

Minutes of Meeting
(ADOPTED)
Pembroke Planning Board
December 13, 2016

MEMBERS PRESENT: Alan Topliff, Chairman; Brian Seaworth, Vice Chairman; Kathy Cruson; Brent Edmonds, Richard Bean; Vincent Greco, Selectmen's Rep.

EXCUSED: Larry Young, Sr.

ALTERNATES EXCUSED: Robert Bourque

STAFF PRESENT: Stephanie Verdile, Town Planner; Susan Gifford, Recording Secretary, David Jodoin, Town Administrator

Chairman Topliff called the meeting to order at 7:00 p.m. He announced that six full Planning members were present, making up a full board. No alternates are available to fill in for excused members.

Old Business-

1. **Major Subdivision Application, Subdivision #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. *Continued from November 22, 2016.*
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 the Major Subdivision Plan application. Sub #16-06.
Continued from November 22, 2016.
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 the Major Subdivision Plan.

Continued from November 22, 2016.

Present: Patrick Colburn, Keach-Nordstrom Associates and Bob Meissner

Ms. Verdile stated this is a major subdivision application covering five existing lots to be done in several phases over several years. We have received comments from the Town Engineer, NHDOT, CNHRPC, NH DES and the Town of Hooksett. Matt Monahan and Steve Henninger from Center NH Regional Planning Commission are present tonight to provide comment.

Ms. Verdile noted that a major piece of information missing, in that there is no report yet from NH DOT engineers, who recently received a copy of the traffic study and were reviewing it.

Application was accepted as complete on October 25, 2016

Chairman Topliff reopened the public hearing at 7:06 p.m. on Pembroke Meadows agenda items #1, 2 and 3. He asked that anyone wishing to speak to the three agenda items to please rise, state their name for the record and direct all questions to him.

Steve Henninger of CNHRPC stated he reviewed the traffic study report prepared by Steve Pernaw and found it was competently prepared. Drainage concerns are an issue. The most difficult situation is the intersection of Route 3 and Academy Road. At the proposed entrance to the subdivision off Pembroke Street, the design will clearly not stop anyone from making a left turn instead of right only.

Steve Henninger noted the sewer line tapping into this subdivision is not in the best condition. The quality of the clay sewer pipe is in question. There are intermittent streams that flow through the property. Mr. Henninger had suggested that several lots be reconfigured so that essential drainage does not go through 10-15 lots before reaching public sewer. We did not look at bounds and grades lot by lot. CNHRPC suggested the applicant provide easements written into the deed to give the Town of Pembroke the ability to work on drainage in the conservation land and storm water drainage facilities. There are existing easements to the power lines, gas lines. In future

years the Sewer Commission may need to get into the easement to replace the sewer line. The ability for the town to do appropriate work is necessary.

Matt Monahan, CNHRPC, stated the ideal situation would be to line up the intersection with Academy Road. The traffic study submitted by the applicant shows that by 2017, some of the intersections along Pembroke Street will be challenged, not as a result of the proposed development.

Mr. Hodge confirmed the Sewer Commission has an existing easement over the land now that looks like a snake. The easement is not straight lines. In an email dated November 22, 2016, Paulette Malo, Operations Director, Pembroke Sewer Commission stated that at the last two meetings (October 17 and November 21, 2016) the commissioners are looking at that plans for any subdivision that will be adding any sewer infrastructure to the Town's system go through third party review prior to submitting to NH DES for any approvals.

Patrick Colburn, Keach Nordstrom, confirmed the applicant had requested allocation of flow for 110 lots and that was approved by the Pembroke Sewer Commission. The form sent to NH DES for wastewater permit requires Sewer Commission signature. The short report on flow submitted awaits signature by Pembroke Sewer Commission. Patrick Colburn was provided a copy of the November 22, 2016 email. He was unaware of the need to go through third party review of the infrastructure before submittal to NH DES.

In response to Mr. Henninger's comments about intermittent streams, Patrick Colburn stated that various proposed lots are encumbered by wetlands or buffer. All of those lots were removed from the wetland buffer. The lots were oversized so the change did not affect the layout of lots. Mr. Colburn asked for confirmation that the current plan displayed is what Mr. Henninger and the Planning Board want. Patrick Colburn stated that EPA has requested that placards be posted every 20 feet along wetlands, or with the plan change, along the lot lines which are at least 20 feet from the property line.

Steve Henninger, CNHRPC, stated the basic idea of posted placards is a good idea. Will that posting be maintained by the third owner of the property? Conservation Commission members do an annual walk of conservation land to be sure postings are up and accurate.

Member Edmonds noted the Conservation Commission has been reviewing placard placement and language. Short of endorsing the proposed application, the Conservation Commission is pleased that their concerns are met. The Commission did a site walk of the area in March 2016. The proposed conservation easement is for part of Lot 23, all land past the Tennessee Gas easement to the left and some land behind Lots 24, 25, 26 and 27 to prevent surface runoff. There is full access to the easement via a 12' wide gravel road to 2 proposed storm water areas and access over to the

sewer easement. In response to a board question on who would maintain the easement, Mr. Hodge noted that the property owners have asked the Conservation Commission to be the steward of the easement.

Patrick Colburn stated at the November 22, 2016 meeting Littlefield residents were concerned about tree cutting and surface runoff on proposed Lots 2, 3, and Lot 8. Patrick Colburn located a house and garage on each lot to show how drainage would look with a house on the site. Lot 8 would have a walkout basement near the front yard setback. The plan has an arrow showing the flow and route down to the infiltration pond. The development on Lot 8 has no bearing on Littlefield as the land is at the same elevation.

Patrick Colburn stated proposed Lot 1 and Lot 2 will have below ground basements. Drainage will flow laterally to the infiltration pond. The changes made from November 22, 2016 discussions are on the plan set tonight. Patrick Colburn used current Google Earth topography to show the existing tree line. The prior tree line information was from 2004 and the tree growth has increased. Lots 2 and 3 have significant tree cover while Lot 8 still does not have a lot of trees.

Attorney Cronin restated that the offer of the applicant to provide a 50/50 cost share with Littlefield to add more trees to the 40 foot buffer of Lot 8 stands.

Mary Ann Brach, Littlefield resident, stated that she is concerned about routing additional traffic onto Broadway and about drainage. Her condo already experiences seepage in the basement when there are heavy rains. Mary Ann is concerned about heavy equipment and construction. Her condo fees increase each year, and there is currently a special assessment of owners for drainage retention issues unrelated to the proposal under discussion. Mary Ann is concerned about environmental impact to the wildlife corridor. She would like Lots 2, 3, 8, and 9 moved away from Littlefield property.

Cynthia Thorrell, Littlefield resident, asked to see the detail of a 28' x 36' colonial house with 22' x 22' garage on Lot 8. Patrick Colburn explained the drainage plan and interceptor swale to the pond. Grades and contours are three dimensional. South Browning is below and adjacent to the drainage pond and road. Cynthia is concerned about depth of pond and possible danger to children. Patrick Colburn stated the berm elevation is 3 feet higher than the pond bottom. The pond design is long and wide, as it is meant to dry out from any flow in 72 hours or less. State of NH DES will verify the design will work as planned. Cynthia Thorrell said it is hard to see how what is on paper will work out on site. She appreciates the extra work put in by the developer to show a house on the 3 lots under concern. She is satisfied with what is shown.

Attorney John Cronin stated that the last meeting discussion focused on traffic. The extension date for plan review is currently April 30, 2017. My client is willing to extend consideration of the plan further if warranted. Ms. Verdile will send the applicant a copy

of the letter from the Pembroke Fire Chief. Attorney Cronin stated there has been legislative effort to require residential fire sprinklers that has failed. Statute trumps life safety code. The applicant reserves the right to debate the issue with the Fire Chief or the Planning Board at the appropriate time. Chairman Topliff stated that the Planning Board has no purview over sprinkler issues. Attorney Cronin noted for future reference and will not bring up this topic again.

Attorney Cronin mentioned the Master Plan of 2004 and indications the Roads Committee would like all the roads built ahead of time. This will be a phased development over 10-20 years. To build roads that will deteriorate is cost prohibitive. The applicant is willing to put up financial security for each phase. Each phase is designed to stand on its own merits.

Vice Chairman Seaworth and Selectmen's Rep. Greco are both on the Roads Committee. Vice Chairman Seaworth stated the Roads Committee is concerned about a single access to the development from Broadway. There was discussion that the roadway from Broadway to Pembroke Street should be complete at the outset, but not the offshoot roads. This would be a Pembroke Street to Broadway connector road. The use of bonding surety to ensure lots are fully accessible is a consideration. Attorney Cronin stated the applicant would like to bring expert testimony, or meet with the Roads Committee to discuss this matter. Furthermore, Attorney Cronin stated that it is 58 linear feet from the proposed development to the fire station, with an estimated 3 minute response time. The response time is exceptional.

Chairman Topliff asked what if the single point of access was to be blocked by a fallen tree. This is one reason the Planning Board advocates for two ways in and out of a development. Attorney Cronin noted at the previous public hearing, there was discussion of the prospect of a third party independent traffic review. The applicant is receptive to that proposal.

Chairman Topliff stated the consensus at this time is that the Planning Board was not going to require a third party study, but we reserve the right to require a study later. While the traffic study submitted addressed the impact to traffic on Route 3, Chairman Topliff stated the study did not address safe and reasonable access to Route 3 and the challenges of travelling Route 3.

Attorney Cronin also repeated the offer made by Patrick Colburn to organize a site walk of the property by the Planning Board still stands.

Member Cruson stated that since the last meeting she has had an opportunity to watch traffic at Broadway. It would be a difficult egress as backup does occur. Regarding traffic at Pembroke Academy, Member Cruson observed some interesting driving between 1:30 pm and 3:00 pm. There are also many sporting events scheduled after school. Member Cruson stated the number of vehicles at the intersection does not

represent the situation that you see. Member Cruson is concerned the exit from the development is too close to Pembroke Street and traffic will not funnel the way the engineers anticipate.

Selectmen's Rep. Greco agreed that rather than egress at Broadway, traffic will go to Noyes Street. He has lived on the corner of Noyes Street and Route 3 for 50 years. Noyes Street is a narrow road and there has been talk of making Noyes Street a one way street. Selectmen's Rep. Greco is concerned about impact to drivers from Hooksett and Allenstown heading north to Concord.

Member Bean noted there is a lot of empty land across from the Safety Center, apparently owned by the white house on Lot 266-30. Chairman Topliff asked if Member Bean was pointing this out as an alternative entrance to the development. Member Bean said yes and he would suggest a third exit from land owned by the applicant along Broadway. Patrick Colburn stated that Stacy and Thomas Lynn own 250 Pembroke Street. Steve Henninger agreed there are occupied lots with wide open areas. Patrick Colburn stated the applicant will research this option, but cannot be sure property owners are willing to sell land.

Steven Pernaw stated when he prepared the traffic study he did hear comments about backup queues on Broadway but did not observe it. After the last meeting, he performed a 5 hour study with a camera on real life stacking conditions. Steve Pernaw showed part of that video. His study did not show backups during the peak hours of 7-9 am and 3 to 6 pm during this study conducted on December 1, 2016.

Chairman Topliff stated traffic volume varies by day. Steven Pernaw stated this original traffic study was done in March 2016. The standardized data suggests 87 am trips and 114 pm trips at peak hour from the development. Chairman Topliff asked about the validity of the numbers. Steven Pernaw stated that his source is the ITE manual 9th edition 2012. Two other editions also list one trip per dwelling during peak hour for single family homes. Steven Pernaw has complete confidence in the conservative numbers. We go by the book and the figures are well established.

Steve Henninger, CNHRPC agreed that single family home number of trips has been stable for a number of years. The average number of trips during peak hours is 9-11% of the number of dwelling units. Steve stated that percent range has been unchanged for many years. The queuing analysis shows the random nature of people coming and going. 85% of the time people are satisfied with driving conditions. Steve Henninger stated that the biggest traffic focus he sees is how to design the project entrance and redesign the intersection of Academy Road and Pembroke Street. The main project entrance would be on Broadway. Steve Henninger stated that forcing a traffic movement drivers do not want to take is seldom effective. Steve Henninger suggests linking the project entrance to Academy Road in a way that is palatable to the

developer. To accomplish this, they would need to involve the Town of Pembroke, Pembroke School Board and NH DOT.

Ms. Verdile stated NH DOT data shows the intersection of Academy Road and Route 3 as reaching over capacity in the near future. Steve Henninger stated that situation is compounded by the oblique angle of the intersection. Ideally, NH DOT would help fund a solution acceptable to all parties, given 110 new units and phasing of development.

Steven Pernaw stated his client wants two full access points to the development. Traffic should be funneled to a lower volume road and to a signalized intersection.

Member Bean noted that traffic will be an issue even without the proposed development. 3-4% increase in volume is projected over 10 years based on existing conditions.

Attorney Cronin stated his client does not have property taking authority. We agree the road system is inadequate. The State of NH controls Route 3. A roundabout restructuring of the Academy Road intersection was discussed as a solution at one time. My client will look at opportunities using empty land, but the owners must be open to negotiations.

Member Bean suggested the public hearing be continued to the February or March 2017 Planning Board business meeting to allow the applicant time to explore a substantive alternative.

Chairman Topliff stated the primary concern of the Planning Board and residents is not the traffic count, but how to safely ingress and egress the proposed development. This includes access for fire equipment, buses, ambulance, and snow plows. The goal is to do what is reasonable and possible to make sure public safety vehicles can get in and out of the development safely, even in high traffic times. The solution will impact all of us. Chairman Topliff stated he is confident town officials would work with the developer in a collaborative process to find a way to bring traffic from the development out at a signalized intersection. The Planning Board is willing to work with the process as well.

Attorney Cronin thanked the Planning Board for their input.

Cynthia Thorrell stated she had a very difficult time exiting the Littlefield property taking a left at 5:00 pm this evening. She understands the proposed development would have a taper turn lane into the development but Littlefield only has one exit.

Vice Chairman Seaworth stated he observed the same situation at Pembroke Hill Road before the signal went in. Ms. Thorrell's point is well taken.

Member Cruson agreed, stating that sometimes she would be the 12th car in queue on Pembroke Hill Road before the light changes.

Member Bean stated that squaring the intersection of Pembroke Hill Road and Bow Lane allows egress if you are patient. Member Cruson agreed that egress is possible if you are willing to wait.

Ms. Verdile noted it is interesting that proximity to schools is a common factor in both instances, Pembroke Hill Road and Academy Road at Route 3.

Chairman Topliff asked how high school students who don't get bussed safely cross Route 3 to get to school. Cynthia Thorrell stated that Littlefield has high school students, not as many as the planned development, but they somehow cross the street. Cynthia noted that Littlefield has been there 30 years and we need our sidewalks plowed. Pembroke Public Works does an awesome job! We hope we still get priority status if a new development comes in.

Mr. Hodge noted many students park at the Church parking lot and do not cross Pembroke Street.

There being no further input, Chairman Topliff closed the public hearing on Pembroke Meadows at 8:36 p.m.

MOTION: Member Cruson moved to consider continuation of: **Major Subdivision Application, Subdivision #16-06; Special Use Permit Application, SUP-WP #16-308; and Special Use Permit Application SUP-AC #16-309 until March 21, 2017.** Seconded by Member Bean.
Unanimously approved.

Chairman Topliff announced that the original abutters for this application would not be renoticed. The public hearing was continued to March 21, 2017. All interested parties were encouraged to check the Town website or call the Planning Department to get information pertaining to future meetings and locations. Chairman Topliff thanked everyone for their time.

Chairman Topliff stated that the meeting would continue with agenda items number 4 and 5. At the November 22, 2016 meeting, these items were continued to January 2017 but town officials were able to obtain quotes for groundwater monitoring and inspections from qualified firms sooner so they were placed on tonight's agenda.

- 4. Special Use Permit Application SUP-AC #16-307, Mark Sargent, Richard Bartlett & Associates, LLC, for D'Pergo Realty Investment LLC, owner of Tax Map 561, Lot 35, located at 107 Sheep Davis Road, in the Commercial Industrial (C1) Zone and the Aquifer Conservation (AC) District. The**

applicant Mark Sargent, on behalf of property owner John Dapergolas, Inc. requests a Special Use Permit from Article 143-68.E, Aquifer Conservation District for the operation of tractor trailer/commercial vehicle repair business, outside storage of dry trailers, and parking for tractors and commercial vehicles. A Special Use Permit is required for any activity taking place within the Aquifer Conservation (AC) District. *Continued from November 22, 2016.*

5. **Major Site Plan Application #16-108, John's Wrecker Service on Tax Map 561, Lot 35, located at 107 Sheep Davis Road, in the Commercial/Light Industrial (C1) Zone and the Aquifer Conservation (AC) District.** The applicant, Mark Sargent, of Richard Bartlett and Associates, LLC, on behalf of the property owner, John Dapergolas, Inc., proposes a Change in Use of an existing, vacant, commercial facility to permit the operation of tractor trailer/commercial vehicle repair business, outside storage of dry trailers, and parking for tractors, trailers, and commercial vehicles. *Continued from November 22, 2016.*

Present: Mark Sargent of Richard Bartlett and Associates, LLC; John Dapergolas; Jason Woodard, Manager of MBI Trucking; and Attorney James Steiner.

Ms. Verdile stated the application is for a Major Site Plan-Change of Use-from vacant building, which uses included: vehicle maintenance and outdoor storage, to MBI Trucking, which proposes vehicle maintenance and outdoor storage, located in the Commercial Light Industrial District (C1) and Aquifer Protection (AC) Overlay District on Map 561, Lot 35 at 107 Sheep Davis Road.

The applicant received the special exceptions for the uses on October 24, 2016. The application was granted the waiver requests and accepted as complete on October 25, 2016.

John Brooks, Emery and Garrett, Meredith NH and Matt Gagne, Pembroke Water Works joined the Planning Board for these discussions. Emery and Garrett work with Pembroke Water Works. Mr. Brooks stated the activities proposed for this site are in the wellhead protection area and could potentially send contaminants into the ground. MBI has no floor drains to the sewer treatment center in the building proposed for this use. Mr. Brooks would provide inspection of the floor for cracks on an annual basis, inspect spill kits on site, ensure Best Management Practices (BMP) were followed and sample the monitoring well twice a year. Garrett and Emery could also do BMP inspections for John's Wrecker Service facility.

Matt Gagne stated that Pembroke Water Works uses Emery and Garrett's services, and he trusts Mr. Brook's recommendations. Selectmen's Rep Greco asked how long it would take to determine the source of any contamination, should any be discovered

during monitoring well testing. Mr. Brooks stated there is one monitoring well on site. It could take weeks or months to determine the source of any potential contamination.

Member Cruson asked what would Emery and Garret do if pollutants were found during monitoring well testing. Mr. Brooks stated we would pump and treat. The monitoring well is located down gradient from the site. Depending on the source, additional monitoring wells may need to be drilled. Member Cruson asked how difficult would it be to contain the contamination. Mr. Brooks stated it would be difficult to contain. Consistent use of Best Management Practices is best way to prevent potential contamination.

At 8:50 p.m. Chairman Topliff reopened the public hearing on MBI Trucking/John's Wrecker Service.

Attorney Jim Steiner, representing John's Wrecker Services, stated the Planning Board is well aware of the process John's Wrecker went through to get the monitoring well drilled and obtain a Certificate of Occupancy. The narrower issue is MBI Trucking. Attorney Steiner stated that Task 1 of the quotation for services, Water Quality Testing and Report, is already being done by Eastern Analytical as part of the approval process for John's Wrecker Service. The specific issue for BMI Trucking is annual inspection of the concrete floor for any cracks or issues.

For the record, Attorney Steiner stated John's Wrecker Service has no objection to Task 2- Building Site Visit and Report but would like to know what a third party inspection is going to look like. Attorney Steiner still feels that NH State Police inspection of trucks on the interstate is the first line of defense. The original approval contemplated storage of dry trailers on site. If the independent groundwater monitoring is limited to Task 2, John's Wrecker Service is in agreement. The recommendations are very good and provide an additional safety factor. We are happy to have Emery and Garrett on board. However, John's Wrecker Service already contracts with Eastern Analytical for water quality testing.

Chairman Topliff asked if there were any reason testing by Eastern Analytical should be discontinued.

Attorney Steiner stated that Eastern Analytical is a local company and there is a very significant cost consideration to using Emery and Garrett from Meredith NH.

Chairman Topliff stated there is some benefit to having one party with oversight of testing and monitoring.

Attorney Steiner stated he sees more benefit to two qualified firms doing different tests and inspections. This is a better way to look after the safety of the aquifer, rather than only having one firm involved.

Mr. Brooks, Emery and Garrett, stated they would be submitting our tests to Eastern Analytical. If Eastern could submit the results of the testing they already do for John's Wrecker Services to Emery and Garrett, we would write the report.

Attorney Steiner agreed it would make sense to continue using Eastern Analytical and submit the results to Emery and Garrett.

Chairman Topliff asked about employee training on the proper implementation of Best Management Practices. John Dapergolas stated that we are actively involved in initial training and ongoing training. Environmental awareness is part of our business. John Dapergolas stated that John's Wrecker Services has a dedicated environmental truck, preset up, stocked and ready to respond to commercial truck accidents on the interstate. New employees receive orientation and training on Best Practices and sign a form signifying completion of training. John Dapergolas agreed to make training records available to the town.

Chairman Topliff stated the State of NH definition of junk yard includes parting of vehicles. John, you previously indicated that sometimes you hold onto unclaimed vehicles. Do you consider your business a junk yard?

John Dapergolas responded, no, I do not consider my business a junk yard. We do not remove parts for the purpose of resale. To make a better vehicle for resale, we may swap out tires or hoods. If that practice makes us a junk yard, salvage operations could be discontinued. Chairman Topliff suggested that Mr. Dapergolas review State junk yard regulations.

Ms. Verdile asked Mark Sargent to show the location of the monitoring well on the plan. Mr. Brooks, of Emery and Garrett, asked to receive a well log of the well that was drilled. The applicant will provide the log to Mr. Brooks.

Chairman Topliff stated the Planning Board will consider proposed conditions of approval during public hearing so any comments can be considered. Chairman Topliff noted the Town Administrator recommended that Mr. Dapergolas be required to set money aside in escrow to pay for independent testing by Emery and Garrett, adding to the agreement that Eastern Analytical will provide testing results to Emery and Garrett.

Ms. Verdile read the proposed conditions of approval. The Planning Board edited number 11 to take out 'Nobis Engineering' and add 'Eastern Analytical.' Eastern Analytical would bill John's Wrecker Services. John Dapergolas would provide the invoice to the town, and Ms. Verdile would pay the invoice out of escrow.

Attorney Steiner asked that the agreement with Emery and Garrett be only for Task 2 on the proposal, with Task 1 and Task 3 removed and the provision that Eastern Analytical

will provide testing results to Emery and Garrett. Chairman Topliff stated your understanding is correct.

There being no further input, Chairman Topliff closed the public hearing on MBI Trucking/John's Wrecker Services at 9:15 p.m.

MOTION: Vice Chairman Seaworth moved and Selectmen's Rep. Greco seconded to approve the Special Use Permit Case #16-307-SUP-AC with the following conditions to be included as notes on the final site plan:

1. Special Use Permit, SUP-AC #16-307, for activity within the Aquifer Conservation District is granted conditionally until the related Case #16-108, Major Site Plan Application, John's Wrecker Service, has received final approval, at such time this Special Use Permit becomes final and will remain final for as long as Case #16-108, Major Site Plan Application, John's Wrecker Service, is approved. If at any time the related case is revoked or final approval is not received, this Special Use Permit becomes invalid.
2. A Special Use Permit for activity within the Aquifer Conservation District was granted on December 13, 2016 by the Planning Board. The approval is contingent upon all provisions of the Town of Pembroke Zoning Chapter 143, Article 143-68.E, Aquifer Conservation District, being followed.

VOTE: A. Topliff - Y B. Seaworth - Y R. Bean - Y
 K. Cruson - NO B. Edmonds - Y V. Greco - Y

MOTION TO APPROVE THE SPECIAL USE PERMIT CASE #16-307-SUP-AC WITH THE FOLLOWING CONDITIONS TO BE INCLUDED AS NOTES ON THE FINAL SITE PLAN:

1. **SPECIAL USE PERMIT, SUP-AC #16-307, FOR ACTIVITY WITHIN THE AQUIFER CONSERVATION DISTRICT IS GRANTED CONDITIONALLY UNTIL THE RELATED CASE #16-108, MAJOR SITE PLAN APPLICATION, JOHN'S WRECKER SERVICE, HAS RECEIVED FINAL APPROVAL, AT SUCH TIME THIS SPECIAL USE PERMIT BECOMES FINAL AND WILL REMAIN FINAL FOR AS LONG AS CASE #16-108, MAJOR SITE PLAN APPLICATION, JOHN'S WRECKER SERVICE, IS APPROVED. IF AT ANY TIME THE RELATED CASE IS REVOKED OR FINAL APPROVAL IS NOT RECEIVED, THIS SPECIAL USE PERMIT BECOMES INVALID.**
2. **A SPECIAL USE PERMIT FOR ACTIVITY WITHIN THE AQUIFER CONSERVATION DISTRICT WAS GRANTED ON DECEMBER 13, 2016 BY THE PLANNING BOARD. THE APPROVAL IS CONTINGENT UPON ALL PROVISIONS OF THE TOWN OF PEMBROKE ZONING CHAPTER 143,**

ARTICLE 143-68.E, AQUIFER CONSERVATION DISTRICT, BEING FOLLOWED.

MOTION PASSED ON A 5-1 VOTE.

MOTION: Vice Chairman Seaworth moved and Selectmen's Rep. Greco seconded to approve the Major Site Plan Application, Case #16-108, with the following conditions to be added to the final site plan and completed, as applicable, prior to the final plan being signed and the recording of the Notice of Decision:

1. A note shall be on the final plan stating when the Special Exceptions for the uses were granted on October 24, 2016 and include any conditions of approval with the Special Exceptions. The site plan shall comply with all applicable conditions of approval from the Special Exception approvals.
2. The Checklist waivers that were granted shall be listed completely on the plan as to which waivers were granted for with the date granted.
3. If necessary, a revised driveway permit or letter from the NHDOT approving the access for the change of use for the site for MBI shall be submitted to the Planning Department prior to signature on final plans.
4. Applicant is notified through this notice that neither site work nor occupying of any buildings or the areas by MBI shall take place and town building permits will not be issued until the final plan is signed and the Notice of Decision is recorded.
5. Applicant is notified through this notice that stamped engineered plans shall be submitted for all applicable renovations per the Building Inspector's requirements for the building/structural/floor plans, electrical, plumbing, fire alarm and fire suppression system as part of the building permit application process.
6. The site plan will not be considered as receiving final approval until all applicable conditions of approval are met, the final plan is signed, and the Notice of Decision is recorded.
7. The Applicant, Pembroke Water Works Superintendent, and Pembroke Sewer Operations Director shall perform a site inspection together of the site and buildings after plan signature and prior to issuance of any town permits, including a CO. The inspection will be to determine the fitness of: the building and surrounding area for which MBI will be utilizing, installation of equipment, and site improvements for the proposed uses of vehicles repair, storage, and maintenance. This shall be in conjunction with any conditions of approval from the Special Exceptions granted.
8. Any use proposed under a different owner/applicant, which is permitted by right in the zone, shall require a special use permit application be submitted to the Planning Board.
9. There shall be no storage of any tractor trailers or vehicles on any gravel surfaces on site. The site can be found in violation of the approval if any vehicles are found to be parked on gravel areas.

10. If applicant wants to pave gravel areas in the future, an application must be made to the Planning Department to determine what type of application should be submitted and needed for approval.
11. Applicant to submit the Standard Operating Procedure (SOP) Manual for MBI to Town Engineer, Emery & Garret, Eastern Analytical, and Pembroke Water Works for their review and approval prior to final plan signature.
12. Applicant should comply with any recommendations made by Pembroke Water Works Commission and their agent and Nobis Engineering.
13. All applicable concerns and issues discussed in KV Partners' letter dated January 5, 2016 shall be addressed prior to final plan signature.
14. Submit funds in escrow for site inspections by Emery and Garrett as per Town of Pembroke requirements.
15. There shall be no overflow parking of vehicles along Route 106/Sheep Davis Road at any time.
16. Provide the original signatures of all property owners on the final plat.

VOTE: A. Topliff - Y B. Seaworth - Y R. Bean - Y
 K. Cruson - NO B. Edmonds - Y V. Greco - Y

MOTION TO APPROVE MAJOR SITE PLAN APPLICATION, CASE #16-108, WITH THE FOLLOWING CONDITIONS TO BE ADDED TO THE FINAL SITE PLAN AND COMPLETED, AS APPLICABLE, PRIOR TO THE FINAL PLAN BEING SIGNED AND THE RECORDING OF THE NOTICE OF DECISION:

- 1. A NOTE SHALL BE ON THE FINAL PLAN STATING WHEN THE SPECIAL EXCEPTIONS FOR THE USES WERE GRANTED ON OCTOBER 24, 2016 AND INCLUDE ANY CONDITIONS OF APPROVAL WITH THE SPECIAL EXCEPTIONS. THE SITE PLAN SHALL COMPLY WITH ALL APPLICABLE CONDITIONS OF APPROVAL FROM THE SPECIAL EXCEPTION APPROVALS.**
- 2. THE CHECKLIST WAIVERS THAT WERE GRANTED SHALL BE LISTED COMPLETELY ON THE PLAN AS TO WHICH WAIVERS WERE GRANTED FOR WITH THE DATE GRANTED.**
- 3. IF NECESSARY, A REVISED DRIVEWAY PERMIT OR LETTER FROM THE NHDOT APPROVING THE ACCESS FOR THE CHANGE OF USE FOR THE SITE FOR MBI SHALL BE SUBMITTED TO THE PLANNING DEPARTMENT PRIOR TO SIGNATURE ON FINAL PLANS.**
- 4. APPLICANT IS NOTIFIED THROUGH THIS NOTICE THAT NEITHER SITE WORK NOR OCCUPYING OF ANY BUILDINGS OR THE AREAS BY MBI SHALL TAKE PLACE AND TOWN BUILDING PERMITS WILL NOT BE ISSUED UNTIL THE FINAL PLAN IS SIGNED AND THE NOTICE OF DECISION IS RECORDED.**
- 5. APPLICANT IS NOTIFIED THROUGH THIS NOTICE THAT STAMPED ENGINEERED PLANS SHALL BE SUBMITTED FOR ALL APPLICABLE RENOVATIONS PER THE BUILDING INSPECTOR'S REQUIREMENTS FOR THE BUILDING/STRUCTURAL/FLOOR PLANS, ELECTRICAL, PLUMBING,**

FIRE ALARM AND FIRE SUPPRESSION SYSTEM AS PART OF THE BUILDING PERMIT APPLICATION PROCESS.

- 6. THE SITE PLAN WILL NOT BE CONSIDERED AS RECEIVING FINAL APPROVAL UNTIL ALL APPLICABLE CONDITIONS OF APPROVAL ARE MET, THE FINAL PLAN IS SIGNED, AND THE NOTICE OF DECISION IS RECORDED.**
- 7. THE APPLICANT, PEMBROKE WATER WORKS SUPERINTENDENT, AND PEMBROKE SEWER OPERATIONS DIRECTOR SHALL PERFORM A SITE INSPECTION TOGETHER OF THE SITE AND BUILDINGS AFTER PLAN SIGNATURE AND PRIOR TO ISSUANCE OF ANY TOWN PERMITS, INCLUDING A CO. THE INSPECTION WILL BE TO DETERMINE THE FITNESS OF: THE BUILDING AND SURROUNDING AREA FOR WHICH MBI WILL BE UTILIZING, INSTALLATION OF EQUIPMENT, AND SITE IMPROVEMENTS FOR THE PROPOSED USES OF VEHICLES REPAIR, STORAGE, AND MAINTENANCE. THIS SHALL BE IN CONJUNCTION WITH ANY CONDITIONS OF APPROVAL FROM THE SPECIAL EXCEPTIONS GRANTED.**
- 8. ANY USE PROPOSED UNDER A DIFFERENT OWNER/APPLICANT, WHICH IS PERMITTED BY RIGHT IN THE ZONE, SHALL REQUIRE A SPECIAL USE PERMIT APPLICATION BE SUBMITTED TO THE PLANNING BOARD.**
- 9. THERE SHALL BE NO STORAGE OF ANY TRACTOR TRAILERS OR VEHICLES ON ANY GRAVEL SURFACES ON SITE. THE SITE CAN BE FOUND IN VIOLATION OF THE APPROVAL IF ANY VEHICLES ARE FOUND TO BE PARKED ON GRAVEL AREAS.**
- 10. IF APPLICANT WANTS TO PAVE GRAVEL AREAS IN THE FUTURE, AN APPLICATION MUST BE MADE TO THE PLANNING DEPARTMENT TO DETERMINE WHAT TYPE OF APPLICATION SHOULD BE SUBMITTED AND NEEDED FOR APPROVAL.**
- 11. APPLICANT TO SUBMIT THE STANDARD OPERATING PROCEDURE (SOP) MANUAL FOR MBI TO TOWN ENGINEER, EMERY & GARRET, EASTERN ANALYTICAL, AND PEMBROKE WATER WORKS FOR THEIR REVIEW AND APPROVAL PRIOR TO FINAL PLAN SIGNATURE.**
- 12. APPLICANT SHOULD COMPLY WITH ANY RECOMMENDATIONS MADE BY PEMBROKE WATER WORKS COMMISSION AND THEIR AGENT AND NOBIS ENGINEERING.**
- 13. ALL APPLICABLE CONCERNS AND ISSUES DISCUSSED IN KV PARTNERS' LETTER DATED JANUARY 5, 2016 SHALL BE ADDRESSED PRIOR TO FINAL PLAN SIGNATURE.**
- 14. SUBMIT FUNDS IN ESCROW FOR SITE INSPECTIONS BY EMERY AND GARRETT AS PER TOWN OF PEMBROKE REQUIREMENTS.**
- 15. THERE SHALL BE NO OVERFLOW PARKING OF VEHICLES ALONG ROUTE 106/SHEEP DAVIS ROAD AT ANY TIME.**
- 16. PROVIDE THE ORIGINAL SIGNATURES OF ALL PROPERTY OWNERS ON THE FINAL PLAT.**

MOTION PASSED ON A 5-1 VOTE.

Chairman Topliff called for a five minute recess from 9:25 p.m. to 9:30 p.m.
Business meeting continued at 9:31 p.m.

New Business-

1. **Special Use Permit Application SUP-AC #16-311, Mark Sargent, Richard Bartlett & Associates, LLC, for D'Pergo Realty Investment LLC, owner of Tax Map 561, Lot 35, located at 107 Sheep Davis Road, in the Commercial Industrial (C1) Zone and the Aquifer Conservation (AC) District.** The applicant Mark Sargent, on behalf of property owner D'Pergo Realty Investment LLC, requests a Special Use Permit from Article 143-68.E, Aquifer Conservation District for the operation of a Professional Office/Salon business. A Special Use Permit is required for any activity taking place within the Aquifer Conservation (AC) District. This application is associated with Major Site Plan application #16-109.
2. **Major Site Plan Application #16-109, Mark Sargent, Richard Bartlett & Associates, LLC, for D'Pergo Realty Investment LLC, on Tax Map 561, Lot 35, located at 107 Sheep Davis Road, in the Commercial/Light Industrial (C1) Zone and the Aquifer Conservation (AC) District.** The applicant, Mark Sargent, of Richard Bartlett and Associates, LLC, on behalf of the property owner, John Dapergolas, Inc., proposes a Change in Use of an existing, vacant, commercial facility to permit the operation of a Professional Office/Salon business.
Present:

Present: Mark Sargent of Richard Bartlett and Associates, LLC; John Dapergolas; D'Pergo Realty Investments, LLC; Deidre Rafferty, Owner, Self-Reflections Hair and Beauty Salon and Karen Degreenia, Owner, Self-Reflections Hair and Beauty Salon

MOTION: Vice Chairman Seaworth moved and Member Edmonds seconded to grant the waiver requests for checklist items:

Part A-Items: C, G, and L;
Part B-Numbers: 6, 7, 11, 16, 19, and 20;
Part C- A, B, C, D, E, F.

VOTE: A. Topliff - Y B. Seaworth - Y R. Bean - Y
 K. Cruson - Y B. Edmonds - Y V. Greco - Y

MOTION TO GRANT THE WAIVER REQUESTS FOR CHECKLIST ITEMS:

PART A-ITEMS: C, G, AND L;
PART B-NUMBERS: 6, 7, 11, 16, 19, AND 20;
PART C- A, B, C, D, E, F. PASSED ON A 6-0 VOTE

MOTION: Vice Chairman Seaworth moved and Member Edmonds seconded to accept Special Use Permit Case #16-311-SUP-AC and as Case #16-109, Major Site Plan Application, D'Pergo Realty Investments, LLC-Professional (Salon) Use in as complete.

VOTE: A. Topliff - Y B. Seaworth - Y R. Bean - Y
 K. Cruson - Y B. Edmonds - Y V. Greco - Y

MOTION TO ACCEPT SPECIAL USE PERMIT CASE #16-311-SUP-AC AND AS CASE #16-109, MAJOR SITE PLAN APPLICATION, D'PERGO REALTY INVESTMENTS, LLC-PROFESSIONAL (SALON) USE IN AS COMPLETE PASSED ON A 6-0 VOTE

Chairman Topliff opened the public hearing on D'Pergo Realty Investments LLC/Self-Reflections Hair and Beauty Salon at 9:35 p.m.

Mark Sargent, of Richard Bartlett and Associates, LLC, presented a Change of Use Plat plan dated November 2016 prepared for D'Pergo Realty Investments, LLC. John's Wrecker Service was approved for Professional Office use in March 2016. The proposal for Self-Reflections Hair and Beauty Salon was interpreted as a Professional Office by the Code Enforcement Officer. The previous use of the building was for Professional Office for Epoch Homes operation. The site is zoned Commercial/Light Industrial.

Self-Reflections Hair and Beauty Salon proposes to occupy the lower 950 square feet of the modular home used as office space at 107 Sheep Davis road. John Dapergolas occupies the upper level for his office and dispatch center. The third floor is unoccupied. There is no proposed construction outside the building. Permits are pending to add EXIT signs and emergency lights.

The prior location of the hair salon was 24 Hammond Street in Concord. Self-Reflections Hair Salon has been in business since 2011. The salon will have 2 stylists working at any one time and they anticipate serving 10-20 clients per day. The services provided include cuts, colors, perms, manicures (natural, not artificial) and pedicures.

Each hair color product has a different MSDS sheet. MSDS sheets have been submitted electronically to Matt Gagne, Pembroke Water Works, for all proposed products. Matt Gagne reported no concerns. Mark Sargent confirmed that no chemicals will be stored in the aggregate of one gallon or greater. There is new water service at the modular home with backflow prevention. Mr. Hodge noted that special hair traps are installed on all sinks.

Business hours will be Mondays and Fridays 9 am to 5 pm. Tuesdays, Wednesdays and Thursday hours will be 9 am to 8 pm and Saturday hours will be 9 am to 2 pm.

It is anticipated that the salon will require two parking spaces for the stylists and four spaces for clientele. Nine parking spaces are provided, including one that is ADA compliant handicapped accessible.

Chairman Topliff asked the Planning Board to consider possible conditions while still in public hearing.

There being no further discussion, Chairman Topliff closed the public hearing on D'Pergo Real Estate Investments/Self-Reflections Hair and Beauty Salon at 9:41 p.m.

MOTION: Vice Chairman Seaworth moved and Member Edmonds seconded to approve the Special Use Permit Case #16-311-SUP-AC with the following conditions to be included as notes on the final site plan:

1. Special Use Permit, SUP-AC #16-311, for activity within the Aquifer Conservation District is granted conditionally until the related Case #16-109, Major Site Plan Application, D'Pergo Realty Investments, LLC-Professional (Salon) Use has received final approval, at such time this Special Use Permit becomes final and will remain final for as long as Case #16-109, Major Site Plan Application, D'Pergo Realty Investments, LLC-Professional (Salon) Use is approved. If at any time the related case is revoked or final approval is not received, this Special Use Permit becomes invalid.
2. A Special Use Permit for activity within the Aquifer Conservation District was granted on December 13, 2016 by the Planning Board. The approval is contingent upon all provisions of the Town of Pembroke Zoning Chapter 143, Article 143-68.E, Aquifer Conservation District, being followed.

VOTE:	A. Topliff - Y	B. Seaworth - Y	R. Bean - Y
	K. Cruson - Y	B. Edmonds - Y	V. Greco - Y

MOTION TO APPROVE THE SPECIAL USE PERMIT CASE #16-311-SUP-AC WITH THE FOLLOWING CONDITIONS TO BE INCLUDED:

1. **SPECIAL USE PERMIT, SUP-AC #16-311, FOR ACTIVITY WITHIN THE AQUIFER CONSERVATION DISTRICT IS GRANTED CONDITIONALLY UNTIL THE RELATED CASE #16-109, MAJOR SITE PLAN APPLICATION, D'PERGO REALTY INVESTMENTS, LLC-PROFESSIONAL (SALON) USE HAS RECEIVED FINAL APPROVAL, AT SUCH TIME THIS SPECIAL USE PERMIT BECOMES FINAL AND WILL REMAIN FINAL FOR AS LONG AS CASE #16-109, MAJOR SITE PLAN APPLICATION, D'PERGO REALTY INVESTMENTS, LLC-PROFESSIONAL (SALON) USE IS APPROVED. IF AT ANY TIME THE RELATED CASE IS REVOKED OR FINAL APPROVAL IS NOT RECEIVED, THIS SPECIAL USE PERMIT BECOMES INVALID.**

2. A SPECIAL USE PERMIT FOR ACTIVITY WITHIN THE AQUIFER CONSERVATION DISTRICT WAS GRANTED ON DECEMBER 13, 2016 BY THE PLANNING BOARD. THE APPROVAL IS CONTINGENT UPON ALL PROVISIONS OF THE TOWN OF PEMBROKE ZONING CHAPTER 143, ARTICLE 143-68.E, AQUIFER CONSERVATION DISTRICT, BEING FOLLOWED.

MOTION PASSED ON A 6-0 VOTE

MOTION: Vice Chairman Seaworth moved and Member Edmonds seconded to approve Major Site Plan Application, Case #16-109, with the following conditions to be added to the final site plan and completed, as applicable, prior to the final plan being signed and the recording of the Notice of Decision:

1. The Checklist waivers that were granted shall be listed completely on the plan as to which waivers were granted with the date they were granted.
2. If necessary, a revised driveway permit or letter from the NHDOT approving the access for the additional change of use for the site for the Professional (Salon) Use shall be submitted to the Planning Department prior to signature on final plans.
3. Applicant is notified through this notice that neither building work nor occupying of any buildings or the areas by Self-Reflections Salon shall take place and town building permits will not be issued until the final plan is signed and the Notice of Decision is recorded.
4. Applicant is notified through this notice that, as/if applicable, stamped engineered plans shall be submitted for all renovations per the Building Inspector's requirements for the: building/structural/floor plans, electrical, plumbing, fire alarm and fire suppression system as part of the building permit application process.
5. The site plan will not be considered as receiving final approval until all applicable conditions of approval are met, the final plan is signed, and the Notice of Decision is recorded.
6. The Applicant, Pembroke Water Works Superintendent, Code Enforcement Officer and Pembroke Sewer Operations Director shall perform a site inspection together of the site and buildings after plan signature and prior to issuance of any town permits, including a CO.
7. Any use proposed under a different owner/applicant, which is permitted by right in the zone, shall require a special use permit application be submitted to the Planning Board.
8. Applicant should comply with any recommendations made by Pembroke Water Works Commission.
9. All applicable concerns and issues discussed in KV Partners' letter dated December 7, 2016 shall be addressed prior to final plan signature.

10. There shall be no overflow parking of vehicles along Route 106/Sheep Davis Road at any time.
11. Provide the original signatures of all property owners on the final plat.

VOTE: A. Topliff - Y B. Seaworth - Y R. Bean - Y
 K. Cruson - Y B. Edmonds - Y V. Greco - Y

MOTION TO APPROVE MAJOR SITE PLAN APPLICATION, CASE #16-109, WITH THE FOLLOWING CONDITIONS TO BE ADDED TO THE FINAL SITE PLAN AND COMPLETED, AS APPLICABLE, PRIOR TO THE FINAL PLAN BEING SIGNED AND THE RECORDING OF THE NOTICE OF DECISION:

1. THE CHECKLIST WAIVERS THAT WERE GRANTED SHALL BE LISTED COMPLETELY ON THE PLAN AS TO WHICH WAIVERS WERE GRANTED WITH THE DATE THEY WERE GRANTED.
2. IF NECESSARY, A REVISED DRIVEWAY PERMIT OR LETTER FROM THE NHDOT APPROVING THE ACCESS FOR THE ADDITIONAL CHANGE OF USE FOR THE SITE FOR THE PROFESSIONAL (SALON) USE SHALL BE SUBMITTED TO THE PLANNING DEPARTMENT PRIOR TO SIGNATURE ON FINAL PLANS.
3. APPLICANT IS NOTIFIED THROUGH THIS NOTICE THAT NO BUILDING WORK NOR OCCUPYING OF ANY BUILDINGS OR THE AREAS BY SELF-REFLECTIONS SALON SHALL TAKE PLACE AND TOWN BUILDING PERMITS WILL NOT BE ISSUED UNTIL THE FINAL PLAN IS SIGNED AND THE NOTICE OF DECISION IS RECORDED.
4. APPLICANT IS NOTIFIED THROUGH THIS NOTICE THAT, AS/IF APPLICABLE, STAMPED ENGINEERED PLANS SHALL BE SUBMITTED FOR ALL RENOVATIONS PER THE BUILDING INSPECTOR'S REQUIREMENTS FOR THE: BUILDING/STRUCTURAL/FLOOR PLANS, ELECTRICAL, PLUMBING, FIRE ALARM AND FIRE SUPPRESSION SYSTEM AS PART OF THE BUILDING PERMIT APPLICATION PROCESS.
5. THE SITE PLAN WILL NOT BE CONSIDERED AS RECEIVING FINAL APPROVAL UNTIL ALL APPLICABLE CONDITIONS OF APPROVAL ARE MET, THE FINAL PLAN IS SIGNED, AND THE NOTICE OF DECISION IS RECORDED.
6. THE APPLICANT, PEMBROKE WATER WORKS SUPERINTENDENT, CODE ENFORCEMENT OFFICER AND PEMBROKE SEWER OPERATIONS DIRECTOR SHALL PERFORM A SITE INSPECTION TOGETHER OF THE SITE AND BUILDINGS AFTER PLAN SIGNATURE AND PRIOR TO ISSUANCE OF ANY TOWN PERMITS, INCLUDING A CO.
7. ANY USE PROPOSED UNDER A DIFFERENT OWNER/APPLICANT, WHICH IS PERMITTED BY RIGHT IN THE ZONE, SHALL REQUIRE A SPECIAL USE PERMIT APPLICATION BE SUBMITTED TO THE PLANNING BOARD.

8. **APPLICANT SHOULD COMPLY WITH ANY RECOMMENDATIONS MADE BY PEMBROKE WATER WORKS COMMISSION.**
9. **ALL APPLICABLE CONCERNS AND ISSUES DISCUSSED IN KV PARTNERS' LETTER DATED DECEMBER 7, 2016 SHALL BE ADDRESSED PRIOR TO FINAL PLAN SIGNATURE.**
10. **THERE SHALL BE NO OVERFLOW PARKING OF VEHICLES ALONG ROUTE 106/SHEEP DAVIS ROAD AT ANY TIME.**
11. **PROVIDE THE ORIGINAL SIGNATURES OF ALL PROPERTY OWNERS ON THE FINAL PLAT.**

MOTION PASSED ON A 6-0 VOTE

Chairman Topliff stated that any time after 9:30 p.m. the Board will entertain a motion to continue the current application to the next business meeting if it is not concluded by 10 pm. As the hour of 10:00 p.m. was approaching, the Planning Board discussed whether they would be able to complete all business on the agenda tonight.

Ms. Verdile noted the January 10, 2017 work session agenda includes the proposed sign ordinance amendment that the Planning Board hopes to send to Town Meeting. The January 24, 2017 business meeting has a Boundary Line Adjustment application so far. Ms. Verdile noted the second public hearing on proposed amendment to Accessory Dwelling unit must be held tonight so that it can proceed to Town Meeting. She noted the consideration of the National Guard Government Land Use Proposal could be postponed to the January 24, 2017 business meeting if the applicant is willing to do so.

Member Bean asked the applicant and representative for the National Guard proposal how they would feel about coming back to the Planning Board in January 2017. Rene LaBranche, PE of Stantec Consulting Services, Inc., on behalf of the New Hampshire National Guard, after consultation with his client stated that coming back would not greatly impact us.

Chairman Topliff stated the NH Army National Guard proposal would be the first item on the January 24, 2017 Planning Board agenda. He apologized to the applicant for having to sit through a long meeting and not being able to present the plans. Several Board members thanked the Army National Guard for their service, and wished them happy holidays.

3. **Government Land Use Proposal by the New Hampshire Army National Guard on Tax Map 632, Lot 18, located at 96 Sheep Davis Rd., in the Commercial/Light Industrial (C1) Zone, the Aquifer Conservation (AC) District, the Wetlands Protection (WP) District, the Shoreland Protection (SP) District, and the Floodplain Development (FP) District.** The applicant, Bryan Ruoff, PE of Stantec Consulting Services Inc., on behalf of the New Hampshire Army National Guard has submitted a Governmental Land Use proposal that includes: plans, specifications,

explanations of the proposed changes available at time of submission, a statement of the governmental use according to RSA 674:54.I, and a proposed construction schedule. The purpose of the application submission is to allow the Planning Board to issue nonbinding written comments relative to the conformity or nonconformity of the proposal with normally applicable land use regulations.

The NH Army National Guard application is re-scheduled to the January 24, 2017 agenda.

Old Business-

Chairman Topliff stated this is the second public hearing for the following proposed amendment to Section 143-18 Accessory Dwelling units. This revision is in response to State of NH RSA 674:72 IV which goes into effect June 2017.

Proposed language is underlined, existing language is crossed out.

Zoning Amendment #1

Are you in favor of the adoption of Amendment #1 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

§ 143-18.1 Accessory dwelling units.

[Added 3-13-2007 Town Meeting by Amendment No. 12]

One accessory ~~attached~~ dwelling unit (i.e., in-law apartment) shall be permitted ~~per single family [sic] dwelling residence in~~ all zones that allow Single Family Detached Dwelling Units ~~the residential zones R1, R3, and B1~~ by special exception from the Zoning Board of Adjustment with the following stipulations:

- A. An accessory dwelling unit shall be clearly incidental to the primary use of the property for a single-family dwelling. Such accessory living space shall not exceed ~~675~~ 750 square feet and all appropriate town building codes shall be followed.
- B. An accessory dwelling unit may be constructed either within or attached to the single-family dwelling.
- C. At least one interior connecting door or other access for persons to pass between the accessory dwelling unit and the single-family dwelling must be included.
- D. Septic system design/capacity shall be approved by the NH Department of Environmental Services and provided to the Town.

E. One off street parking space shall be provided for an accessory dwelling unit, however, no new curb cut from the street shall be constructed.

F. Exterior construction and material shall be uniform and compatible with the single-family dwelling.

G. ~~Use of an accessory dwelling unit as a rental unit shall not be permitted.~~

HG. There shall be only one electric, water, and sewer service for both units.

H. This section of the ordinance does not preclude the applicant from having to comply with the applicable sewer and water connection fees.

A letter dated December 13, 2016 from Dana Carlucci to Pembroke Planning Board was read into the minutes.

I am writing this for consideration by the Board regarding accessory dwelling unit, Section 143-18.1 of our Zoning Ordinance. As we are aware, the State of NH, through Senate Bill 146, has voted in a change that will affect our accessory dwelling unit (in-law apartment) Section of our Ordinance. I have read through Senate Bill 146 and other various government information including the NH Municipal Association's Legal Counsel's article in "New Hampshire Town and City" publication.

1. I strongly agree that this be by **Special Exception**. This would allow public input in the event that this use could have special circumstances related to a particular property.
2. I would suggest changing Condition E from **one** off-street parking space to **two (2)** per 143-46 Table of Off-Street Parking Requirements. One of the reasons is that the occupants allowed could be of age groups that could be actively working and have children, rather than the retired elderly parents that our existing ordinance was based on. This would also encourage off-street parking in order to allow our Dept. of Public Works to better maintain our streets, especially in the winter. According to Cordell Johnston, Counsel for the NH Municipal Association, we are allowed to add conditions as long as they do not violate SB 146.
3. I would encourage a condition that would require one of the dwelling units to be **owner-occupied**. I work in homes every day, and find that, in general, the rental properties are maintained better if the owner lives on the premises. To maintain our Town services, we need to protect those property values.
4. To add a condition of **no more than 2 bedrooms** and to include wordage for maximum occupancy of the bedrooms per US Dept. of Housing and Urban Development. From what I have read, the law prohibits a one-bedroom limit, but **does not limit it to 2 bedrooms**. The maximum occupancy rate of these two-bedrooms would protect against over-crowding of the property.

In an email dated December 13, 2016, Everett Hodge, Code Enforcement Officer, disagreed with proposed condition #2 requiring 2 additional parking spaces. If the lot isn't large enough to accommodate two additional parking spaces, there would be a requirement to apply for a Variance to either waive the additional parking requirements or to encroach into the setback. This variance may not be considered within the spirit of the ordinance and not allowed. Section E. of the current ordinance does not allow for an additional curb cut and adding 2 spaces might necessitate an additional curb cut. An additional curb cut would require a Variance and additional site work costs. I believe the purpose of SB-142 was to help individuals easily create additional living space for aging family members in the most cost effective manner. The requirement of 2 parking spaces would only serve to put additional restrictions and financial costs on the applicants.

Mr. Hodge's recommendation would be to leave Condition E. as written and not add an additional space. Since 2007 when section 143-18.1 **Accessory Dwelling Units** took effect, and a number of "accessory dwelling units" have been constructed, there have been no issues with parking. The one additional parking space has been adequate.

HUD is a Federal Standard which we have no jurisdiction over. The Town enforces the **2009 International Property Maintenance Code** which regulates single family homes and multi-family units. **Chapter 4: Light, Ventilation and Occupancy Limitations** regulate the minimum size of rooms within a dwelling unit and the use of these rooms. **Section 404.5 Overcrowding.** *"the number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants."*

Mr. Hodge's recommendation would be to reference the **International Property Maintenance Code (IMPC)** as amended. Steven Whitley, Town Counsel, confirmed that the State RSA incorporates federal HUD standard, so the town would not be enforcing federal law, but rather state law.

Member Bean asked what the definition of parking spot is. Mr. Hodge stated parking is the capacity to get the vehicle off the street.

Attorney Whitley has advised that 750 square feet is adequate size. Attorney Whitley also confirmed that IPMC leaves enforcement discretion to the Code Enforcement Officer. HUD leaves the number of occupancy to the discretion of the landlord.

Chairman Topliff opened the second public hearing on proposed zoning amendment #1 to Accessory Dwelling units at 10:00 p.m.

There being no input, Chairman Topliff closed the public hearing at 10:01 p.m. No changes were made to the proposed amendment.

MOTION: Vice Chairman Seaworth moved to send proposed zoning amendment #1 Accessory Dwelling units to March 2017 Town Meeting.
Seconded by Selectmen's Rep. Greco.

VOTE: A. Topliff - Y B. Seaworth - Y R. Bean - Y
 K. Cruson - Y B. Edmonds - Y V. Greco - Y

**PROPOSED ZONING AMENDMENT #1 ON ADU SENT TO TOWN MEETING 2017
ON A 6-0 VOTE**

Minutes- December 6, 2016

MOTION: Member Bean moved to approve the December 6, 2016 Meeting Minutes as amended. Seconded by Vice Chairman Seaworth. Motion passed unanimously.

Miscellaneous

1. Correspondence- none
2. Committee Reports- none
3. Other Business— Submission of subdivision in Allenstown

Ms. Verdile reported that as an abutter, the Town of Pembroke received notice of a proposed 12 lot cluster subdivision at Pine Acres Road and Route 28 in Allenstown. The lot is 32.7 acres and 25.9 acres remain in conservation after the subdivision, if approved.

Selectmen's Rep. Greco noted that this area tends to flood. In fact, in the past, people had to be evacuated from homes in the area during flooding situations.

Ms. Verdile stated that private well and septic are proposed for the development. All of the well radii all fall in the house area or on another's lot. The road in the plan is not maintained by the Town of Allenstown. The Town of Pembroke is an abutter across the river.

Chairman Topliff asked Ms. Verdile to write a letter of response to the Town of Allenstown Planning Board on behalf of the Pembroke Planning Board that they have reviewed the plan, and while the Town of Pembroke does not anticipate a direct impact, the Planning Board does have concerns about flooding and lot layouts, particularly septic and well.

4. Planner Items- none
5. Board Member Items-none
6. Audience Items-none

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

The meeting was adjourned at 10:12 p.m.

Respectfully submitted,
Susan Gifford, Recording Secretary