

**Pembroke Planning Board
Meeting Minutes
(ADOPTED)
November 26, 2019**

MEMBERS PRESENT: Brian Seaworth, Chairman; Robert Bourque, Vice Chairman; Kathy Cruson; Clint Hanson; Dan Crean; Ann Bond, Selectman's Rep.

ALTERNATES PRESENT:

EXCUSED: Brent Edmonds

STAFF PRESENT: Susan Gifford, Recording Secretary; Carolyn Cronin

Chairman Seaworth called the meeting to order at 6:30 pm. He noted that there was a full audience present and until we open a public hearing, we do not engage in any conversation with attendees. At the appropriate time please address your questions to the board.

Old Business

- 1. Major Site Plan Application #19-105, Brett Kay, Nobis Group, acting as Applicant on behalf of Continental Paving, Inc., owner of Tax Map 559, Lot 6 located at 773-793 North Pembroke Road in the Commercial/Light Industrial (C1) Zone, the Aquifer Conservation (AC) District, the Floodplain Development (FD) District, and the Shoreland Protection (SP) District.**

The Applicant proposes to relocate the existing asphalt drum plant from the Ricker Road facility to the site with associated paved access and storm water infrastructure and construct a 2,400 SF addition to the existing scale house.

➤ **Special Use Permit Application SUP-AC #19-308.**

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

Brett Kay, Nobis Group and Mark Charbonneau, Rick Charbonneau and their attorney, representing Continental Paving, Inc. were present.

Chairman Seaworth read aloud Old Business Item #1.

Planner Cronin explained that a site visit occurred on November 5, 2019 at the Ricker Road plant. Board members and the public were able to observe the plant in operation with the noise and smells that occur at full operation. The applicant provided revised plans which satisfy all the town engineer's comments. The applicant provided a copy of the noise evaluation done in 2011. Thank you very much for taking the time to redistribute the noise study from and make it available for people to look at.

Requested waivers were granted September 24, 2019. Emery and Garrett Groundwater completed their evaluation in a report dated October 17, 2019. Regarding the SUP-AC requirements, the Health Officer agreed with Pembroke Water Works comments based on the groundwater report. Pembroke Water Works agreed with the groundwater report that additional monitoring wells should be installed. A narrative list of chemicals, and MSDS sheets for each has been submitted. NH DES permit applications were submitted for AOT and Shoreland Protection.

Chairman Seaworth opened the public hearing at 6:38 p.m. He asked that residents state their name and address for the record, and to be mindful that the meeting is being recorded by microphones in the ceiling. Side conversations affect the ability to record properly. Chairman Seaworth said that if the application is not completed tonight and the application is continued to a future meeting, the public hearing will also be continued to that meeting without being renoticed. He asked the public to refer to the Town's website or call the Planning Department for future agendas.

Brett Kay, Nobis Engineering, Inc., stated that revised plans show the location of three new monitoring wells west of the drum, monitoring plans were submitted to Pembroke and Concord, and four additional modifications were added to the notes. We have had several interactions with Concord, and we are ready for conditional approval. A NH DOT permit will update one approved in 2003. At the request of Chairman Seaworth, Brett Kay explained a massive 45% decrease in traffic between facilities at the North Pembroke Road site entrance due to eliminating trucks going back and forth to Ricker Road. There will be a 5-8% increase at the North Pembroke Road entrance.

Brian Moracek, Pembroke Hill Road, asked if the increased traffic included customers for hot mix concrete. Mark Charbonneau explained that the hot mix concrete is not cheap and has a time frame from being mixed to being used. We produce 250,000 to 280,000 tons per year and most of trucks picking it up are 23-33 ton trucks. The Pembroke Road facility will serve our bigger customers and Ricker Road will continued to provide custom small batches. Mark thanked all who took the time to visit the facility.

Member Cruson noted that she was surprised at the lack of noise at the North Pembroke Road site at full operation. Conversations could be held next to the plant. We have existing businesses that make far more noise. Member Cruson noted that they saved some of the work for the visit so it would be viewed at full production. There are built up berms at the plant that help keep the noise contained.

Chairman Seaworth agreed that the production noise level was low and trucks driving by was more distracting. Vice Chairman Bourque stated that requiring another noise study would be a waste of time and money. The applicant is seeking conditional approval in Pembroke before moving on to City of Concord.

Brian Moracek, Pembroke Hill Road, stated all summer long he saw large trucks and wide load trailers full of equipment going up Pembroke Hill Road. There were noisy and were tearing up the road. I presume these trucks are going to pick up paving material. Chairman Seaworth noted that the driveway to the North Pembroke Road Continental facility is beside Walmart on Route 106. It was more likely that the trucks described were used by Advantage Paving going to pick up paving material at Brox in Hooksett. A local road project was done on Upper Beacon Road this summer.

There being no further discussion Chairman Seaworth closed the public hearing at 6:56 p.m.

Vice Chairman Bourque made a motion to approve Aquifer Special Use Permit SUP-AC #19-308 conditionally until Major Site Plan #19-105 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 Cruson.

VOTE: B. Seaworth – Y A. Bond – Y C. Hanson – Y
 D. Crean – Y K. Cruson – Y R. Bourque – Y

MOTION TO APPROVE TO APPROVE AQUIFER SPECIAL USE PERMIT SUP-AC #19-308 CONDITIONALLY UNTIL MAJOR SITE PLAN #19-105 HAS RECEIVED FINAL APPROVAL PASSED ON A 6-0 VOTE.

MOTION: Vice Chairman Bourque moved to approve Major Site Application #19-105 with the following conditions. Seconded by Member Crean.

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 Applicant must demonstrate that any planning and zoning concerns from the City of Concord have been satisfied.
4. The applicant shall obtain any and all federal, state and local approvals.
5. The original signatures of all property owners shall be provided on the final plan.
6. The Special Use Permit Notice of Decision (SUP-AC #19-308) and the Site Plan Review #19-105 Notice of Decision are to be recorded at the Merrimack County Registry of Deeds.
7. All engineering review fees and all recording fees to be paid in full to the Town of Pembroke.
8. Prior to Occupancy, the applicant shall remove the unapproved paving in the area of the scale house.
9. Prior to Occupancy, the boulders at the North Pembroke Road gate shall be removed and a Knox box installed to the Fire Department's satisfaction.
10. The North Pembroke Road access road shall be maintained in perpetuity for emergency access.
11. The site plan will not be considered as receiving final approval until all conditions of approval are met.

VOTE: B. Seaworth – Y A. Bond – Y C. Hanson – Y
 D. Crean – Y K. Cruson – Y R. Bourque – Y

MOTION TO APPROVE MAJOR SITE APPLICATION #19-105 WITH THE FOLLOWING CONDITIONS PASSED ON A 6-0 VOTE.

- 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 APPLICANT MUST DEMONSTRATE THAT ANY PLANNING AND ZONING CONCERNS FROM THE CITY OF CONCORD HAVE BEEN SATISFIED.**
- 4. THE APPLICANT SHALL OBTAIN ANY AND ALL FEDERAL, STATE AND LOCAL APPROVALS.**
- 5. THE ORIGINAL SIGNATURES OF ALL PROPERTY OWNERS SHALL BE PROVIDED ON THE FINAL PLAN.**

6. **THE SPECIAL USE PERMIT NOTICE OF DECISION (SUP-AC #19-308) AND THE SITE PLAN REVIEW #19-105 NOTICE OF DECISION ARE TO BE RECORDED AT THE MERRIMACK COUNTY REGISTRY OF DEEDS.**
7. **ALL ENGINEERING REVIEW FEES AND ALL RECORDING FEES TO BE PAID IN FULL TO THE TOWN OF PEMBROKE.**
8. **PRIOR TO OCCUPANCY, THE APPLICANT SHALL REMOVE THE UNAPPROVED PAVING IN THE AREA OF THE SCALE HOUSE.**
9. **PRIOR TO OCCUPANCY, THE BOULDERS AT THE NORTH PEMBROKE ROAD GATE SHALL BE REMOVED AND A KNOX BOX INSTALLED TO THE FIRE DEPARTMENT'S SATISFACTION.**
10. **THE NORTH PEMBROKE ROAD ACCESS ROAD SHALL BE MAINTAINED IN PERPETUITY FOR EMERGENCY ACCESS.**
11. **THE SITE PLAN WILL NOT BE CONSIDERED AS RECEIVING FINAL APPROVAL UNTIL ALL CONDITIONS OF APPROVAL ARE MET.**

2. Minor Site Plan Application #19-106, Sue Morrison and Dan Robinson, ReVision Energy, Inc., acting as Applicant on behalf of Renarl Ave, LLC, owner of Tax Map VW, Lot 47 located at 8-14 Renarl Avenue in the Medium Density Residential (R1) Zone.

The Applicant proposes to construct a 100KW ground mounted solar array. James Hasselback, Operations Manager; and Dan Robinson, Project Manager, from ReVision Energy, LLC were present

Chairman Seaworth read aloud Old Business Item #2.

Planner Cronin explained that due to board and abutter concerns, Rick Evans, the minor site plan provided is titled "Keeler Realty, 112.0 KWDC/76.8 KWAC Photovoltaic System" dated November 18, 2019. ReVision Energy proposes to install a ground mounted solar array at the property on Renarl Ave., which has existing apartment buildings located on it. A tree company already cleared the trees prior to submittal in anticipation of this application. The applicant proposes to sell the power generated from the array to Eversource.

The Town does not have a Solar Ordinance, so planning and engineering comments and conditions have been pulled from experience with solar projects in other towns.

Waivers of Part A, E and M were granted on October 22, 2019.

Planner Cronin reported that at the October 22, 2019 meeting, there were Board and abutter concerns related to the trees taken from the property, stormwater runoff, and the aesthetics of the solar array. On October 23, Rick Evans, a timber tax appraiser from the Department of Revenue visited the property and confirmed that the tree clearing is exempt from DRA filing.

Revised plans were provided to the Town Engineer on November 18, 2019. The owner and applicant met with Town staff and reviewed Planning and Engineering comments so that they may figure out how to move forward addressing all pertinent

concerns. On November 18, revised plan addendums showing the topography and the tree clearing line in relation to property lines, as well as a detail and renderings of the solar array were received.

Planner Cronin noted that in the November 19, 2019 letter from the town engineer he suggests that the applicant put the addendums into a single plan and that the town consider holding a financial guarantee to ensure the site is restored to an acceptable condition. Also, the property owner is present this evening.

Selectmen's Rep. Bond asked where the solar panels are going to be located. It is not clear on the amended plan. Dan Robinson, Project Manager, from ReVision Energy, LLC stated to the right in the cleared area. Clarification was provided that the dashed lines represent the limits of the tree clearing.

Chairman Seaworth opened the continued public hearing at 7:05 p.m.

Chairman Seaworth said that if the application is not completed tonight and the application is continued to a future meeting, the public hearing will also be continued to that meeting without being renoticed. He asked the public to refer to the Town's website or call the Planning Department for future agendas. He reminded all present that the Planning Board does not have a second meeting in December. There is one meeting on December 10, and no meeting on Christmas Eve December 24, 2019

Dan Robinson, ReVision Energy, stated that he met with Carolyn several times to review visual and height of array. Dan Robinson clarified that the photo submitted was an example from Mount Washington Valley Adult Center, and no stone drop edge is proposed on this array.

Vice Chairman Bourque stated that the topography does not clearly show the slope of the property on the side of the hill. If mulch is put down and there is heavy rain, it will wash down to abutting property. We need something to show the contours and intervals. Selectman's Rep. Bond stated she went to the property on November 23, 2019 and took photographs. She is unclear where the array will be located and asked if the applicant could come up and clarify. The solar panels are not going on the flat area.

Member Crean stated that this submittal is not a survey. At best, it is a sketch and a photo. It does not give dimensions or location of array. Although the applicant has met the requirements of a minor site plan, the quality of this document does not allow me to identify where this solar array is going to be located.

Member Cruson stated that although Doucet Survey is mentioned in the town engineer's November 19 letter, I can't tell where the lot line is or where the clearing may be. No dimensions are provided, or the location of the solar panels. Dan Robinson, ReVision Energy, stated we have a small engineering department. The survey was done only for the area the solar panels will be located. Member Cruson suggested if ReVision could remove the google imagery and print the resulting image in black and white, it may be more readable.

Sherry Simpson, 18 Lindy Street, stated I have lived here 33 years and now I can see everything through the trees. Putting solar panels 3 ½ feet or 7 feet with a chain link fence is a terrible view. I would like a better fence.

Chris Belanger, 12 Lindy Street, stated that when you remove 40-50 trees, possibly without a permit, we all have water problems because of the amount of ledge back there. Clearing trees that used to absorb water makes the runoff worse. The industrial look is not appealing. I am concerned about noise and glare.

Chairman Seaworth noted the NH Department of Revenue confirms the property owner did not need a permit. Planner Cronin added that any tree within striking distance of a structure does not count toward the threshold of needing a permit.

James Hasselback, Operations Manager, ReVision Energy, stated we have been installing solar arrays for 15 years in compliance with all regulations. The equipment used has decibels less than 20. Solar panels have an antiglare coating and absorb the sunlight. We are applying under Minor Site Plan review. The economics of solar array installation is not to get rich quick. Improvements have been made to this property and the solar array is another improvement. The height of the panels will start at 3 feet and will reach 7 feet.

Sherry Simpson, 18 Lindy Street, asked if any of the panels could be relocated to the roof. She will view the panels at 27 feet. Dan Robinson stated that legislative metering rules and specific equipment precludes roof placement.

Vice Chairman Bourque stated he is concerned about water runoff on an uphill grade. Applicant does not want to do further survey and I want to know if the runoff will affect abutters.

Member Cruson asked if any blasting will be used. No blasting will occur.

Chairman Seaworth stated that with the new submittal we have some people who do not have enough information to make decisions. We need more finite mapping of buildings and solar array setback from property lines.

Selectmen's Rep. Bond asked what is on the Minor Site Plan checklist.

Planner Cronin read the list, including dimensions, to scale, showing wetlands or buffers and water bodies, streets in relation to proposal among others. The submittal uses tax maps for providing property lines, showing 40 feet setback to the north, 15-foot minimum eastern setback around the array, trenching, electric and equipment.

Vice Chairman Bourque asked where the drainage is going. On Buck Street and Route 3, Pembroke has had uncontrolled runoff in the past. Member Cruson asked what is the slope of the land and is it true for this parcel?

Chairman Seaworth stated that the “existing condition” is now cleared land. The impact of putting panels in 3 feet above the ground is minimal in comparison to the previous application, as they are not altering terrain.

Planner Cronin read comment number 1 from town engineer letter of November 19, 2019:

1. As previously noted, the proposed construction of the solar panels represents disconnected impervious area and not new connected impervious surfaces that requires mitigation. Also, as noted in the Project Narrative there will be no grading on the site (except for trenching for wire connections) and the final ground cover will be wood/bark mulch created from on-site materials. A note stating that no grading will be completed, and that the area will be covered with wood/bark mulch must be added to the plans. Considering no surface areas will be regraded and no connected impervious areas will be created, no downstream stormwater impacts are expected as a result of this project.

Member Hanson suggested that the applicant enlarge the topo map, put the proposed location of the solar array on the map showing the relative position on the property. The board would prefer ground cover that does not wash away.

James Hasselback, Operations Manager, ReVision Energy, stated we are not impacting the topography. Chairman Seaworth stated that members of the board are having trouble locating the area of the array on the property slope. James Hasselback asked is the purpose of the question to know what will be in the field after the array is installed. We can put grass down if the board feels that looks better. Member Cruson stated it would be helpful to put ground cover that keeps the dirt down. We need to know the specific location on the slope to recommend material. Is there a way to take the slope information and integrate with location of array and property lines?

James Hasselback, Operations Manager, ReVision Energy, stated we do have a different type of ground cover that is low growing. Member Cruson said yes, something with roots. Member Crean said that absent definitive plans, a site visit may help visualize the location. Member Hanson stated we need clarification. Tell us where the array will be. I am sure abutters don't want mulch washing down on their properties. Member Crean stated that planting grass under an array is problematic when it grows and needs to be cut.

Chairman Seaworth stated it is rare that a significant plan can still fall under a Minor Site plan. A minor site plan can be pushed into a Major Site plan category if the board consensus is to do so. Selectman's Rep. Bond state a site plan would be helpful. She went to the site and could not find the array location. Vice Chairman Bourque stated that marking the plan with the array location or a site visit is fine, whichever is easier for the applicant.

James Hasselback, Operations Manager, stated he would love to walk the site with the board and interested members of the public. Planner Cronin suggested that she arrange a date and time based on availability and post it as a Planning Board meeting. Member Crean agreed it should be a noticed meeting. Chairman Seaworth stated Planner Cronin will coordinate offline to set a date and time for a site visit. James Hasselback, Operations

Manager, said ReVision Energy works with their in-house resources to provide information. Planner Cronin will post an agenda of the meeting at least 24 hours prior to the date of visit.

Jeff Keeler, one of the property owners, spoke to fencing concerns. The purpose of the fencing around the array is to keep children and wildlife out of the array. We will not put up stockade fence. The purpose of mulch under the array is to keep grass growth down. I instructed the tree work company to take down large pine trees that could fall on structures and to leave a buffer of 40 feet all around the property. The array site is minimum 40 feet from any property lines.

Chris Belanger, 12 Lindy Street, is concerned about runoff at Broadway and Fairview.

There being no further discussion Chairman Seaworth closed the public hearing at 7:55 p.m.

MOTION: Member Crean moved to continue the public hearing on Minor Site Plan Application #19-106 to December 10, 2019. Seconded by Member Hanson.

VOTE: B. Seaworth – Y A. Bond – Y C. Hanson – Y
D. Crean – Y K. Cruson – Y R. Bourque – Y

MOTION TO CONTINUE PUBLIC HEARING TO DECEMBER 10, 2019 PASSED ON A 6-0 VOTE.

Chairman Seaworth said that the public hearing would not be renoticed. The public is advised to call the Planning Department or check the Town website for any updates or schedule changes.

New Business

Member Hanson recused himself for Minor Site Plan application #19-107 and associated permit SUP-AC#19-309 due to Trustee a relationship with PACE Career Academy. Chairman Seaworth read aloud New Business Item #3.

3. Minor Site Plan Application #19-107, Monica McCleary, Monica Nichole, LLC, acting as Applicant on behalf of Pace Career Academy, owner of Tax Map 632, Lot 18-4 located at 718 Riverwood Drive in the Commercial/Light Industrial (C1) Zone and the Aquifer Conservation (AC) District.

The Applicant proposes to occupy 2,000 SF of lease space in the Pace Academy building to operate a furniture making business, which is a change in use from warehouse to manufacturing. No site improvements are proposed.

➤ **Special Use Permit Application SUP-AC #19-309.**

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

Monica McCleary and business partner, Jessie Duque, of Monica Nichole, LLC was present. Jorge Santana, Executive Director PACE was present. Acting as Applicant on behalf of Pace Career Academy.

The Applicant, Monica Nichole, LLC, proposes to lease 2,000 SF of warehouse space at Pace Academy for manufacturing use to operate a woodworking/furniture-making business. There are no changes proposed to the site or to the exterior of the building. The change in use does not trigger Planning Board review, but the Aquifer Conservation District and the parking regulations do.

Planner Cronin explained that the plan is a Site Plan Change of Use plan at 716-718 Riverwood Drive with hand drawn revisions dated October 24, 2019.

The property has 30 parking spaces. The current use by Pace Academy, which includes school, office, and warehouse, required 31 parking spaces. A waiver from 1 parking space was granted on January 22, 2019. The proposal would convert 2,000 SF of warehouse use to manufacturing use, which requires 2 additional parking spaces. This results in 33 parking spaces needed to provide for all the uses on the property.

All Checklist items are shown on the plan. No checklist waivers are requested.

The plan is the same plan used by Pace Academy for their Major Site Plan Review in January, with updated parking calculations and lease area shown.

A memo was received stating that only about half of their parking is ever occupied at a time, so they don't feel that parking is an issue at their site.

Assessing explained that the tax-exempt property would now be taxable in the area of the lease space. Sewer has approved capacity as long as the business has no more than two employees. The owner and Applicant are aware of this. The Town Engineer has no issue.

Chairman Seaworth opened the public hearing at 8:03 p.m. Chairman Seaworth said that if the application is not completed tonight and the application is continued to a future meeting, the public hearing will also be continued to that meeting without being renoticed. He asked the public to refer to the Town's website or call the Planning Department for future agendas.

MOTION: Vice Chairman Bourque moved to accept the application as complete.

Seconded by Member Cruson.

VOTE: B. Seaworth – Y A. Bond – Y
D. Crean – Y K. Cruson – Y R. Bourque – Y

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

In response to board questions about distribution of furniture that will be manufactured, Monica McCleary stated that she does not foresee any retail customers coming to the site. We are a very small business. Both of us have full time jobs. We place our completed furniture in high end galleries to offer it for sale.

Selectmen's Rep. Bond visited the site and has concerns about parking. One parking spot has a picnic table in it and three designated parking spots are in front of garage doors. Jorge Santana, Executive Director, said the garages are used for storage and are not actively used. Jorge Santana said that only about a quarter of their students drive, and with the alternate school schedule, less than half the parking is ever used at one time.

Selectmen's Rep. Bond is concerned that a waiver of parking would go with the building if the use were to change. She said there is plenty of room to mark out an extra 3-4 parking spots. Member Cruson is concerned about a parking space in front of a door.

Chairman Seaworth stated it would be appropriate to define a condition of approval that if certain things change, the applicant would have to come back for a review of circumstances. Vice Chairman Bourque asked if one of the fire exits was through a garage. Jorge Santana said the second egress is on the other side of the building. Planner Cronin stated that the use defines how many parking spaces are needed. The criteria are in zoning regulations. Any waiver approved is for the applicant only. The parking regulations are based on the zoning regulations, not on the actual needs of the business. Vice Chairman Bourque stated that parking spaces in front of overhead doors cannot be utilized in the count toward required spaces. Chairman Seaworth said the new use of 2,000 feet was from warehouse to manufacturing. Jorge Santana stated that PACE Career Academy hopes to expand into some of the unused space at the site in the future. Selectmen's Rep Bond asked if with the additional tenant, a handicapped space may be necessary. Chairman Seaworth stated that the overhead door in one location opens to a sidewalk. Jorge Santana invited the board and attendees to come visit us and meet our young people.

Planner Cronin said that police and fire are requesting that the address and name of business be clearly identified for emergency response.

There being no further comment, Chairman Seaworth closed the public hearing at 8:28 p.m.

MOTION: Vice Chairman Bourque made a motion to grant a waiver from the Zoning Ordinance, Section 143-4 Table of Off-street Parking Requirements, in accordance with Section 143-45.1.A. to allow 30 parking spaces where 33 parking spaces are required. Seconded by Member Crean.

VOTE: B. Seaworth – Y S. Goulet – Y
D. Crean – Y K. Cruson – Y R. Bourque – Y

MOTION TO GRANT A WAIVER FROM THE ZONING ORDINANCE SECTION 143-4 TABLE OF OFF-STREET PARKING REQUIREMENTS APPROVED ON A 5-0 VOTE.

MOTION: Vice Chairman Bourque made a motion to approve Aquifer Special Use Permit SUP-AC #19-309 conditionally until Major Site Plan #19-107 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 Crean.

VOTE: B. Seaworth – Y S. Goulet – Y
D. Crean – Y K. Cruson – Y R. Bourque – Y

MOTION TO CONDITIONALLY APPROVE THE AQUIFER SPECIAL USE PERMIT PASSED ON A 5-0 VOTE.

MOTION: Vice Chairman Bourque made a motion to approve Minor Site Plan Application #19-309 with the following conditions as read and amended:

1. If at any time there are plans to increase the number of employees beyond two, the Applicant must contact the Pembroke Sewer Department.
2. The original signatures of all property owners shall be provided on the final plan.
3. All conditions of approval shall be listed on the plan.
4. The Special Use Permit (SUP-AC #19-309) Notice of Decision and the Site Plan Review (#19-107) Notice of Decision shall both be recorded at the Merrimack County Registry of Deeds.
5. Prior to issuance of a Certificate of Occupancy, appropriate signage and addressing shall be displayed on the building in a manner sufficient to Police and Fire.
6. The site plan will not be considered as receiving final approval until all conditions of approval are met.
7. The parking is for the project as proposed in the application.

Seconded by Member Crean.

VOTE: B. Seaworth – Y S. Goulet – Y
 D. Crean – Y K. Cruson – Y R. Bourque – Y

MOTION TO APPROVE MINOR SITE PLAN APPLICATION #19-309 WITH THE FOLLOWING CONDITIONS PASSED ON A 5-0 VOTE.

- 1. IF AT ANY TIME THERE ARE PLANS TO INCREASE THE NUMBER OF EMPLOYEES BEYOND TWO, THE APPLICANT MUST CONTACT THE PEMBROKE SEWER DEPARTMENT.**
- 2. THE ORIGINAL SIGNATURES OF ALL PROPERTY OWNERS SHALL BE PROVIDED ON THE FINAL PLAN.**
- 3. ALL CONDITIONS OF APPROVAL SHALL BE LISTED ON THE PLAN.**
- 4. THE SPECIAL USE PERMIT (SUP-AC #19-309) NOTICE OF DECISION AND THE SITE PLAN REVIEW (#19-107) NOTICE OF DECISION SHALL BOTH BE RECORDED AT THE MERRIMACK COUNTY REGISTRY OF DEEDS.**
- 5. PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY, APPROPRIATE SIGNAGE AND ADDRESSING SHALL BE DISPLAYED ON THE BUILDING IN A MANNER SUFFICIENT TO POLICE AND FIRE.**
- 6. THE SITE PLAN WILL NOT BE CONSIDERED AS RECEIVING FINAL APPROVAL UNTIL ALL CONDITIONS OF APPROVAL ARE MET.**
- 7. THE PARKING IS FOR THE PROJECT AS PROPOSED IN THE APPLICATION.**

There being no further comment, Chairman Seaworth closed the public hearing at x p.m.

Member Hanson returned to the Pembroke Planning Board as a voting member.

Member Cruson recused herself from Major Subdivision Application #19-03 and associated permits SUP-WP #19-310 and SUP-OSD #19-311

4. Major Subdivision Application #19-03, Jon Rokeh, Rokeh Consulting, LLC, acting as Applicant on behalf of San-Ken Homes, Inc., owner 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 56-lot Open Space Development with individual lots to be served by on-site septic and wells. 95 acres of open space are proposed.

➤ **Special Use Permit Application SUP-WP #19-310.**

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.

➤ **Special Use Permit Application SUP-OSD #19-311.**

The Applicant requests a Special Use Permit in accordance with Article X, Open Space Development, for Reduction in Specification Standards.

Chairman Seaworth read aloud New Business Item #4.

Planner Cronin explained that the Applicant proposes a 56-lot Open Space Development with individual lots to be served by on-site septic and wells. 95 acres of open space are proposed. The applicant is requesting a waiver of Item H. on the checklist, showing the buildable area of each lot. The average of buildable area is 40,000 square feet per lot.

In a letter dated November 22, 2019 from Rokeh Consulting, LLC the applicant is requesting two waivers:

1. Waiver from the subdivision regulations requiring a minimum of 150 centerline radius for the entrance road into the project. The design plan submitted for review by the board has a centerline radius of 100'.
2. The second waiver is for an intersection within 125 feet of another intersection.

In a letter dated November 25, 2019, Rokeh Consulting, LLC included Development of Regional Impact notification to the cities and towns referenced last time.

Planner Cronin noted that the town engineer's letter of November 22, 2019 refers to a "Cluster Subdivision" but the Town of Pembroke does not have cluster subdivision provisions. Town of Pembroke has Open Space Development regulations.

Vice Chairman Bourque stated he is not in favor of waivers. He confirmed that Pembroke does open space development, not cluster subdivision. Member Crean stated that a standard subdivision requires 70% of minimum required area be contiguous buildable land. The Open Space ordinance does not require this standard.

Chairman Seaworth stated that average minimum lot size of 40,000 square feet is smaller than the minimum in any conventional subdivision. If we waive Item H. Buildable area of each lot for completeness of application, that does not preclude us from discussing the impact of waivers. Chairman Seaworth noted that what used to be called "cluster subdivision" is now "open space development." Selectmen's Rep. Bond asked for clarification the no minimum road frontage is required in open space development. That is correct, no number is give and road frontage is not addressed in Open Space Development. Item H. refers to requirements within subdivision regulations.

The board discussed whether they could deny the waiver and accept the application as complete, knowing that before approval the information on buildable area would be there.

MOTION: Vice Chairman Bourque moved to grant the waiver requests for checklist items: Part A – Item: H as requested by the applicant. Seconded by Member Hanson.

VOTE: B. Seaworth – Y A. Bond – N C. Hanson - Y
D. Crean – N R. Bourque – N

**MOTION TO GRANT THE WAIVER REQUEST FAILED ON A 2 YES- 3 NO VOTE.
The information will be required before approval.**

The waiver requests on centerline radius and intersection within 125 feet of another intersection can be addressed later as they are not checklist items.

MOTION: Vice Chairman Bourque moved to accept the application as complete. Seconded by Member Hanson.

VOTE: B. Seaworth – Y A. Bond – Y C. Hanson - Y
D. Crean – Y R. Bourque – Y

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

Chairman Seaworth stated that one indication of Development of Regional Impact is more than 100 acres in development. This application has more than 100 acres in development. Vice Chairman Bourque asked if we can open the public hearing if we declare the application a Development of Regional Impact (DRI). Chairman Seaworth stated that if we declare the application DRI, we need to determine which entities are affected.

MOTION: Vice Chairman Bourque moved to consider this application as a Development of Regional Impact. Seconded by Selectmen's Rep. Bond.

Discussion: Chairman Seaworth asked Planner Cronin to remind them which entities were noticed in the previous application for this parcel. Planner Cronin listed Central NH Regional Planning Commission, Allenstown, Chichester, Epsom and City of Concord. Planner Cronin stated that if the board does declare this application a Development of Regional Impact, she would need to re-notice the affected entities and provide a copy of the minutes from this meeting. Notification could not occur before the deadline for the December 10, 2019 Planning Board meeting. The next business meeting is January 28, 2020.

VOTE: B. Seaworth – N A. Bond – Y C. Hanson - N
D. Crean – Y R. Bourque – Y

MOTION TO DECLARE THE APPLICATION DEVELOPMENT OF REGIONAL IMPACT PASSED ON A 3-2 VOTE.

MOTION: Member Bourque moved to continue the application and the public hearing on Major Site Plan Application #19-03 to January 28, 2020. Seconded by Selectmen's Rep. Bond.

VOTE: B. Seaworth – Y A. Bond – Y C. Hanson – Y
D. Crean – Y R. Bourque – Y

MOTION TO CONTINUE APPLICATION AND PUBLIC HEARING TO JANUARY 28, 2019 PASSED ON A 5-0 VOTE.

Chairman Seaworth said that if the application is not completed tonight and the application is continued to a future meeting, the public hearing will also be continued to that meeting without being renoticed. He asked the public to refer to the Town's website or call the Planning Department for future agendas.

Member Cruson returned to the Planning Board as a voting member.

Minutes- November 11, 2019

MOTION: MEMBER HANSON MOVED TO ACCEPT THE MEETING MINUTES OF NOVEMBER 11, 2019 AS AMENDED. SECONDED BY VICE CHAIRMAN BOURQUE. APPROVED ON 5-0-1 ABSTAIN VOTE, WITH MEMBER CRUSON ABSTAINING.

Miscellaneous

1. Correspondence- Planner Cronin received a Wetlands application for a town project, work at Memorial Park that includes stabilizing the riverbank. She also received abutter notice for a cell tower application at 180 Londonderry Turnpike.

2. Committee Reports

Board of Selectmen – Selectmen's Rep Bond reported that the Board of Selectmen discussed the North Pembroke Road bridge update. The State approved a 2.1-million-dollar design and will put the bid out in March-April 2020. Funding is 80% State of NH 20% Town. Concord is managing the program. Pembroke is hoping the cost comes in less. The entire bridge will be taken down and traffic will be rerouted. Target date for the work is November 20, 2020. Second, lottery sports are on the warrant article for Town Meeting if we get chose as a brick and mortar. Third item is the Grange building. In 1995 it was reported a vote was taken that the building never be sold. Town Administrator is researching when that vote may have been taken, as it was not in 1995. The School District owns the building but closed it in 1948.

Technical Review Committee (TRC), Zoning, Tri Town – Member Bourque reported that TRC met last week. Ambulance #3 is back on the road with a new chassis. Tri Town staff went to Concord Hospital for training and are now the first certified unit to use an alternative to intubation. Zoning Board met November 25, 2019.

3. Other Business- none

4. Planner Items – A board member asked Planner Cronin why 203-35 and 205-33 are the same. This is fine, because one is in site plan regulations and one is in subdivision regulations.

5. Board Member Items – Member Crean stated we need to adopt an ordinance for commercial solar installation. Planner Cronin will request a copy of recent ordinances from town counsel. Chairman Seaworth noted that the board discusses every request for a single entrance/exit. Going forward, we should have an ordinance with a standard and exceptions.

Member Cruson suggested that the Town of Pembroke put a warrant on a future town meeting requesting residents to vote on opening range roads. Unfortunately, Member Crean stated that is contrary to State law. Requests go to the Board of Selectmen and can be reviewed by courts.

6. Audience Items – none

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

The meeting was adjourned at 9:16 p.m.

Respectfully submitted,
Susan Gifford, Recording Secretary