

**Pembroke Planning Board
Meet Minutes
(ADOPTED)
January 22, 2019**

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

ALTERNATES PRESENT: Timothy Goldthwaite

EXCUSED: Kellie Dyjak

STAFF PRESENT: Carolyn Cronin, Town Planner

Chairman Topliff called the meeting to order at 7:00 pm. Selectmen's Rep. Bond will join the meeting after the Board of Selectmen meeting has adjourned.

He asked Alternate Member Goldthwaite to vote in the absence of Member Bean.

Public Hearing

Final Public Hearing on Proposed Zoning Amendments for 2019 Town Meeting

Amendment #1

Are you in favor of the adoption of Amendment #1, as proposed by the Planning Board, for the Pembroke Zoning Ordinance to amend §143-8 Definitions to add a new definition for "Shed," as follows:

SHED – A utility shed or greenhouse not larger than three hundred twenty (320) square feet of floor area with a height not greater than twelve (12) feet from the floor to the top of the ridge.

The purpose of Amendment #1 is to add a definition for "Shed."

Chairman Topliff said that this regulations was prompted by the Code Enforcement Officer in an attempt to define the term "shed" in the regulations in order to eliminate the issue of an applicant pulling a permit for a shed and then building a barn.

Chairman Topliff opened the public hearing at 7:03 pm. Anyone wishing to comment should rise, state their name and address all comments to the Board.

There being no questions or comments from the public or the Board, Chairman Topliff closed the public hearing at 7:04 pm.

MOTION: Member Bourque moved to send to Town meeting for a vote, Amendment #1 as proposed for Pembroke Zoning Ordinance §143-8 Definitions as follows:

SHED – A utility shed or greenhouse not larger than three hundred twenty (320) square feet of floor area with a height not greater than twelve (12) feet from the floor to the top of the ridge.

Seconded by Member Edmonds.

VOTE: K. Cruson – Y B. Seaworth – N A. Topliff – Y
B. Edmonds – Y R. Bourque – Y T. Goldthwaite – Y

MOTION TO SEND TO TOWN MEETING FOR A VOTE, AMENDMENT #1 AS PROPOSED FOR PEMBROKE ZONING ORDINANCE §143-8 DEFINITIONS AS FOLLOWS:

SHED – A UTILITY SHED OR GREENHOUSE NOT LARGER THAN THREE HUNDRED TWENTY (320) SQUARE FEET OF FLOOR AREA WITH A HEIGHT NOT GREATER THAN TWELVE (12) FEET FROM THE FLOOR TO THE TOP OF THE RIDGE.

PASSED ON A 5-1 VOTE.

New Business

- 1. Major Site Plan Application #18-108, Jorge Santana, Pace Career Academy, acting as Applicant on behalf of Riverwood Drive, LLC, owner of Tax Map 632, Lot 18-4 located at 716-718 Riverwood Drive in the Commercial/Light Industrial (C1) Zone and the Aquifer Conservation (AC) District.**

The Applicant proposes a change of use from retail to educational (charter high school). This plan is associated with Aquifer Special Use Permit SUP-AC #18-317.

- 2. Special Use Permit Application SUP-AC #18-317, Jorge Santana, Pace Career Academy, acting as Applicant on behalf of Riverwood Drive, LLC, owner of Tax Map 632, Lot 18-4 located at 716-718 Riverwood Drive 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 educational use over the aquifer. This permit is associated with Major Site Plan Application #18-108.

Present: Jorge Santana of Pace Career Academy

Chairman Topliff explained to the audience that the Planning Board normally asks the Planner to comment on the applications since she works closely with the applicants. He also said that the Board relies on her guidance.

According to the Town's regulations, the Board must discuss whether or not an application qualifies as a Development of Regional Impact (DRI) which means that the project may potentially have an impact upon other communities (i.e. water, traffic, etc.). Specific guidelines are outlined in the Town's ordinance that tell the Board when an application should be deemed a DRI.

He continued to say that the Planning Board does not engage with the public or applicant until the Board is in public hearing. If the Board deems the project one of regional impact,

the State requires that the Town notify those Towns that may be impacted in order to give them an opportunity to attend a public hearing. Since the DRI decision will be made tonight, if it is in the affirmative, no further action would be taken until the impacted parties have been notified. He asked the audience for their patience while the Board works through the process.

Ms. Cronin said that this is a Major Site Plan Application and a Special Use Permit application for the aquifer. It is an existing building on Riverwood Drive. The change of use from retail to an educational use triggered the major site plan.

She said that, because this project is not a new construction, the applicant has asked for a number of waivers from the Major Site Plan Review Checklist

Part A – General Information

C. Construction Drawings; L. Multifamily Housing

Part B – Site Plan Information

B.(7) Open Space; B.(8) Topography; B.(11) Proposed Streets; B.(16) Test Pits; B.(19) Soil Types; B.(20) Easements

Part C – Construction Plan Information

A. Plans; B. Roadway Profiles; C. Roadway Cross-Sections; D. Details; E. Erosion Controls; F. Impacts

Ms. Cronin said that there was a Technical Review Committee (TRC) meeting on January 2, 2019. Pembroke Water Works and the Pembroke Sewer Commission approved the capacity for the use because it is not a new construction and not subject to their sewer wait list.

She also reported that the Town Engineer had no comment because there is no site work. The Department of Public Works (DPW) and the Police Department had parking questions. They do not want parking along Riverwood Drive.

Ms. Cronin said that there is an off-street parking requirement waiver which the Board must vote on. 31 parking spaces are required for the school use. There are 30 spaces on the Riverwood Drive property. The Applicant would have to provide one parking space or ask for a waiver for the one parking space.

She said that, with regard to the Aquifer Special Use Permit, the Health Officer and Pembroke Water Works had no concerns. They also received all the MSDS chemical information from the Applicant.

Chairman Topliff read aloud Section 203-14 of the DRI site plan review process.

He said that, in his opinion, Nos. 6 or 7 may potentially apply:

(6) Proposals before the Planning Board which may reasonably be expected to contribute substantially to air or water pollution, school enrollment, solid waste disposal, demand for water supply or wastewater treatment, street deterioration, traffic safety, or otherwise substantially affect another municipality; [Amended 1- 23-1996 by Ord. No. 96-11]

(7) Proposals before the Planning Board which, in the sole discretion of the Planning Board, are reasonably likely to have a substantial effect on another municipality. [Amended 1-23-1996 by Ord. No. 96-11] B

He said that the traffic count in the application should be discussed since it is close to the Concord town line on Route 106.

Vice Chairman Seaworth said that it is not only an existing facility, which should be expected to have some traffic, but it is also an existing school that is now in Allentown. To some extent, the traffic counts that are affiliated with the school are, to a large extent, already there. The traffic that came from the North or South to Allentown would remain the same going to Pembroke.

Member Edmonds asked if Ms. Cronin saw any reason why Central NH Regional Planning Commission (CNHRPC) would have any interest in the project.

Ms. Cronin said no, because it is an existing school and in an existing building where commercial use is typically a more intensive traffic use than a school.

Member Cruson asked if the students were of driving age.

Ms. Cronin said that it is a high school so some of the students have drivers' licenses.

MOTION: Member Bourque moved that Major Site Plan Application #18-108 **NOT** be considered a Development of Regional Impact. Seconded by Chairman Seaworth.

VOTE:	K. Cruson – Y	B. Seaworth – Y	A. Topliff – Y
	B. Edmonds – Y	R. Bourque – Y	T. Goldthwaite – Y

MOTION THAT MAJOR SITE PLAN APPLICATION #18-108 NOT BE CONSIDERED A DEVELOPMENT OF REGIONAL IMPACT PASSED ON A 6-0 VOTE.

MOTION: Member Bourque moved to grant the waiver requests for checklist items:

Part A – Items: C and L.

Part B - Items: B.(7), B.(8), B.(11), B.(16), B.(19) and B.(20).

Part C – Items: A, B, C, D, E, and F.

Seconded by Member Cruson.

VOTE:	K. Cruson – Y	B. Seaworth – Y	A. Topliff – Y
	B. Edmonds – Y	R. Bourque – Y	T. Goldthwaite – Y

MOTION TO GRANT THE WAIVER REQUESTS FOR CHECKLIST ITEMS:

PART A – ITEMS: C AND L.

PART B - ITEMS: B.(7), B.(8), B.(11), B.(16), B.(19) AND B.(20).

PART C – ITEMS: A, B, C, D, E, AND F.

PASSED ON A 6-0 VOTE.

MOTION: Member Bourque moved to accept Major Site Plan Application #18-108 as complete. Seconded by Vice Chairman Seaworth.

VOTE:

K. Cruson – Y	B. Seaworth – Y	A. Topliff – Y
B. Edmonds – Y	R. Bourque – Y	T. Goldthwaite – Y

**MOTION TO ACCEPT MAJOR SITE PLAN APPLICATION #18-108 AS COMPLETE
PASSED ON A 6-0 VOTE.**

Chairman Topliff opened the public hearing at 7:20 pm.

Mr. Santana said that he is the Executive Director of Pace Career Academy, which is a small charter school. They currently cap the number of students at 50. They have a very strong workforce development approach. They have outgrown their present location and are excited to move into their new Riverwood Drive location and continue to provide the same service to the community.

Peter Gailunas, Fourth Range Road, asked if the school would be paying real estate taxes.

Mr. Santana said that since they would be leasing the property, they would be paying taxes.

With regard to parking, Vice Chairman Seaworth asked if the location had parking spaces in front of a bay door that were originally deemed inappropriate.

Ms. Cronin said yes, that the plans showed a drive-through bay which originally was counted as 3 parking spaces. When the Code Enforcement Officer reviewed the plan, it was determined that those spaces could not be counted toward their parking requirement. The 30 parking spaces do not include the 3 drive-through spaces.

Member Cruson asked if the students leave from the school for employment and return to the building.

Mr. Santana said that the students do internships but they do not return. He also said that the school is broken up into two sessions – a morning and afternoon session with an hour break in between. The start and end times are staggered (they begin at 9 am and end at 4 pm) so that they are not mixed with other school traffic.

Alternate Member Goldthwaite asked if the school had food service or if the student's brought their lunches.

Mr. Santana said that the school is very creative around different snacks and some people bring lunches. There are no vending machines in the building.

Member Bourque clarified that there were 25 students per session.

Mr. Santana said yes.

Member Bourque then asked how many staff members and teachers were present per shift.

Mr. Santana said a total of 7 are there during the entire day.

Member Bourque said that that would be 32 parking spaces.

Mr. Santana said that they have freshmen and sophomores that do not drive and are picked up and dropped off. Some students also carpool. He also said that within the 25 students per session, at the most, half can drive themselves to school.

Vice Chairman Seaworth asked how many parking spaces were at the current facility.

Mr. Santana said that he did not know, but, in his opinion, the new facility feels like it has more parking spaces.

Member Bourque said that on the day that he visited the site, there were at least a dozen cars parked in the lot. He asked where they came from and if they were from the charter school across the street or another business.

Mr. Santana said that while the construction was taking place at the school across the street, they were having parking issues so he volunteered the spaces at the new facility in order to clear the road.

There being no further questions or concerns from the public or the Board, Chairman Topliff closed the public hearing at 7:25 pm. He said that if the agenda items are continued to a future meeting, they would not be renoticed and, therefore, he encouraged everyone to check the Town's website or with the Planning Department for future agendas.

With regard to the parking waiver request, Vice Chairman Seaworth said that there have been many concerns about parking and traffic in that area. He said that he wanted to make sure that there is adequate parking, yet he was weighing it against having to repave the lot in order to add one more parking space, especially if they are not using 30 at their present school location.

Member Bourque said that there seemed to be adequate room at the South end of the building to put a few parking spaces. He asked if they would have to be paved or if they could be gravel.

Member Bourque also said that, in his opinion, there is inadequate parking for 25 students and 7 teachers/staff. There should be more parking than just one additional space. He said that the South end of the building is all grass and could be made into a parking lot so that the front spaces could be used for visitors such as police, fire, state officials, etc.

Ms. Cronin read the regulations that said: “. . . shall be surfaced with bituminous cement, concrete, or similar material . . . for any parking area that contains over 8 spaces. It does not apply to agricultural retail outlets.”

Member Edmonds said that the existing parking is sufficient for what is required. He said that, if there were a need for temporary spaces in an intermittent scenario, there is plenty of room to do it.

Alternate Member Goldthwaite agreed that the existing parking is adequate considering the number of students that are dropped off or that carpool.

Ms. Cronin clarified that the regulations call for 31 parking spaces in this school use which is based on the number of classrooms: “2 spaces per classroom in an elementary and junior high school and 4 spaces per classroom in a senior high school plus space for auditorium or gymnasium, whichever has the larger capacity.”

Chairman Topliff said that there is no auditorium or gymnasium at this facility.

Member Cruson asked if it would be difficult to make it clear, with the other school, that the parking would no longer be available to them.

Chairman Topliff pointed out that the public hearing was closed so the applicant would not be able to answer.

Vice Chairman Seaworth noted that the school would only occupy the front of the building.

Ms. Cronin said that, to the best of her knowledge, the warehouse space is not associated with a business and is used as storage by the owner. The total of the parking calculation is based on the entire facility, including the warehouse space.

She also said that she believed that the office space is the mezzanine and not part of the school. The space is over the warehouse.

MOTION: Alternate Member Goldthwaite moved to grant a waiver from the Zoning Ordinance, in accordance with Section 143-45.1.A., to waive Section 143-46, Table of Off-street Parking Requirements, Use Number 18, to allow 30 parking spaces. Seconded by Vice Chairman Seaworth.

VOTE:	K. Cruson – Y	B. Seaworth – Y	A. Topliff – Y
	B. Edmonds – Y	R. Bourque – N	T. Goldthwaite – Y

MOTION TO GRANT A WAIVER FROM THE ZONING ORDINANCE, IN ACCORDANCE WITH SECTION 143-45.1.A., TO WAIVE SECTION 143-46, TABLE OF OFF-STREET PARKING REQUIREMENTS, USE NUMBER 18, TO ALLOW 30 PARKING SPACES PASSED ON A 5-1 VOTE.

Ms. Cronin said that the MSDS sheets list mostly cleaning supplies that will be stored in custodial closets.

MOTION: Member Bourque moved to approve Aquifer Special Use Permit SUP-AC #18-317 conditionally until Major Site Plan #18-108 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. Topliff – Y
B. Edmonds – Y R. Bourque – Y T. Goldthwaite – Y

MOTION TO APPROVE AQUIFER SPECIAL USE PERMIT SUP-AC #18-317 CONDITIONALLY UNTIL MAJOR SITE PLAN #18-108 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 6-0 VOTE.

Ms. Cronin said that the applicant would like to turn the present driveway entrances from two-way traffic to one-way traffic (one driveway in and one driveway out).

MOTION: Member Bourque moved to approve Major Site Plan Application #18-108 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 correct the pavement markings so that the directional arrows reflect the one-way traffic proposal.
4. Prior to occupancy, signage shall be installed at the driveways to encourage one-way traffic.
5. The original signatures of all property owners shall be provided on the final plan.
6. The Special Use Permit (SUP-AC #18-317) Notice of Decision and the Site Plan Review #18-108 Notice of Decision are both to be recorded at the Merrimack County Registry of Deeds.
7. The site plan will not be considered as receiving final approval until all conditions of approval are met.

Seconded by Vice Chairman Seaworth.

VOTE: K. Cruson – Y B. Seaworth – Y A. Topliff – Y
B. Edmonds – Y R. Bourque – Y T. Goldthwaite – Y

MOTION TO APPROVE MAJOR SITE PLAN APPLICATION #18-108 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 CORRECT THE PAVEMENT MARKINGS SO THAT THE DIRECTIONAL ARROWS REFLECT THE ONE-WAY TRAFFIC PROPOSAL.**
- 4. PRIOR TO OCCUPANCY, SIGNAGE SHALL BE INSTALLED AT THE DRIVEWAYS TO ENCOURAGE ONE-WAY TRAFFIC.**
- 5. THE ORIGINAL SIGNATURES OF ALL PROPERTY OWNERS SHALL BE PROVIDED ON THE FINAL PLAN.**
- 6. THE SPECIAL USE PERMIT (SUP-AC #18-317) NOTICE OF DECISION AND THE SITE PLAN REVIEW #18-108 NOTICE OF DECISION ARE BOTH TO BE RECORDED AT THE MERRIMACK COUNTY REGISTRY OF DEEDS.**
- 7. THE SITE PLAN WILL NOT BE CONSIDERED AS RECEIVING FINAL APPROVAL UNTIL ALL CONDITIONS OF APPROVAL ARE MET.**

PASSED ON A 6-0 VOTE.

- 3. Lot Line Adjustment Application Subdivision #18-08, Timothy F. Bernier, T. F. Bernier, Inc., acting as Applicant on behalf of Silver Hill Development Corporation, owner of Tax Map 559, Lot 12, located at 774-778 Silver Hills Drive and New England Flower Farms, LLC, owner of Tax Map 559, Lot 14, located at 830 North Pembroke Road, in the Rural/Agricultural-Residential (R3) Zone, the Aquifer Conservation (AC) District, the Wetlands Protection (WP) District, the Floodplain Development (FD) District, and the Shoreland Protection (SP) District.**

The Applicant proposes a lot line adjustment to convey 3.75 acres from Lot 12 to Lot 14.

- 4. Major Site Plan Application #18-107, Timothy Bernier, T. F. Bernier, Inc., acting as Applicant on behalf of New England Flower Farms, LLC, owner of Tax Map 559, Lot 14 located at 830 North Pembroke Road in the Rural/Agricultural-Residential (R3) Zone, the Aquifer Conservation (AC) District, the Wetlands Protection (WP) District, the Floodplain Development (FD) District, and the Shoreland Protection (SP) District.**

The Applicant proposes to construct a 57,204 sq. ft. addition to an existing greenhouse. This plan is associated with Special Use Permits for the AC and WP Districts (SUP-AC #18-315 and SUP-WP #18-316).

- 5. Special Use Permit Application SUP-AC #18-315, Timothy Bernier, T. F. Bernier, Inc., acting as Applicant on behalf of New England Flower Farms, LLC, owner of Tax Map 559, Lot 14 located at 830 North Pembroke Road in the Rural/Agricultural-Residential (R3) Zone, the Aquifer Conservation (AC) District, the Wetlands Protection (WP) District, the Floodplain Development (FD) District, and the Shoreland Protection (SP) District.**

The Applicant requests a Special Use Permit in accordance with Article 143-68.E., Aquifer Conservation District, for agricultural use over the aquifer. This permit is associated with Major Site Plan Application #18-107.

6. Special Use Permit Application SUP-WP #18-316, Timothy Bernier, T. F. Bernier, Inc., acting as Applicant on behalf of New England Flower Farms, LLC, owner of Tax Map 559, Lot 14 located at 830 North Pembroke Road in the Rural/Agricultural-Residential (R3) Zone, the Aquifer Conservation (AC) District, the Wetlands Protection (WP) District, the Floodplain Development (FD) District, and the Shoreland Protection (SP) District.

The Applicant requests a Special Use Permit in accordance with Article 143-72.D.(2), Wetlands Protection District, to construct a greenhouse addition on a parcel that contains wetlands.

Present: Tim Bernier, T. F. Bernier, Inc., Henry Huntington and Jeff Huntington of New England Flower Farm.

Chairman Topliff said that the Board will need to discuss whether the application should be deemed a Development of Regional Impact.

Ms. Cronin said that there are a number of components to the project.

With regard to the lot line adjustment, the applicant is proposing to convey approximately 4 acres of the Silver Hills gravel pit to Pleasant View Gardens for the purpose of expanding their greenhouse.

The following waiver requests were submitted by the Applicant.

Part A – General Information

C. Proposed street names; G. All lot lines; I. Topography; J. All information within 60' of lot; K. Sewer and water lines; L. Sewer and water connection; N. Soil types; S. Proposed open space; W. Open Space Development.

Ms. Cronin said that the checklist items are reasonable because they are not proposing any new streets or sewer/water lines. Items G, I, and J have to do with showing components of the property and are appropriate because the lots are so large and irregularly shaped that it would be impossible to show all the lot lines of the gravel pit at the appropriate scale for the plan. They are, therefore, merely showing the topography and lot lines in the vicinity of the project area.

She said that the TRC noted a few issues. One was a temporary hoop house located in the setback of the original plan. The Code Enforcement Officer told the Applicant that they had to either request a variance or remove the hoop house. The Applicant decided to move the lot line further out so that the hoop house would meet the setbacks.

There are plantings in areas that were encroaching over the lot line into the gravel pits. The Town asked for a letter of agreement between the two property owners about the use

of the land which they received. There are no structures, it is just planting beds located on the land.

Chairman Topliff asked the Board if they felt that the project meets the criteria for regional impact. He said that numbers 6 and 7, in his opinion, may apply. He then read those numbered criteria aloud.

Chairman Topliff said that the property abuts across North Pembroke Road and the City of Concord's wellhead. He said that it is a concern because the Town does not want to contribute to the contamination of their public wells. He said, ordinarily they would notice the City of Concord and anyone else that the Planning Board felt was appropriate but that there was an email from the City of Concord and the Pembroke Water Works expressing no concerns.

In his opinion, Chairman Topliff said that it is an existing operation in which most of the material listed are probably on site and in use today. He did not think that the Applicant was proposing any new hazardous chemicals that would be hazardous to Concord's wellhead. The business has been functioning for a number of years and Concord has never notified Pembroke of any contamination from N. E. Flower Farms' operation.

Vice Chairman Seaworth said that he does not think that it would benefit anyone to say that it is a DRI just to be sure that Concord is included in the process. He also said that perhaps one of the reasons why Concord is not interested in being more involved is because N. E. Flower Farms is an existing business. Considering those items, he said that the Board has the ability to consider what Concord has already told the Board and not be redundant and sent them another letter.

Member Cruson said that she would risk being redundant because she felt that the Board should be notifying Concord that we believe that this is an entity that has regional impact. She also said that the type of chemicals that they use, even though they are just herbicides, fungicides, and fertilizers, could have an impact on wells and groundwater.

Member Edmonds said that he disagreed with Member Cruson. He did not feel that enough has taken place to warrant rising to the level of that kind of notification.

Alternate Member Goldthwaite agreed with Member Edmonds.

Ms. Cronin clarified that there are two applications before the Board – a lot line adjustment and a site plan. The DRI should be only considered in the lot line adjustment at this time.

The consensus of the Board was that a DRI for the lot line adjustment was not necessary.

MOTION: Vice Chairman Seaworth moved to grant the waiver requests for checklist items: Part A – Items: C, G, I, J, K, L, N, S, and W. Seconded by Member Bourque.

VOTE:	K. Cruson – Y	B. Seaworth – Y	A. Topliff – Y
	B. Edmonds – Y	R. Bourque – Y	T. Goldthwaite – Y

MOTION TO GRANT THE WAIVER REQUESTS FOR CHECKLIST ITEMS: PART A – ITEMS: C, G, I, J, K, L, N, S, AND W PASSED ON A 6-0 VOTE.

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

VOTE: K. Cruson – Y B. Seaworth – Y A. Topliff – Y
B. Edmonds – Y R. Bourque – Y T. Goldthwaite – Y

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

Chairman Topliff opened the public hearing on Agenda Item 3 - Lot Line Adjustment at 7:59 pm.

Mr. Bernier said that the green area on the map is being transferred from Silver Hills Development, a 95-acre parcel, to New England Flower Farm. In order to get the hoop houses within the setback, the transferring parcel will be 4 acres. The land purchase by New England Flower Farm is all attached to the expansion of the greenhouse.

There being no questions from the audience or the Board, Chairman Topliff closed the public hearing at 8:01 pm. Chairman Topliff said that, if the application is continued to a future meeting, anyone interested in this application should refer to the Planning Board agenda on the Town's website or confer with Ms. Cronin as future meetings will not be renoticed.

Ms. Cronin reviewed the proposed conditions of approval.

MOTION: Member Bourque moved to approve Subdivision Application #18-08 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 plan shall be revised to add a note to the temporary hoop house located at the southwest corner of the property stating, "To be removed."
4. The original signatures of all property owners shall be provided on the final plan.
5. The plan will not be considered as receiving final approval until all conditions of approval are met.
6. The plan shall be recorded at the Merrimack County Registry of Deeds.

Seconded by Member Edmonds.

VOTE: K. Cruson – Y B. Seaworth – Y A. Topliff – Y
B. Edmonds – Y R. Bourque – Y T. Goldthwaite – Y

MOTION TO APPROVE SUBDIVISION APPLICATION #18-08 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 PLAN SHALL BE REVISED TO ADD A NOTE TO THE TEMPORARY HOOP HOUSE LOCATED AT THE SOUTHWEST CORNER OF THE PROPERTY STATING, "TO BE REMOVED."
4. THE ORIGINAL SIGNATURES OF ALL PROPERTY OWNERS SHALL BE PROVIDED ON THE FINAL PLAN.
5. THE PLAN WILL NOT BE CONSIDERED AS RECEIVING FINAL APPROVAL UNTIL ALL CONDITIONS OF APPROVAL ARE MET.
6. THE PLAN SHALL BE RECORDED AT THE MERRIMACK COUNTY REGISTRY OF DEEDS.

PASSED ON A 6-0 VOTE.

MOTION: Member Bourque moved to NOT consider Major Site Plan Application #18-07 a Development of Regional Impact. Seconded by Vice Chairman Seaworth.

VOTE:	K. Cruson – N	B. Seaworth – Y	A. Topliff – Y
	B. Edmonds – Y	R. Bourque – Y	T. Goldthwaite – Y

MOTION TO NOT CONSIDER MAJOR SITE PLAN APPLICATION #18-07 A DEVELOPMENT OF REGIONAL IMPACT PASSED ON A 5-1 VOTE.

Ms. Cronin said that this is a Major Site Plan Application with a Special Use Permit Application for the Aquifer and a Special Use Permit Application for the Wetlands. She said that the applicant would like to expand the existing greenhouse.

The Applicant has requested the following waivers:

Part A – General Information - L. Multifamily Housing

Part B – Site Plan Information - B.A. Maximum scale of 1 inch equals 50 ft.; B.(7) Open Space; B.(11) Proposed Streets; B.(18) Topography

Part C – Construction Plan Submittal Information- B. Roadway Profiles; C. Roadway Cross-Sections;

She said that the roadway and multi-family housing does not apply to the project. The topography and scale are similar to those requested for the lot line adjustment. They would like to show the topography and scale for only the subject area.

Ms. Cronin said that there was a TRC meeting held on January 2, 2019. The Town Engineer reviewed the plans and had no concerns with the project. The City of Concord was reached for comments but had no concerns. The application is also looking for a parking waiver from the parking requirements.

MOTION: Member Bourque moved to grant the waiver requests for checklist items: Part A – Item: L. Part B - Items: B.A., B.(7), B.(11), and B.(18). Part C – Items: B and C. Seconded by Member Cruson.

VOTE:	K. Cruson – Y	B. Seaworth – Y	A. Topliff – Y
	B. Edmonds – Y	R. Bourque – Y	T. Goldthwaite – Y

MOTION TO GRANT THE WAIVER REQUESTS FOR CHECKLIST ITEMS: PART A – ITEM: L. PART B - ITEMS: B.A., B.(7), B.(11), AND B.(18). PART C – ITEMS: B AND C PASSED ON A 6-0 VOTE.

MOTION: Member Bourque moved to accept the application as complete. Seconded by alternate Member Goldthwaite.

VOTE:	K. Cruson – Y	B. Seaworth – Y	A. Topliff – Y
	B. Edmonds – Y	R. Bourque – Y	T. Goldthwaite – Y

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

Chairman Topliff opened the public hearing at 8:11 pm on Agenda Items 4, 5, 6, Major Site Plan Application, Special Use Permit for the Aquifer, and Special Use Permit for the Wetlands.

Mr. Bernier said that the greenhouses are in 42-ft. sections and are situated in columns. They are adding three additional sections for a total of 57,204 sq. ft. of greenhouse space to the existing banks of greenhouses.

He said that it will require an Alteration of Terrain (AOT) permit which has been applied for but has yet to be received.

The Town Engineer reviewed and commented that he had no concerns.

Mr. Bernier said that they are proposing downspouts that will collect the roof runoff into a drainage system that exists for the entire building. The last few have gone into a detention pond which will be trimmed by the proposed extension. They plan to reconstruct the detention pond further back.

Mr. Bernier said that the glass greenhouses are state-of-the-art and will be on concrete floors.

He said that the Applicant is concerned about getting the plants ready for the spring market. The AOT Bureau has agreed, and will be sending a letter to confirm the agreement, to allow the applicant to build the 20,000 sq. ft. section in phases. They agreed that the existing pond was capable of supporting that. Mr. Bernier said that the applicant is hoping that if the Board had no concerns and had the letter from the AOT Bureau, they would allow a building permit for the first phase of the project and within 30 days allow another building permit for the second phase.

Chairman Topliff asked Ms. Cronin if there should be conditions associated with the request and if she had spoken with the Code Enforcement Officer about this.

Ms. Cronin said that there could be a condition drafted.

Mr. Bernier said that the State would not allow them to build Phase 2 without a full AOT permit.

Member Bourque asked if the State said that they would allow them to build Phase 1 because the detention pond could handle it.

Mr. Bernier said yes.

He also said that the applicant has always worked with the City of Concord and Pembroke. He said that they always send complete applications to the City of Concord and work through their Planning Department. They even give them copies of the MSDS sheets which they, in turn, distribute to all their departments for comments. He said that all Departments in Concord have the opportunity to give feedback.

Selectmen's Rep. Bond joined the Board at 8:25 pm.

Henry Huntington said that, at this particular site, they do not store any chemicals. All chemicals are stored at their Loudon facility. They only bring enough chemicals from Loudon that would be applied within a few days.

With regard to the parking waiver, Mr. Bernier said that there are no parking requirements for a building of this size for a greenhouse. The existing parking lot is never full. He said that this is a housekeeping element because greenhouses do not fit anywhere and Ms. Cronin felt that there should be a waiver in the file for the next closest use – warehouse.

He said that there are plans to continue to do this as Pembroke Sand and Gravel removes material.

With regard to the Aquifer Protection Special Use Permit and Wetlands Special Use Permit, there are no impacts to either with this project. The Soucook River is the boundary line between the City of Concord and Pembroke in this area. There are wetlands associated with the river. The river pulls away from the project.

Chairman Topliff asked for an update on the moving of the scale house.

Mr. Bernier said that a site plan was approved for the scale house removal. It was a 12-month agreement but Concord Sand and Gravel dragged their feet. The plan is to move it soon.

There being no further questions from the Board or the public, Chairman Topliff closed the public hearing at 8:31 pm. If the applications were continued to a future meeting and

anyone wished to follow them, he asked that they refer to the Town website or call the Planning Department for the agenda.

MOTION: Member Bourque moved to approve Aquifer Special Use Permit case SUP-AC #18-315 conditionally until Major Site Plan #18-107 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 Alternate Member Goldthwaite.

VOTE:	K. Cruson – Y	B. Seaworth – Y	A. Topliff – Y
	B. Edmonds – Y	R. Bourque – Y	T. Goldthwaite – Y
	A. Bond - Y		

MOTION TO APPROVE AQUIFER SPECIAL USE PERMIT CASE SUP-AC #18-315 CONDITIONALLY UNTIL MAJOR SITE PLAN #18-107 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 7-0 VOTE.

Member Bourque moved to approve Wetlands Special Use Permit case SUP-WP #18-316 conditionally until Major Site Plan #18-107 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 Vice Chairman Seaworth.

VOTE:	K. Cruson – Y	B. Seaworth – Y	A. Topliff – Y
	B. Edmonds – Y	R. Bourque – Y	T. Goldthwaite – Y
	A. Bond - Y		

MOTION TO APPROVE WETLANDS SPECIAL USE PERMIT CASE SUP-WP #18-316 CONDITIONALLY UNTIL MAJOR SITE PLAN #18-107 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 7-0 VOTE.

MOTION: Member Bourque moved to grant a waiver from the Zoning Ordinance, in accordance with Section 143-45.1.A., to waive Section 143-46, Table of Off-street Parking Requirements, Use Number 21, to allow 38 parking spaces. Seconded by Vice Chairman Seaworth.

VOTE:	K. Cruson – Y	B. Seaworth – Y	A. Topliff – Y
	B. Edmonds – Y	R. Bourque – Y	T. Goldthwaite – Y
	A. Bond - Y		

MOTION TO GRANT A WAIVER FROM THE ZONING ORDINANCE, IN ACCORDANCE WITH SECTION 143-45.1.A., TO WAIVE SECTION 143-46, TABLE OF OFF-STREET PARKING REQUIREMENTS, USE NUMBER 21, TO ALLOW 38 PARKING SPACES PASSED ON A 7-0 VOTE.

MOTION: Member Bourque moved to approve Major Site Plan Application #18-107 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. The lot line adjustment plan between Lots 12 and 14 shall be recorded at the Merrimack County Registry of Deeds.
4. The new or revised slope and drainage easements shall be recorded at the Merrimack County Registry of Deeds.
5. AOT Permit is required.
6. The original signatures of all property owners shall be provided on the final plan.
7. The Special Use Permit Notices of Decision (SUP-AC #18-315 and SUP-WP #18-316) and the Site Plan Review #18-107 Notice of Decision are to be recorded at the Merrimack County Registry of Deeds.
8. The site plan will not be considered as receiving final approval until all conditions of approval are met.
9. Phase 1 of the greenhouse construction (28,728 sq. ft.) may proceed with construction in the absence of an AOT permit if a letter is received from NHDES stating such.

Seconded by Alternate Member Goldthwaite.

VOTE:	K. Cruson – Y	B. Seaworth – Y	A. Topliff – Y
	B. Edmonds – Y	R. Bourque – Y	T. Goldthwaite – Y
	A. Bond - Y		

MOTION TO APPROVE MAJOR SITE PLAN APPLICATION #18-107 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. THE LOT LINE ADJUSTMENT PLAN BETWEEN LOTS 12 AND 14 SHALL BE RECORDED AT THE MERRIMACK COUNTY REGISTRY OF DEEDS.
4. THE NEW OR REVISED SLOPE AND DRAINAGE EASEMENTS SHALL BE RECORDED AT THE MERRIMACK COUNTY REGISTRY OF DEEDS.
5. AOT PERMIT IS REQUIRED.
6. THE ORIGINAL SIGNATURES OF ALL PROPERTY OWNERS SHALL BE PROVIDED ON THE FINAL PLAN.
7. THE SPECIAL USE PERMIT NOTICES OF DECISION (SUP-AC #18-315 AND SUP-WP #18-316) AND THE SITE PLAN REVIEW #18-107 NOTICE OF DECISION ARE TO BE RECORDED AT THE MERRIMACK COUNTY REGISTRY OF DEEDS.

8. **THE SITE PLAN WILL NOT BE CONSIDERED AS RECEIVING FINAL APPROVAL UNTIL ALL CONDITIONS OF APPROVAL ARE MET.**
 9. **PHASE 1 OF THE GREENHOUSE CONSTRUCTION (28,728 SQ. FT.) MAY PROCEED WITH CONSTRUCTION IN THE ABSENCE OF AN AOT PERMIT IF A LETTER IS RECEIVED FROM NHDES STATING SUCH.**
- PASSED ON A 7-0 VOTE.**

7. **Major Subdivision Plan Application #18-09, Jon Rokeh, Rokeh Consulting, LLC, acting as Applicant on behalf of San-Ken Homes, Inc. and SKRE Holdings, LLC, owners of Tax Map 262, Lots 43 & 45 located at 373 Fourth Range Road in the Rural/Agricultural-Residential (R3) Zone and the Wetlands Protection (WP) District.**

The Applicant proposes a 48-lot subdivision, including a new roadway and improvements to Fourth Range Road. All lots will be served by private on-site septic and well. This plan is associated with Special Use Permits SUP-WP #18-318 and SUP-DW #18-319.

8. **Special Use Permit Application SUP-WP #18-318, Jon Rokeh, Rokeh Consulting, LLC, acting as Applicant on behalf of San-Ken Homes, Inc. and SKRE Holdings, LLC, owners of Tax Map 262, Lots 43 & 45 located at 373 Fourth Range Road in the Rural/Agricultural-Residential (R3) Zone and the Wetlands Protection (WP) District.**

The Applicant requests a Special Use Permit in accordance with Article 143-72.D., Wetlands Protection District, for construction of roadway resulting in impacts to the wetlands. This permit is associated with Major Subdivision Plan Application #18-09.

9. **Special Use Permit Application SUP-DW #18-319, Jon Rokeh, Rokeh Consulting, LLC, acting as Applicant on behalf of San-Ken Homes, Inc. and SKRE Holdings, LLC, owners of Tax Map 262, Lots 43 & 45 located at 373 Fourth Range Road in the Rural/Agricultural-Residential (R3) Zone and the Wetlands Protection (WP) District.**

The Applicant requests a Special Use Permit in accordance with Article 143-53, Driveways, to permit three shared driveways in the development. This permit is associated with Major Subdivision Plan Application #18-09.

Present: Jon Rokeh of Rokeh Consulting, LLC

Member Cruson recused herself.

Ms. Cronin said that this is a major subdivision application, with a Special Use Permit for Wetlands and a Special Use Permit for 3 separate shared driveways. The proposal is to upgrade a portion of Fourth Range Road and Flagg Robinson Road, which must be granted by the Board of Selectmen.

The following waiver requests have been submitted by the Applicant:

Major Subdivision Review Checklist Waiver Requests

Part A – General Information: S. Proposed Open Space; W. Open Space Development.

Ms. Cronin said that the applicant is not proposing open space or open space development with the project, therefore, the waivers are appropriate.

Subdivision Regulation Waiver Requests: §205-41 Design Standards, Section E.(3). Superelevation of the roadway; §205-41 Design Standards, Section E.(19).(a). Sidewalks; §205-41 Design Standards, Section E.(20). Curbing.

On January 2, 2019, the TRC met and discussed house numbering and the shared driveways. A copy of the plan was sent to the Superintendent of Schools who confirmed that enrollment has been declining and there would be no issue accommodating new students.

The Town Engineer performed his first review of the project. He had issues mostly pertaining to the roadway design.

She said that the Board should consider whether it could be a DRI.

Ms. Cronin said that the triggers in the Town's Subdivision Regulations with regard to a DRI have more specific criteria than the State RSAs. One section that the Board should consider is Subdivision Regulations, Section 205-12:A3 which reads:

(3) Proposed subdivision of one hundred (100) acres or more, which result in four (4) or more lots or a new street or roads.

She said that the Applicant reached out to the City of Concord Planning Department with the plans. Concord had no concerns.

The Applicant also reached out to the Central NH Regional Planning Commission (CNHRPC) who decided to reserved comments until such time as the Planning Board requests them to do so.

Vice Chairman Seaworth said that the Section read aloud has a description that fits this development. Since it says "we shall declare it a Development of Regional Impact", he said that he is bound to do as the voters wish.

Members Bourque and Edmonds, along with Alternate Member Goldthwaite, concurred with Vice Chairman Seaworth.

Chairman Topliff said that if the Board feels that this project is a DRI, the Board will not consider the application until those other communities are properly notified.

Ms. Cronin said that if the Board finds that this project is a DRI, the Board must determine which towns may be affected.

The consensus of the Board was that CNHRPC, Concord, Allenstown and Epsom should be notified.

MOTION: Member Bourque moved to consider this application a DRI and that Concord, Allenstown and Epsom and CNHRPC be notified. Seconded by Alternate Member Goldthwaite.

VOTE:

K. Cruson – Y	B. Seaworth – Y	A. Topliff – Y
B. Edmonds – Y	R. Bourque – Y	T. Goldthwaite – Y
A. Bond - Y		

MOTION TO CONSIDER THIS APPLICATION A DRI AND THAT CONCORD, ALLENSTOWN AND EPSOM AND CNHRPC BE NOTIFIED PASSED ON A 7-0 VOTE.

Chairman Topliff said that he felt bad for those folks who wanted to participate in the discussion although he was happy to see so many interested residents. He said that the process dictates that the Board take this interim step, which will delay things a month, in order to ensure that other communities have an opportunity to weigh in on the project.

He said that this project will be on the February 26, 2019 agenda.

Ms. Cronin said that the detailed plans are at the Planning Department for anyone interested.

With regard to the road, Chairman Topliff said that the Board of Selectmen will include it on their agenda but will have to send notices to all abutters.

Selectmen's Rep. Bond said that the Board of Selectmen have not placed the road on the agenda because the Applicant has to go through the Planning Board first, therefore, it will not be heard in February.

The Planning Board recessed at 9:00 pm.

Chairman Topliff reconvened the meeting at 9:10 pm.

Selectmen's Rep. Bond asked if Ms. Cronin could check with the NH Municipal Association to see under what circumstances it is best for a Board member to recuse themselves.

Member Cruson said that she thought it would be proper to recuse herself because she saw her sister's name on the abutters list.

Chairman Topliff told Member Cruson that she could discuss the issue with Ms. Cronin and if she felt that she would like a legal opinion, that Ms. Cronin would get it for her.

10. Notice of Voluntary Lot Merger per RSA 674:39-a

Robert D. Hall and Lisa Hall, owners of Tax Map 939, Lots 37 and 38, located at 121-123 Dudley Hill Rd. and 403 East Meadow Lane.

Ms. Cronin said that if there are 2 properties held in the same name, they are allowed to merge the parcels with a sign-off from the Planning Board. It is merely a formality, there is no hearing or notification required.

This is such a case. The Halls own 2 parcels and want to merge them. Once the properties are merged, the address will become 403 East Meadow Lane because that is the location of the existing house.

MOTION: MEMBER BOURQUE MOVED TO AUTHORIZE THE CHAIR AND VICE CHAIR TO SIGN THE APPLICATION. SECONDED BY ALTERNATE MEMBER GOLDTHWAITE. UNANIMOUSLY APPROVED.

Minutes January 8, 2019

MOTION: MEMBER BOURQUE MOVED TO ACCEPT THE JANUARY 8, 2019 MINUTES AS AMENDED. SECONDED BY ALTERNATE MEMBER GOLDTHWAITE. UNANIMOUSLY APPROVED.

Miscellaneous

1. Correspondence

Ms. Cronin said that she only had letters pertaining to the Fourth Range Road subdivision which she will read into the minute at the appropriate time.

2. Committee Reports

Conservation Commission: Member Edmonds said that they drafted their annual report of activities for the Town Report.

Board of Selectmen: Selectmen's Rep. Bond said that they are working on street light issues. The agenda of the February 4, 2019 Board of Selectmen meeting will ask the Selectmen to vote on the adoption of a standard light.

She said that the Conservation Commission asked to purchase a 5.6 acre lot on Sixth Range Road for \$5,000. The Town acquired the property in 2012. In 2015 the Town voted that any property that the Town acquires, the Commission has the right to first refusal. The vote was not taken because there were questions about the property's location and the number of acres that the Commission presently owns. It will be discussed February 28, 2019.

An ATV club along with Fish and Game and the Pembroke Police Department discussed the pros and cons of opening all range roads to ATVs. They discussed enforcement, policing, parking, and building culverts. There are no guidelines, parameters or maps presently in place. There are approximately 18 miles of range roads. No abutters were asked by the ATV clubs.

The Fish and Game pointed out that there is 1 person for 45 towns.

Selectmen's Rep. Bond also pointed out that once the club is established, it will be public knowledge. The Fish and Game person said that many of the riders are from Massachusetts. There are no speed limit signs, or clear directions of private vs. public properties. The ATV club wants access to the range roads 24/7. They are also claiming that the vehicles are much quieter now.

TRC: Member Bourque said that TRC discussed the 3 applications that were seen tonight.

Tri-Town EMS: Member Bourque said that Ambulance #3 was repaired. Ambulance #8 also had service. They discussed hiring 3 new EMTs which will bring them up to full staff which will cut down on overtime.

Village School Disposition: Member Bourque said that the Committee had a meeting with the Board of Selectmen regarding the Village School Disposition. Clint Hanson told the Board that they needed to assess the property for hazardous materials, etc.

The Village School Committee is going to ask for a joint meeting with the School Board, Matt Monahan, and the Board of Selectmen to discuss the Brownfield grants and other monies available. They also want to discuss whether the Town would like the facility.

Central NH Regional Planning: Member Cruson said that there is a distinct lack of housing in the southern part of New Hampshire ranging from apartments to single-family houses. They discussed the Brownfield Grant. It was recommended that Pembroke go after funds in that grant. The worst thing that could happen is for the Town to discover that they are not eligible. She said that it may cover the survey costs to see what is in the buildings and what would be involved to remove any hazardous materials.

Master Plan: Ms. Cronin said that the Master Plan is coming along. The Natural Resources Chapter is finished. CNHRPC is working on the last pieces which include the Housing and Land Use Chapters. They are hoping that all draft chapters will be reviewed by the Planning Board and adopted at the end of winter or early spring.

With regard to trails, Ms. Cronin was notified by Craig Tufts at CNHRPC that they are trying to kick off the Suncook Valley Regional Trails Plan which would follow the old Suncook Valley Railroad bed. A kick-off visioning meeting was held last week. The next step is to hold similar visioning meetings in each individual town. Rails trails are included as part of the Master Plan. Presently, an inventory is being taken of what portion of the rail trail is owned by the Town.

Chairman Topliff said that there is an opening for a Planning Board representative to the CIP Committee. If anyone is interested, he asked that they speak with Ms. Cronin.

Ms. Cronin asked the Board to keep the Fourth Range Road application paperwork for the next meeting.

Selectmen's Rep. Bond said that the Board of Selectmen approved Alternate Member Goldthwaite as a full voting Planning Board member.

3. Board Member Items

Member Bourque asked, when an application is received, that waiver requests be done on a separate sheet and signed rather than merely noted on the back of an application.

He said that justifications for waivers should be done separately in writing and not attached to the application.

Mr. Cronin explained that applicants submit the waiver request form and part of that form contains lines to be filled in for the justification of each waiver. She said that 9 out of 10 application packages need more waivers than the applicant applied for because they are either not applicable or they missed them in the application. In order to prevent duplicating the paperwork, the applicant submits letters or emails as addendums to the waivers.

She said that it makes it easier for her because she can just add it to the back.

She has been working on an updated application form. She would like to see one checklist where the applicant can indicate both shown items and waiver requests. It would cut down on paper and achieve the same goal. She has draft application forms to show the Board but, to this point, has been very busy with applications.

Member Bourque said that there also needs to be a place for the applicant's signature on the waivers.

Ms. Cronin said that a lot of her time is spent chasing people for signatures or paperwork. The Applicant's submit an authorization letter from the owner, which authorizes them to file any pertinent application forms. This acts as a catchall for owner signature on any paperwork

Selectmen's Rep. Bond said that if the applicant is not completing the information and the deadlines are not met, the responsibility is on the applicant.

Chairman Topliff said that he agreed with Selectmen's Rep. Bond. He asked Ms. Cronin to send an email to the applicant requesting whatever information is missing and, if the deadline is not met, then it is the applicant's issue not Ms. Cronin's.

Ms. Cronin asked Chairman Topliff if she received a waiver request form without a signature, would the Board find the application incomplete.

Chairman Topliff said that they never did before but the waiver requests are voted on prior to discovering if the applicant's representative is present.

Vice Chairman Seaworth said that in the past many applicants checked off the desired waivers without any explanation. One time the Board needed clarification but could not ask the applicant because they were not in public hearing. Since then the Board has been trying to have something in writing specifically for that purpose.

Chairman Topliff asked Ms. Cronin to make it clear to the applicant that they must justify why they are asking for each waiver. If someone requests a waiver and it is unclear what the reason is, then the application is incomplete.

Ms. Cronin said that the Board always receives waiver justifications whether it is on the waiver form or in an email or letter. She realizes that it may be more difficult for the Board to find the justification because it is not always in the same place.

Member Bourque suggested that Ms. Cronin combine the two checklists and add a signature and date line. The applicant has an obligation to properly complete the paperwork.

Chairman Topliff said that he wanted to share a thought but did not want a discussion because the application is not before the Board.

He said that there are times when the Board receives an application that includes things that the Board does not like simply because the applicant is trying to satisfy not having a dead-end street over a certain length. He said that he did not think that there is anything in the Zoning Regulations that say that there cannot be a dead-end street that is a mile long. He said that the topic is driven by the Fire Department and not written in the regulations.

He said that, if the Board receives an application in the future that has features that the Board does not like such as no dead-end street over 600', the Board may want to consider giving up some things to get some things that they do want. He said that, perhaps, the Board could satisfy the applicant's interest and still achieve the Board's goals.

MOTION: Member Bourque moved to adjourn the meeting. Seconded by Vice Chairman Seaworth. Unanimously approved.

The meeting was adjourned at 9:50 pm.

Respectfully submitted,
Jocelyn Carlucci, Recording Secretary