

**Pembroke Planning Board
Meeting Minutes
May 23, 2017
(ADOPTED)**

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

ALTERNATES PRESENT: Kellie Dyjak

EXCUSED:

STAFF PRESENT: Stephanie Verdile, Town Planner; Jocelyn Carlucci, Recording Secretary

Since all members were present, Chairman Topliff called the meeting to order at 6:58 pm.

New Business

Minor Site Plan Application #17-102, Kellie J. Dyjak, applicant, for the Town of Pembroke owner of Tax Map 565, Lot 256, located at 311 and 313 Pembroke Street in the Medium Density (R1) Residential Zone and the Architectural Design (AD) District. The applicant, Kellie J. Dyjak, proposes to operate a "Seasonal Farmer's Market" on Wednesdays at 4:30-7:00 p.m. from June-October in the parking lot of Pembroke Town Hall.

Member Dyjak recused herself.

Ms. Verdile said that this was a minor site plan application. The Applicant has requested one waiver (Item E from Part A of the Minor site Plan Checklist). She said that the checklist item is not applicable because lighting is provided in the area and the timing of the market will be in conjunction with the light of day (seasonal day light). Ms. Verdile said that there are no other issues to consider for completeness.

MOTION: Vice Chairman Seaworth moved to grant the waiver request for Item E from Part A of the Minor Site Plan Checklist (lighting requirement). Seconded by Member Young.

VOTE: B. Seaworth – Y A. Topliff – Y K. Cruson – Y

R. Bean – Y
V. Greco - Y

L. Young – Y

B. Edmonds – Y

MOTION TO GRANT THE WAIVER REQUEST FOR ITEM E FROM PART A OF THE MINOR SITE PLAN CHECKLIST (LIGHTING REQUIREMENT) PASSED ON A 7-0 VOTE.

MOTION: Vice Chairman Seaworth moved to accept the application as complete. Seconded by Member Young.

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

MOTION TO ACCEPT THE APPLICATION AS COMPLETE PASSED ON A 7-0 VOTE.

Chairman Topliff opened the public hearing at 7:02 p.m.

Member Dyjak said that she “has been doing” farmers market for nearly 10 years. She began with her mother who sold goat milk soap and lotions. She wished to continue supporting the local agriculture and, since Pembroke did not have a Farmer’s Market, she decided to create one. Member Dyjak is a work-at-home artist with a very portable business, which she would like to display at the Farmers’ Market.

Member Dyjak said that she has gone before the Board of Selectmen to discuss a location. It was agreed that on the lawn behind Town Hall was best.

Alternate Member Bourque asked what type of sanitation facilities (bathrooms and hand washing accommodations) would be provided.

Alternate Member Dyjak said that it would be a carry-in and carry-out system. The vendors usually bring their own products for hand-washing. The Library has agreed to provide their bathroom facilities since they will be open the same hours as the Farmers Market. Cindy at the Library has agreed to monitor the facilities.

With regard to alcohol, Alternate Member Dyjak said that the Technical Review Committee (TRC) was concerned about a sponsor called Kettle-to-Keg because they sell alcohol goods and beverages. Chief Gilman has not responded to Alternate Member Dyjak about the legal ramifications associated with the sale of alcohol. It was agreed that taste testing would not be allowed at the Market but the product could be sold.

Ms. Verdile said she would nudge the Chief for a response. She also said the TRC asked for confirmation from the Library about times and availability of the facilities. The librarian and the Library Trustees are in favor of the Market.

Raymond Medici of 307 Pembroke Street said that he had no objections to the Farmers' Market. He is an artist and may take part in the Market.

The Board discussed requiring a Certificate of Insurance from Alternate Member Dyjak.

Alternate Member Bourque asked if the word "indemnify" should be used with regard to the Certificate of Insurance. He said "indemnify" would mean that the Town would be the principal insured.

Chairman Topliff said if Alternate Member Dyjak "indemnified" the Town, it would, in fact, mean that the Farmers' Market would be liable if someone got hurt. He said that he was not sure if indemnification would make Alternate Member Dyjak the responsible party if someone were hurt.

Alternate Member Bourque said that it would protect the Town from being sued and also make the Town the principal of the insured. So if someone was hurt, the Town would be insured.

Selectmen's Rep. Greco said an insurance representative would have to come and explain it to the Board.

Chairman Topliff said he thought the Town would be covered if it was listed as "additionally insured" on the Farmers' Market policy.

Member Edmonds said the Conservation Commission addressed the Farmers' Market at their last meeting and highly endorsed it.

Alternate Member Dyjak said she would also have a public blanket policy for all vendors and participants of the Farmers' Market in case a vendor showed up and forgot to bring his/her Certificate of Insurance, they would still be covered. Since most vendors have insurance, this would "double-insure" the Market.

There being no further questions or comments from the public or the Board, Chairman Topliff closed the public hearing at 7:16 p.m.

MOTION: Vice Chairman Seaworth moved to approve Minor Site Plan Application #17-102 with the following conditions to be included as notes on the final site plan:

1. Provide the original signature of all property owners and professionals on the final plans.
2. Checklist waivers that were granted are to be listed completely on the plan with the date they were granted.
3. The site plan will not receive final approval until all applicable conditions of approval are met, the final plan is signed, and the Notice of Decision is recorded.
4. A Certificate of Insurance will be provided to the Town and name the Town as additionally insured.
5. There will be no alcohol sampled or consumed on the premises and the application shall abide by the Police Chief's guidance relative to the sale of alcohol.

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

MOTION TO APPROVE MINOR SITE PLAN APPLICATION #17-102 WITH THE FOLLOWING CONDITIONS TO BE INCLUDED AS NOTES ON THE FINAL SITE PLAN:

1. **PROVIDE THE ORIGINAL SIGNATURE OF ALL PROPERTY OWNERS AND PROFESSIONALS ON THE FINAL PLANS.**
2. **CHECKLIST WAIVERS THAT WERE GRANTED ARE TO BE LISTED COMPLETELY ON THE PLAN WITH THE DATE THEY WERE GRANTED.**
3. **THE SITE PLAN WILL NOT RECEIVE FINAL APPROVAL UNTIL ALL APPLICABLE CONDITIONS OF APPROVAL ARE MET, THE FINAL PLAN IS SIGNED, AND THE NOTICE OF DECISION IS RECORDED.**
4. **A CERTIFICATE OF INSURANCE WILL BE PROVIDED TO THE TOWN AND NAME THE TOWN AS ADDITIONALLY INSURED.**
5. **THERE WILL BE NO ALCOHOL SAMPLED OR CONSUMED ON THE PREMISES AND THE APPLICATION SHALL ABIDE BY THE POLICE CHIEF'S GUIDANCE RELATIVE TO THE SALE OF ALCOHOL.**

PASSED ON A 7-0 VOTE.

Alternate Member Dyjak said that she was hoping that the Farmers' Market would begin on the first Wednesday of June (June 7th) but would be dependent on the funding for insurance. The Market will close on the last Wednesday in October, weather permitting.

Alternate Member Dyjak resumed her position with the Board.

Minutes- May 9, 2017.

MOTION: Member Young moved to approve the May 9, 2017 minutes as amended. Seconded by Vice Chairman Seaworth. Unanimously approved.

Chairman Topliff said that the Master Plan Steering Committee would be made up of three members of the Planning Board that would be a Subcommittee of the Planning Board for the Master Plan. The Steering Committee would also be made up of representatives from the Conservation Commission, Roads Committee, Economic Development Committee, Recreation Commission, and other potential Town groups.

After a brief discussion about the difference between a Master Plan Steering Committee and a Master Plan Subcommittee member Bean suggested that a definition be created and included with the Master Plan.

Miscellaneous

1. Committee Reports-

Roads Committee: Vice Chairman Seaworth said that the Roads Committee went before the Board of Selectmen with two paving bids. They chose Advanced Excavating.

Because of traffic issues associated with the Route 3 and Route 106 Intersection, Chairman Topliff suggested that Ms. Verdile ask the Town Administrator to have NHDOT check on the timing of the lights along Pembroke Street.

Board of Selectmen: Selectmen's Rep. Greco said that the Board of Selectmen discussed the North Pembroke Road bridge. They have not received any plans. The consensus of the Board was to not build a second bridge.

They also approved the Union contract for the Department of Public Works, and approved a new health insurance plan for Town employees. They awarded the paving contract and tended to the usual Board functions such as approving paychecks.

Tri-Town Ambulance: Alternate Member Bourque said that he did not make the last meeting but his understanding was that there was a heated discussion about the budget.

Technical Review Committee: Member Young said that they reviewed and approved the Farmers' Market.

2. Other Business—

Chairman Topliff asked if any members of the Board would like to be on the Master Plan Steering Committee.

Member Cruson said that she was interested in contributing to the Master Plan but was not sure how much time she would have available because of her involvement with the Pembroke Congregational Church Search Committee. She expressed an interested in the topics of rail trails and recreational use.

Member Bean said that he would be interested in participating.

Alternate Member Dyjak said that she would like to be on the Master Plan Subcommittee.

Member Edmonds said that Ammy Heiser was willing to represent the Conservation Commission.

Member Young asked Ms. Carlucci if she would write something in the Concord Monitor Town Crier column asking for volunteers to participate in the Master Plan process.

Chairman Topliff said he would be interested in participating in the Master Plan process but would not want to chair the subcommittee.

Chairman Topliff said Ms. Verdile gave each Board member a handout from the last conference on when a Board member should consider recusing himself. Such times would be when a member does not feel that he could be impartial because he is (a) an abutter to an applicant, (2) has a financial interest to the outcome, (3) has an employer relationship, or (4) has family or other relationship with the applicant.

Ms. Verdile said the term “abutter” not only means a direct legal abutter that is noticed but also anyone who can prove standing. For example, if someone is near the location of the case and can prove to a judge that although he is not a “direct legal abutter”, he would be affected by the traffic or noise, etc. and, therefore, would have standing.

He also suggested that the Board review the Planning Board rules and procedures.

3. Planner Items- Planning Board Appointment to the Suncook Commission and ADU approval.

Ms. Verdile said she gave the Board a copy of information regarding the Suncook Village Commission that was supplied by Shawn Mulholland of Allenstown. Mr. Jodoin would like a Planning Board representative to sit on the Commission. No one volunteered.

Ms. Verdile will represent the Planning Department. The meeting will be on Thursday nights at 6:30 p.m. The next meeting date was not known.

Ms. Verdile also said that Allenstown's focus has been on the China Mill.

Member Young questioned what Allenstown could bring to the Suncook area.

Ms. Verdile said that the redevelopment of the Mill and other areas in Allenstown could benefit Suncook. She pointed out that it is part of the Master Plan work such as the area rail trail.

Chairman Topliff said that Allenstown finished their Master Plan update recently and that the mill revitalization was probably one of the specific recommendations in their Master Plan. He also said that Allenstown does not have a downtown district like Pembroke.

There was reluctance by some of the Board members to join the Allenstown Commission because of past history of Allenstown's lack of cooperation when Pembroke has taken part in shared ventures.

Chairman Topliff said that it would be inappropriate for the Board to make specific recommendations to revitalize the Suncook Village area without an updated master plan to guide that activity.

Alternate Member Bourque asked if a Zoning Board member could be part of the Commission.

Ms. Verdile said that Dana Carlucci, a member of the Pembroke Zoning Board of Adjustment, attended some of the meetings.

Ms. Carlucci said that, to the best of her knowledge, the Commission had two meetings. Mr. Carlucci attended both meetings while Ms. Carlucci only attended the first.

Ms. Carlucci said that the Suncook Village Commission is not solely about the China Mill, although its involvement could become a vital part of Allenstown's contribution to the Suncook Village and be a "shot in the arm" for the Village. The Commission also discussed continuing Pembroke's Main Street façade over the bridge and into Allenstown by duplicating the Main Street trees and lighting onto Allenstown's Main Street. The commission is also interested in changing the zoning regulations on Allenstown's Main Street and adjoining streets to accommodate the use of the homes for small businesses. The Commission is very interested in Pembroke's B1 and B2 zoning regulations to use as a guide for their potential zoning changes.

With regard to Allenstown's commercial district, Ms. Carlucci mentioned that the Commission is looking at increasing their commercial zone along River Road.

She said that the second Commission meeting was held at Pembroke's 4 Union Street building specifically so that the members of the Commission could see how a Town building could be used to their benefit. Unfortunately, only a few Allenstown members attended and Mr. Carlucci was the only member from Pembroke.

Ms. Verdile said that she will begin to attend the Commission sessions.

Ms. Carlucci said that, from her perspective, Allenstown would like to use Pembroke as a resource for potential zoning changes. Portions of Pembroke have been successful and Allenstown would like to learn how Pembroke has accomplished that.

Chairman Topliff thought that Ms. Verdile would be the best resource for Allenstown to use.

Ms. Verdile said that she would speak with Matt Monahan about the next Commission meeting date.

Ms. Verdile said that there is a provision in the zoning ordinance that indicates that when the Zoning Board passes an accessory dwelling unit, the Planning Board is required to sign off. The Board reviewed the Notice of Decision and the minutes of the last Zoning Board of Adjustment meeting pertaining to an accessory dwelling unit.

MOTION: Chairman Topliff moved to approve of the Zoning Board of Adjustment Notice of Decision for Case 17-04-Z, request for a special Exception under Article IV Use Regulations §143-18-1 Accessory Dwelling Units. Seconded by Member Young. Unanimously approved.

Ms. Verdile said that the contract with Central NH Regional Planning (CNHRP) to work with the Planning Board on the Master Plan was signed by the Board of Selectmen. The consensus of the Board was that Chairman Topliff sign the contract.

Ms. Verdile said that Stephanie of CNHRP called and, after reviewing the Board's last meeting minutes, was very eager to begin working on the Master Plan survey. Ms. Verdile said that they discussed including other committee members such as the Sewer and Water Commissions as part of the Steering Committee and that the meetings should be no longer than 1-1/2 hrs. It was suggested to hold the meeting at 6:00 before a Planning Board work session. The first few meetings would focus on getting the community survey questions drafted. The Chair of the Steering Committee would report back to the Planning Board.

Members Cruson and Alternate Member Dyjak said that they would prefer that the meeting be held prior to a Board work session. Member Bean was flexible.

Ms. Verdile will inform Stephanie at CNHRP that 6:00 p.m. on Tuesday, June 13, 2017 would be the first steering committee meeting.

4. Board Member Items-

Vice Chairman Seaworth said that he was approached by a group of university students who were creating a start up business involving a computer system. They intend to facilitate interaction between citizens and

government. Vice Chairman Seaworth mentioned that the Planning Board would soon be forming a subcommittee to work on the Master Plan. He told the students that if they gave a presentation on how they could help Pembroke, the Board may be receptive. Chairman Topliff suggested that the students call Ms. Verdile.

After a short discussion, Alternate Member Dyjak agreed to Chair the Master Plan Steering Committee.

Ms. Verdile asked the Board to give her names of committee members that may be interested in joining the Steering Committee.

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

The meeting was adjourned at 8:25 p.m.

Respectfully submitted,
Jocelyn Carlucci, Recording Secretary