

**Pembroke Planning Board
Meeting Minutes
November 22, 2022**
(Approved on December 13, 2022)

MEMBERS PRESENT: Brian Seaworth, Chairman; Rick Frederickson, Selectmen's Rep; Kathy Cruson, Brent Edmonds, Clint Hanson

ALTERNATES PRESENT: Bryan Christiansen

MEMBERS EXCUSED: Robert Bourque, Vice Chairman; Kevin Foss

STAFF PRESENT: Carolyn Cronin, Town Planner; Susan Gifford Recording Secretary

Chairman Seaworth called the meeting to order at 6:30 pm. Five members and one alternate member were present. Chairman Seaworth designated Bryan Christiansen to vote for Kevin Foss.

Old Business

- 1. Minor Subdivision Application #22-02, Robert Degan, S & H Land Services, LLC acting as Applicant on behalf of MDR Rehab & Development, LLC, owner of Tax Map VW, Lot 58 located at 15 Lindy Street in the Medium Density Residential (R1) Zone, the Aquifer Conservation (AC) District, and the Municipal Separate Storm Sewer System (MS4) District.**

The Applicant proposes to subdivide the lot into 2 residential lots to be served by town water and sewer.

Present: Robert Degan, S&H Land Services, Inc.

Planner Cronin stated that since the last meeting, a revised stormwater plan was submitted to the Town Engineer. On November 21st, the Town Engineer sent an email saying he was satisfied with the plan changes. A sewer easement needs to be finalized. Planner Cronin stated that an email was received from Pembroke Water Works that there is capacity for a three-bedroom single family house. Pembroke Sewer Commission sent a letter that sewer capacity is available conditioned on applicant making improvements to the sewer line from the house to the main.

At 7:50 p.m. Chairman Seaworth opened the public hearing on Minor Subdivision Application #22-02. Members of the public who wish to speak please state your name and address for the record. If this business item is not resolved tonight, the application and the public hearing will be continued without being renoticed. Information will be found on the town website for a future agenda item.

Robert Degan, S&H Land Services, Inc., passed out a revised plan incorporating changes to date that satisfies the Town Engineer's stormwater MS4 comments. He stated that a scope showed that the old sewer pipe is deteriorated and that sections of the pipe are made of clay and cardboard with roots growing from them. Pembroke Sewer Commission requires six-inch pipe to service an additional house. Old pipe is four-inch diameter. There is cast iron pipe coming from the house. Applicant plans to replace the line with six-inch PVC from the house to the main and update the plan. When the line was scoped, it provided better location information. The sewer line is further back in the lot than

anticipated. The house location has been moved back out of the sewer easement. The impervious area changed to 2,476 square feet. The figure was changed on the computer file and will be changed on the plan. The oil tank has been removed and drums are waiting to be picked up. Third party documentation with testing results for hazardous materials after removal of underground tank are pending.

Planner Cronin reviewed proposed conditions of approval. The town engineer's comments have been satisfied, and letters confirming capacity have been received from Pembroke Water Works and Pembroke Sewer Commission. Paperwork on oil tank removal is pending. Notes 12 and 13 have been added to the plan. Conditions #1, #3 and #5 in proposed conditions can be struck out. #4 is amended to "in accordance with approved stormwater management plan" and #12 is amended to easement deed for "utilities". Test results from the underground oil tank removal will be provided and the impervious note shall be updated.

At 6:50 p.m. Chairman Seaworth closed the public hearing on Minor Subdivision Application #22-02. If this business item is not resolved tonight, the application and the public hearing will be continued without being renoticed. Information will be found on the town website for a future agenda item.

MOTION: Member Edmonds moved to approve Minor Subdivision Plan Application #22-02 with the following conditions:

1. All conditions of approval shall be listed on the plan.
2. The original signatures of all property owners shall be provided on the final plan.
3. The final plan shall be recorded at the Merrimack County Registry of Deeds. LCHIP check to accompany the final plan.
4. All recording fees shall be paid to Town of Pembroke.
5. Town Driveway Permit is required.
6. Sewer approval is required.
7. An easement deed for the utilities shall be recorded at the Merrimack County Registry of Deeds.
8. Prior to occupancy, test results from the underground tank on Lot 58-2 shall be provided to the Planning Department.
9. The plan will not be considered as receiving final approval until all conditions of approval are met.
10. Prior to signature, the impervious area note shall be updated.

Member Hanson seconded.

VOTE: B. Seaworth – Y R. Frederickson- Y C. Hanson- Y
 B. Edmonds - Y B. Christiansen - Y K. Cruson - Y

MINOR SUBDIVISION PLAN #22-02 APPROVED WITH CONDITIONS ON A 6-0 VOTE.

2. Major Site Plan Application #22-106, Tobin Farwell, Farwell Engineering Services, LLC, acting as Applicant on behalf of Theroux Properties, LLC, owner of Tax Map 632, Lot 10 located at 52 Sheep David Road in the Commercial/Light Industrial (C1) Zone and the Aquifer Conservation (AC) District.

The Applicant proposes to construct a 12,480 SF building addition with associated stormwater and site improvements.

➤ **Special Use Permit Application SUP-AC #22-316**

The Applicant requests a Special Use Permit in accordance with Article 143-68.E., Aquifer Conservation District, for construction over the aquifer.

Present: Tobin Farwell, Farwell Engineering Services, LLC

Planner Cronin noted that this is an existing site with one building that triggered major site plan review with the additional building. The applicant is seeking relief from parking regulations that would require 21 additional parking spaces based on square footage of the proposed new building. The Town Engineer issued a review letter dated October 17th with several stormwater comments. At their October 17th meeting, the Conservation Commission expressed concerns about impacts to the brook from runoff. Their concerns were alleviated by stormwater management details. Catch basins piped to detention ponds will keep the runoff on site.

Planner Cronin stated that a building dimension sketch was submitted on October 21st. The checklist waiver requests appear to be appropriate as they are not applicable to the project, or they are pending items. The following waiver requests have been submitted by the Applicant: Part A. General Information, items D. Vehicle usage, G. Exterior building height, H. Burglar or fire alarm, L. Multifamily housing; Part B. Site Plan Information, items B.(6) Building dimensions, B.(7) Open space, B.(11) Proposed streets, B.(16) Test pits, B.(19) Soil survey, B.(20) Easements; and Part C. Construction Plans, items B. Roadway profiles and C. Roadway cross-sections.

MOTION: Member Edmonds moved to grant the waiver requests for checklist items: Part A. Items D, G, H and L; Part B. Items B.(6), B.(7), B.(11), B.(16), B.(19), and B.(20); and Part C. Items B. and C, as requested by the applicant. Seconded by Member Hanson.

VOTE: B. Seaworth – Y R. Frederickson- Y C. Hanson- Y
 B. Edmonds - Y B. Christiansen - Y K. Cruson - Y

MOTION TO GRANT THE WAIVER REQUESTS AS LISTED ABOVE PASSED ON A 6-0 VOTE.

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

VOTE: B. Seaworth – Y R. Frederickson- Y C. Hanson- Y
 B. Edmonds - Y B. Christiansen - Y K. Cruson - Y

MOTION TO ACCEPT THE APPLICATION AS COMPLETE PASSED ON A 6-0 VOTE.

At 7:00 p.m. Chairman Seaworth opened the public hearing on Major Site Plan Application #22-106. Members of the public who wish to speak please state your name and address for the record. If this business item is not resolved tonight, the application and the public hearing will be continued without being renoticed. Information will be found on the town website for a future agenda item.

Tobin Farwell, Farwell Engineering Services, LLC, stated that Sylvain Theroux, one of the owners, was at the meeting tonight. Business is good and the applicant proposes to construct an additional 101 x 120 square foot building. Very few employees will be added. There is currently plenty of parking. Lighting will be downcast and compliant with town

regulations. Selectmen's Rep Frederickson asked if the roof on the new building pitches toward the other building. Tobin Farwell stated that there is a flat roof on the new building with ten feet separation and peak roof connectors.

Chairman Seaworth asked for clarification on the number of parking spaces. Applicant currently has 20 spaces, but 21 additional spaces are required based on square footage of the new building. Tobin Farwell stated the applicant has twelve employees now and may increase to 18 employees with the new building. The existing parking spaces are unlined and underutilized. No customer parking is needed. Alternate Member Christiansen asked about hours of operation and whether employees are on shifts. The hours are daytime only, and there is only one employee shift. Chairman Seaworth asked what would happen if there were a change of ownership or number of employees increased over the discussed amount. Tobin Farwell stated that applicant had a change of use site plan review when they purchased the site. The applicant is seeking a waiver of the requirement to add 21 additional parking spaces that the formula requires for the new building. Applicant shares the desire to ensure parking remains adequate.

Planner Cronin reviewed the proposed conditions. Chairman Seaworth suggested that if the current use changes, or number of expected employees goes higher than 18-20 employees, Code Enforcement may review parking spaces. Selectmen's Rep Frederickson stated that because the existing parking spaces are not lined, it is difficult to see the number of spaces. Applicant is fine with a maximum of 20 employees. The board would like a Condition #11 that a note shall be added to the plan that as a condition of the parking space requirement waiver given November 22, 2022, the number of onsite employees shall be a maximum of twenty.

At 7:20 p.m. Chairman Seaworth closed the public hearing on Major Site Plan Application #22-106. If this business item is not resolved tonight, the application and the public hearing will be continued without being renoticed. Information will be found on the town website for a future agenda item.

MOTION: Member Edmonds moved to approve Special Use Permit SUP-AC #22-316 conditionally until Major Site Plan #22-106 has received final approval, at which time the Special Use Permit becomes final for as long as the plan is approved. If at any time the plan is revoked or final approval is not received, the Special Use Permit becomes invalid. Seconded by Member Hanson.

VOTE: B. Seaworth – Y R. Frederickson- Y C. Hanson- Y
B. Edmonds - Y B. Christiansen - Y K. Cruson - Y

MOTION TO APPROVE SPECIAL USE PERMIT CONDITIONALLY PASSED ON A 6-0 VOTE.

MOTION: Alternate Member Christiansen moved to grant a waiver from the Zoning Ordinance, in accordance with Section 143-45.1.A., to waive 21 parking spaces. Seconded by Member Cruson.

VOTE: B. Seaworth – Y R. Frederickson- Y C. Hanson- Y
B. Edmonds - Y B. Christiansen - Y K. Cruson - Y

MOTION TO GRANT A WAIVER OF PARKING PASSED ON A 6-0 VOTE.

MOTION: Member Cruson moved to approve Major Site Plan Application #22-106 with the following conditions:

1. All waivers and the date granted shall be listed on the plan.
2. All conditions of approval shall be listed on the plan.
3. Prior to signature, the plans shall be revised to address all review comments from the Town Engineer and any applicable concerns and issues.
4. Prior to signature, the plans shall be revised to correct the frontage and building height in the zoning table in Note 2.
5. Prior to signature, the plans shall be revised to add a note stating that the abandoned sewer line will be properly capped and inspected by the Sewer Department.
6. Building plans to be reviewed by the Building Inspector and Fire Chief.
7. The original signatures of all property owners shall be provided on the final plan.
8. The Site Plan Review and Special Use Permit Notices of Decision are to be recorded at the Merrimack County Registry of Deeds and recording fees paid to Town of Pembroke.
9. NHDOT Driveway Permit is required.
10. The site plan will not be considered as receiving final approval until all conditions of approval are met.
11. Prior to signature, a note shall be added to the plan stating that no more than 20 onsite employees are permitted, as a condition of the waiver from parking granted on November 22, 2022.

Seconded by Alternate Member Christiansen.

VOTE: B. Seaworth – Y R. Frederickson- Y C. Hanson- Y
B. Edmonds - Y B. Christiansen - Y K. Cruson - Y

MOTION TO APPROVE MAJOR SITE PLAN APPLICATION #22-106 WITH CONDITIONS PASSED ON A 6-0 VOTE.

Minutes

November 15, 2022

MOTION: Member Hanson moved to approve the November 15, 2022 minutes as amended (B. Christiansen, not K. Cruson statement on page 2, to appeal to Superior Court page 2 and word is “away” on page 6). Member Edmonds seconded.

VOTE: B. Seaworth – Y R. Frederickson- Y C. Hanson- Y
B. Edmonds - Y B. Christiansen - Y K. Cruson - Y

MOTION TO APPROVE NOVEMBER 15, 2022 MINUTES AS AMENDED PASSED ON A 6-0 VOTE.

Miscellaneous

1. Correspondence- none
2. Committee Reports – Board of Selectmen – Selectmen’s Rep Frederickson reported that the Board of Selectmen met with State of NH representatives to discuss a stormwater project that is part of a \$30,000 grant the State received. A spreadsheet was created of all stormwater management assets, along with an assigned risk based on state of deterioration. High risk assets will be addressed first. Arrangements were made for a new ambulance due to the Tri-Town situation. Town attorney drafted a

proposed Class VI Road policy for the Board of Selectmen to review. Member Cruson asked for an update on Main Street paving. Selectmen's Rep Frederickson stated that poles are being moved due to a gas line issue. Final pavement will be scheduled in the spring.

3. Other Business - none
4. Planner Items – Planner Cronin will draft a Finding of Facts document for each case tonight and send to the Planning Board members for review. Planner Cronin made the changes to tables that the board discussed at the November 15, 2022 meeting. She had a phone call with Matt Monahan of Central NH Regional Planning Commission. Some of the zoning ordinance formatting changes were meant to be implemented in a future year, not 2023. At the December 13, 2022 meeting there are no new applications, so the board can discuss the changes to formatting and conduct a new vote. Public hearing on proposed zoning ordinance changes is scheduled for January 10, 2023.
5. Board Member Items – none
6. Audience Items - none

MOTION: Member Hanson moved to adjourn the meeting. Seconded by Member Edmonds.

Without objection the meeting was adjourned at 7:41 p.m.

Respectfully submitted, Susan Gifford, Recording Secretary