complete application at this time.

Alternate Member Bourque asked if the contiguous buildable area was placed on a sheet to show for the whole lot.

Ms. Cronin said the Applicant requested a waiver because the requirements applies more to subdivision applications than site plans. The contiguous buildable area usually applies when an applicant prepares a subdivision plan on a new parcel showing the buildable area for placement of a new home or building. In this case, the applicant's site is already developed and no changes are being made to parcel boundaries.

Alternate Member Bourque said that the applicant was increasing the amount of impervious area and nearly doubling the size of the building. He asked if they had enough contiguous buildable area to build the new building.

Ms. Cronin said that the buildable area applied to the parcel as a whole and not the project site.

Alternate Member Bourque asked if they had enough room on the whole parcel.

Ms. Cronin said that the applicant was asking for a waiver from showing it. When looking at the parcel, she said that she thought that they had enough contiguous buildable area. She said that it was a zoning requirement so if they did not have the required area, the lot would not have been approved as a lot. She said that if it presently does not meet the requirement, it would be grandfathered.

Acting Chairman Seaworth said that the Board uses contiguous buildable area to make sure that a lot is not created with little bits of land around the lot. Once someone creates a lot and they want to build in a little bit of buildable area that is not contiguous from the rest, they can. He said that the Town just does not want them creating a lot where it forces future users to use the non-contiguous area.

Alternate Member Bourque said that he just wanted to know if they had enough contiguous buildable area in the first place.

Ms. Cronin said that unless they show it, there is no way of knowing but that it is a moot point because it is not a new lot. She said that it was a zoning requirement. Any new project that they are doing does not impact their buildable area because that would be relative to the parcel and not the project area.

MOTION: Alternate Member Bourque moved to approve the waiver requests for checklist items: Part A - Item: L; Part B - Items: B.(3), B.(7), and B.(11) and Part C – Items: B and C. Seconded by Member Edmonds.

VOTE: K. Cruson - Y B. Seaworth - Y A. Bond - Y
 B. Edmonds - Y R. Bourque - Y

MOTION TO APPROVE THE WAIVER REQUESTS FOR CHECKLIST ITEMS: PART A - ITEM: L; PART B - ITEMS: B.(3), B.(7), AND B.(11) AND PART C – ITEMS: B AND C PASSED ON A 5-0 VOTE.

MOTION: Alternate Member Bourque moved to accept the application as complete. Seconded by Selectman's Rep. Bond.

VOTE: K. Cruson - Y B. Seaworth - Y A. Bond - Y
 B. Edmonds - Y R. Bourque - Y

MOTION MOVED TO ACCEPT THE APPLICATION AS COMPLETE PASSED ON A 5-0 VOTE.

Ms. Cronin said that since the Board received their packet, a new engineering review letter was received from Mr. Vignale dated August 24, 2018 noting work within the utility easement and that they need a modified permit from NHDOT.

There being no further comments, Acting Chairman Seaworth opened the public hearing at 8:43 pm. He said that if the application is not completed tonight, the public hearing and application would be continued to a future meeting. It would not be renoticed and advised all interested parties to refer to the Town website or the Planning Department for future agendas.

Mr. Nadeau said that Abrasives & Tools of NH (ATNH) is an existing distribution warehouse that has been at 49 Sheep Davis Road for 40 years. With the success of their business, they are asking to expand the footprint of the building to better serve their customers.

The existing building is approximately 5,500 sq. ft. The proposed addition is 2500 sq. ft, a loading dock, and adding 7 parking spaces for a total of 27 with more maneuvering space for tractor trailer deliveries.

They have designed an infiltration system that will be under the parking lot. The existing building is not connected to municipal water and sewer which they plan to do and then abandon the existing well and septic system.

Mr. Nadeau said that ATNH is a distribution warehouse that provides parts and lubricants for manufacturers who use high-speed cutting tools. Everything that comes into the facility goes out the same way. There is no mixing, or making of anything. The products come in a package and go out in the same package.

He said that they are asking for a Special Use Permit in the Aquifer Conservation District and site plan approval. There were two comments from Town Engineer today. One was a NHDOT permit which Mr. Nadeau said that they discussed with the District Engineer who agreed that they should submit. They have done so.

The second comment was regarding a Cross Use Agreement with Eversource. Mr. Nadeau said that they have a little grading that will go into the easement so they will need to negotiate a Cross Use Agreement with Eversource but they wanted to come to the Town first.

Mr. Halle said that ATNH has been owned by the same family since 1967. The metal building in the back of the drawing was built in 1967. The business has grown. They do not wish to add employees at the location, but to brand the business in a way that allows them to expand their customer base. They put vending machines in machine shops where all the tools used are in the vending machines. When a bit or tool is removed from the vending machine, it inventories it, sends a bill to the customer, and a reorder request back to ATNH. This process is being done all over the country.

ATNH would like to change the perception and image of their business. They want to reface the building, enlarge it, and offer more space for their existing employees, resulting in a more professional appearance.

They also need to make green incentives, so solar will be added. The existing building will receive new "skin" with new storage racks on the inside, and additional office space.

Acting Chairman Seaworth asked if they had sewer capacity approval.

Mr. Halle said that they have submitted the applications and the survey and are waiting to hear from the Sewer Commission.

Ms. Cronin said that she spoke with Ms. Malo and they have capacity. They just need approval. Because the applicant is increasing beyond what their septic could handle, it would be considered a failed system and they have capacity set aside for those situations.

She also said that Pembroke Water Works has capacity and recommended that they connect to sewer because they are over the wellhead area.

Acting Chairman Seaworth said that the increase in the parking is to meet the Town's requirements which is based on square footage.

Mr. Halle said yes. It will be used for visitors/customers. They have 2 handicapped parking spaces.

The Board reviewed the proposed conditions of approval. The Board created condition No. 15 as follows:

15. Provide evidence that the applicant has approval to work within the existing utility easement.

There being no further comments or questions from the Board or the public, Acting Chairman Seaworth closed the public hearing at 9:03 a.m. He said that if the application is not completed tonight, the application and the public hearing will be continued and will not be renoticed. He recommended that all interested parties view the Town website or contact the Planning Department for future agendas.

MOTION: Alternate Member Bourque moved to approve Special Use Permit case SUP-AC #18-310 conditionally until Major Site Plan #18-105 has received final approval, at which time the 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, the Special Use Permit becomes invalid. Seconded by Selectman's Rep. Bond.

VOTE:	K. Cruson - Y	B. Seaworth - Y	A. Bond - Y
	B. Edmonds - Y	R. Bourque - Y	

**MOTION TO APPROVE SPECIAL USE PERMIT CASE SUP-AC #18-310
CONDITIONALLY UNTIL MAJOR SITE PLAN #18-105 HAS RECEIVED FINAL
APPROVAL, AT WHICH TIME THE 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, THE SPECIAL USE PERMIT BECOMES
INVALID PASSED ON A 5-0 VOTE.**

MOTION: Alternate Member Bourque moved to approve Major Site Plan Application #18-105 with the following conditions:

1. All review comments from the Town Engineer and any applicable concerns and issues discussed in KV Partners' review letter(s) shall be addressed.
2. All waivers and the date granted shall be listed on the plan.
3. All conditions of approval shall be listed on the plan.
4. The original signatures of all property owners shall be provided on the final plan.
5. The plan shall be revised to include a note stating that the Fire Chief and Building Inspector shall review the building plans.
6. The plan shall be revised to include a note stating that the Applicant will coordinate with the responsible agency to review the building plans for utility needs (i.e. water, sewer, electricity, etc.)
7. A letter of approval from the Pembroke Sewer Commission.
8. A letter of approval from Pembroke Water Works.
9. NHDOT Driveway Permit is received or any comments from them.
10. All engineering review fees to be paid in full.
11. Monitoring and inspection escrow to be provided to the Town in an amount determined by the Town Engineer.
12. Prior to issuance of a building permit, a pre-construction meeting shall be held with the Town.
13. The Special Use Permit (SUP-AC #18-310) Notice of Decision and the Site Plan Review #18-105 Notice of Decision are both to be recorded at the Merrimack County Registry of Deeds.
14. The site plan will not be considered as receiving final approval until all conditions of approval are met.
15. Provide evidence that the applicant has approval to work within the existing utility easement.

VOTE: K. Cruson - Y B. Seaworth - Y A. Bond - Y
 B. Edmonds - Y R. Bourque - Y

MOTION TO APPROVE MAJOR SITE PLAN APPLICATION #18-105 WITH THE FOLLOWING CONDITIONS:

1. **ALL REVIEW COMMENTS FROM THE TOWN ENGINEER AND ANY APPLICABLE CONCERNS AND ISSUES DISCUSSED IN KV PARTNERS' REVIEW LETTER(S) SHALL BE ADDRESSED.**
2. **ALL WAIVERS AND THE DATE GRANTED SHALL BE LISTED ON THE PLAN.**
3. **ALL CONDITIONS OF APPROVAL SHALL BE LISTED ON THE PLAN.**
4. **THE ORIGINAL SIGNATURES OF ALL PROPERTY OWNERS SHALL BE PROVIDED ON THE FINAL PLAN.**
5. **THE PLAN SHALL BE REVISED TO INCLUDE A NOTE STATING THAT THE FIRE CHIEF AND BUILDING INSPECTOR SHALL REVIEW THE BUILDING PLANS.**
6. **THE PLAN SHALL BE REVISED TO INCLUDE A NOTE STATING THAT THE APPLICANT WILL COORDINATE WITH THE RESPONSIBLE AGENCY TO**

REVIEW THE BUILDING PLANS FOR UTILITY NEEDS (I.E. WATER, SEWER, ELECTRICITY, ETC.)

- 7. A LETTER OF APPROVAL FROM THE PEMBROKE SEWER COMMISSION.**
- 8. A LETTER OF APPROVAL FROM PEMBROKE WATER WORKS.**
- 9. NHDOT DRIVEWAY PERMIT IS RECEIVED OR ANY COMMENTS FROM THEM.**
- 10. ALL ENGINEERING REVIEW FEES TO BE PAID IN FULL.**
- 11. MONITORING AND INSPECTION ESCROW TO BE PROVIDED TO THE TOWN IN AN AMOUNT DETERMINED BY THE TOWN ENGINEER.**
- 12. PRIOR TO ISSUANCE OF A BUILDING PERMIT, A PRE-CONSTRUCTION MEETING SHALL BE HELD WITH THE TOWN.**
- 13. THE SPECIAL USE PERMIT (SUP-AC #18-310) NOTICE OF DECISION AND THE SITE PLAN REVIEW #18-105 NOTICE OF DECISION ARE BOTH TO BE RECORDED AT THE MERRIMACK COUNTY REGISTRY OF DEEDS.**
- 14. THE SITE PLAN WILL NOT BE CONSIDERED AS RECEIVING FINAL APPROVAL UNTIL ALL CONDITIONS OF APPROVAL ARE MET.**
- 15. PROVIDE EVIDENCE THAT THE APPLICANT HAS APPROVAL TO WORK WITHIN THE EXISTING UTILITY EASEMENT.**

PASSED ON A 5-0 VOTE.

Old Business (continued)

- 1. Major Subdivision Application #16-06, Pembroke Meadows, LLC and DHB Homes, LLC. (c/o Bob Meissner), on Tax Maps 264, 266, and 567, Lots 4 and 7, 25-4 and 26, and 1 respectively located at 282 Pembroke Street, in the Medium Density-Residential (R1) Zone, Architectural Design (AD) District, the Wetlands Protection (WP) District, and the Aquifer Conservation (AC) District, and. The applicant Patrick R. Colburn, P.E. of Keach-Nordstrom Associates, Inc., on behalf of the property owner Pembroke Meadows, LLC and DHB Homes, LLC (Bob Meissner) is proposing a major subdivision that includes: the consolidation/merger of five existing lots of record, totaling approximately 125 acres of land, and re-subdivide the consolidated lots in order to create 110 new residential building lots, connection to municipal water and sewer systems, and the construction of approximately 10,800 linear feet of new roadway.**
- 2. Special Use Permit Application SUP-WP #16-308, Pembroke Meadows, LLC and DHB Homes, LLC. (c/o Bob Meissner), on Tax Maps 264, 266, and 567, Lots 4 and 7, 25-4 and 26, and 1 respectively located at 282 Pembroke Street, in the Medium Density-Residential (R1) Zone, Architectural Design (AD) District, the Wetlands Protection (WP) District, and the Aquifer Conservation (AC) District. The applicant Patrick R. Colburn, P.E. of Keach-Nordstrom Associates, Inc., on behalf of the property owner Pembroke Meadows, LLC and DHB Homes, LLC (Bob Meissner), requests a Special Use Permit from Article 143.72. D (2), Wetlands Protection District, which is required for the construction of streets, roads, and other access ways and utility rights-of-way, if essential to the**

productive use of adjoining land. This permit is associated with Major Subdivision Plan application #16-06.

3. **Special Use Permit Application SUP-AC #16-309, Pembroke Meadows, LLC and DHB Homes, LLC. (c/o Bob Meissner), on Tax Maps 264, 266, and 567, Lots 4 and 7, 25-4 and 26, and 1 respectively located at 282 Pembroke Street, in the Medium Density-Residential (R1) Zone, Architectural Design (AD) District, the Wetlands Protection (WP) District, and the Aquifer Conservation (AC) District.** The applicant Patrick R. Colburn, P.E. of Keach-Nordstrom Associates, Inc., on behalf of the property owner Pembroke Meadows, LLC and DHB Homes, LLC (Bob Meissner), requests a Special Use Permit from Article 143-68.E, Aquifer Conservation District for construction roads, utilities, infrastructure, and building lots for a 110-lot subdivision. A Special Use Permit is required for any activity taking place within the Aquifer Conservation (AC) District. This permit is associated with Major Subdivision Plan application #16-06.

There still being no representative from Pembroke Meadows present, Acting Chairman Seaworth asked if the Planning Department received a letter or e-mail from the applicant.

Ms. Cronin said that she spoke with Bob Meissner, the owner, who said that he would try to arrange for either himself or a representative to attend the meeting.

Acting Chairman Seaworth said that the Board would then be taking a vote without any additional input.

MOTION: Alternate Member Bourque moved that the applicant be granted a continuance to the September 25, 2018 meeting and that the Town Planner send a letter to advise them that they need to appear before the Board to discuss the project. Seconded by Member Edmonds.

Member Cruson asked if the Board could discuss how the applicant has proceeded through the system so far.

Acting Chairman Seaworth said that that would be appropriate.

Member Cruson said that the applicant discussed purchasing the house on Pembroke Street in order to have better access and to use the theoretical extension of Academy Road. She asked if the applicant had achieved the purchase.

Acting Chairman Seaworth said that this was not noticed as a public hearing. He said that before the applicant returns to the Board, they will need to renote the abutters and pay for the certified letters. He said that the motion is whether we can continue the meeting and the Board should refrain from speaking about what might be in the application because that is the type of thing that must be noticed as a public hearing.

Member Cruson asked how many extensions the applicant has requested so far.

Acting Chairman Seaworth said that they had a few extensions when they came back and then once they stopped coming to the Board, the Board granted additional extensions.

Member Cruson asked if the applicant could still reapply if the Board did not approve another extension.

Acting Chairman Seaworth said yes.

Mr. Jodoin said that if they reapply, they have to reapply with fees. To the best of his knowledge there has not been an agreement on the home purchase.

Acting Chairman Seaworth said that the applicant's last extension expires on September 19, 2018.

Ms. Cronin said that if the Board continues it to September 25, 2018 that would be the last meeting of the continuance. If the Board does not, the application will lapse, the applicant would have to start over and resubmit.

Acting Chairman Seaworth said he would like to make it clear in the letter to the applicant that the Board wants to understand why the extension is necessary before continuing.

Alternate Member Bourque asked what would happen on September 25th if the applicant did not show up.

Acting Chairman Seaworth said that the Board would take a vote at that time.

Selectman's Rep. Bond asked what the last date was that the Board heard from them.

Ms. Cronin said May was the last time that they requested an extension of 120 days which expires September 19, 2018. They were before the Board approximately one year ago.

Acting Chairman Seaworth said that typically when an applicant is scheduled to be here, it is a noticed public hearing because the Board continued it. The public is notified of the process and even though the Board may not go into a public hearing, the public hearing is continued. In this case, the abutters expect that if the application continues, they will get another certified letter because the Board has required it from the applicant.

Continuing to draw out the process without at least starting up the notification, may also be an issue, but he said that he does not know what form the September request will take. He said that he agreed with Mr. Jodoin that it is not good that the process remain in limbo by asking the Planning Board to make decisions and yet not doing what the Board has requested which is, if they want to move forward, they would have to renote the abutters.

Ms. Cronin said that tonight's meeting was noticed to abutters but not certified.

Alternate Member Bourque asked if the application was not continued to September 25, 2018, would it die on September 19, 2018.

Acting Chairman Seaworth said yes.

Alternate Member Bourque said that he would like to retract his motion.

Acting Chairman Seaworth said he would prefer to have an affirmative vote rather than not commenting on it and letting it lapse.

Ms. Cronin said that the applicant was suppose to come to the meeting and talk about the application, so she does not have a letter from them asking that the application be continued to a specific date.

Acting Chairman Seaworth said that the law is written to force the Board to take action in a specified amount of time.

Ms. Cronin said that the Board has gone beyond the 65 day limit. She did not know of any other situation that has gone beyond the 65 day time clock.

Alternate Member Bourque said that the Board cannot continue the meeting.

Ms. Cronin said that she had an email from the applicant requesting to continue but not to a certain date. She said that she responded that he should come to the Board. The agreement was that it was going to be discussed tonight.

Mr. Jodoin said that the Board should send a definitive message that the applicant needs to be at the next meeting and notify the abutters so that the public's and the Board's questions can be answered 100%.

A motion should be made to direct the Town Planner to notify the applicant with specific details that the Board is requesting him to appear on September 25th.

Member Cruson asked if the applicant should formally ask for an extension until September 25th.

MOTION: Alternate Member Bourque moved to grant the applicant a continuance to the next meeting and that the Town Planner advise them that they need to appear before the Board to discuss the project. Also, to grant the authority to the Town Planner to discuss with Town Counsel whether notifying the abutters is allowed and be sure that the applicant is aware of such. Seconded by Selectman's Rep. Bond.

VOTE: K. Cruson - Y B. Seaworth - Y A. Bond - Y

MOTION TO GRANT THE APPLICANT A CONTINUANCE TO THE NEXT MEETING AND THAT THE TOWN PLANNER ADVISE THEM THAT THEY NEED TO APPEAR BEFORE THE BOARD TO DISCUSS THE PROJECT. ALSO, TO GRANT THE AUTHORITY TO THE TOWN PLANNER TO DISCUSS WITH TOWN COUNSEL WHETHER NOTIFYING THE ABUTTERS IS ALLOWED AND BE SURE THAT THE APPLICANT IS AWARE OF SUCH PASSED ON A 5-0 VOTE.

Ms. Cronin said that she spoke with Town Counsel about notices for tonight's meeting and she was told that it was not a public hearing so it did not need to be notified because it is an administrative decision about a request to continue which is continued on from the application. The reason why the Planning Department sent notifications was because the application had been quiet for so long and, with the applicant coming in to discuss the project, the Department thought that the abutters might be interested. Therefore, prior to this meeting (August 28, 2018), notice was posted in the newspaper and noncertified notices were sent saying that this would not be a public hearing but a continuance request. She said that she suspects that the September meeting may be a similar situation depending on Town Counsel advice.

Minutes July 24, 2018

The consensus of the Board was to defer the minutes to the next meeting.

Miscellaneous

1. Committee Reports

Board of Selectmen: Selectman's Rep. Bond said that the Board approved the no smoking ordinance at Memorial Field. The Police said that if they see someone smoking they would ticket them but they cannot guarantee that they would show up if someone calls to make a report.

2. Planner Items

Ms. Cronin reported that a massage therapist was opening a business at 383-385 Pembroke Street.

A craft boutique store opened at 155-161 Main Street.

There is a municipal law lecture series coming up in October. Anyone interested should contact Ms. Cronin. The Town will pay for the courses.

Ms. Cronin said that the work session for September 11, 2018 has been cancelled because it is a State Election Day.

Mr. Jodoin asked when the Board would begin editing the ordinances.

Ms. Cronin said possibly in October.

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

The meeting was adjourned at 9:50 p.m.

Respectfully submitted,
Jocelyn Carlucci, Recording Secretary