

**Pembroke Planning Board
Minutes of Meeting
(Adopted)
April 14, 2015**

MEMBERS PRESENT: Brian Seaworth, Vice Chairman; Larry Young, Sr.; Kevin Krebs; Robert Bourque; Kathy Cruson, Fred Kline, Selectmen's Rep.

ALTERNATES PRESENT: Brent Edmonds

EXCUSED: Alan Topliff, Chairman

STAFF PRESENT: David Jodoin, Town Administrator; Matt Monahan, Interim Town Planner; Jocelyn Carlucci, Recording Secretary

In the absence of Chairman Topliff, Vice Chairman Seaworth called the meeting to order at 7:00 p.m. Alternate Member Edmonds agreed to vote in place of Chairman Topliff.

New Business

1. **Special Use Permit Application # 15-301, Mark Ferguson (Oddball Brewery) on Tax Map VE, Lot 174, located at 6 Glass Street, in the Commercial/Business Zone (B2), Suncook Business District (SB), and the Zone Aquifer Protection Zone.** The applicant/owner, Mark Ferguson, is proposing a brewery and taproom.
2. **Minor Site Plan Application # 15-105, Mark Ferguson (Oddball Brewery) on Tax Map VE, Lot 174, located at 6 Glass Street, in the Commercial/Business Zone (B2), Suncook Business District (SB), and the Zone Aquifer Protection Zone.** The applicant/owner, Mark Ferguson, is proposing a brewery and taproom.

Present: Mark Ferguson of Oddball Brewery.

Mr. Monahan said that at the March 24, 2015 meeting, the Planning Board asked the applicant to submit a site plan application. They complied and also submitted a copy of the tax map and tax card. A letter from KV Partners dated March 24, 2015 indicated that they had no concerns.

Mr. Monahan reviewed the waiver requests with the Board. He said that Waiver K was no longer necessary because the Applicant had provided the form endorsement. All other waivers were reasonable.

Mr. Monahan said that the borders of the property and the building are one and the same. The applicant has submitted a floorplan which captures what is happening on site but suggested that the floorplan include information such as the name and address of the owner, and date.

It was determined that items on the site plan application checklist were not appropriate for the project. The Board agreed to accept the floorplan in place of a site plan. They then discussed information to be placed on the floorplan.

MOTION: Member Bourque moved to approve the waivers with the exception of H, J and K. The motion was not seconded.

MOTION: Member Krebs moved to grant all waivers as requested (A, B, C, D, E, F, G, H, J, K). Seconded by Member Young.

VOTE: K. Krebs – Y B. Seaworth – Y B. Bourque – Y
 L. Young – Y B. Edmonds – Y F. Kline – Y
 K. Cruson - N

**MOTION TO GRANT ALL WAIVERS AS REQUESTED (A, B, C, D, E, F, G, H, J, K)
PASSED ON A 6-1 VOTE.**

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

VOTE: K. Krebs – Y B. Seaworth – Y B. Bourque – Y
 L. Young – Y B. Edmonds – Y F. Kline – Y
 K. Cruson - Y

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

Vice Chairman Seaworth opened the public hearing at 7:14 p.m. on the Special Use Permit Application and the Minor Site Plan Application.

Mr. Ferguson said all the work done affected the inside of the building. They have poured a foundation, constructed a new floor under the tap room and throughout the building, and poured new walls. The exterior of the building will not change.

The hours of operation will vary because Mr. Ferguson works days and his partner works nights. They will be speaking with the Code Enforcement Officer regarding the sign and lighting ordinance. He said that some of the tasting will be done by appointment. They are allowed one 4 oz. glass per product, per person.

With regard to the Special Use Permit for the Aquifer, Mr. Monahan read into the minutes a letter from the Pembroke Water Works, dated March 20, 2015:

Pembroke Planning Board
311 Pembroke Street
Pembroke, NH 03275

March 20, 2015-04-16

Re: Oddball Brewery

Dear Planning Board Members,

I have no concerns with this application in regards to the aquifer. We require a testable Backflow device to be installed on the water service which will be

handled by this Department. This location does not fall within our Wellhead protection area as delineated by the State therefore we will not be doing a BMP inspection at this location. Thank you for your attention to this matter.

Sincerely,
Matthew Gagne
Superintendent
Pembroke Water Works

Alternate Member Edmonds asked how the byproducts of the brewing process were going to be handled.

Mr. Ferguson said that the grains will be transported off site. Any washing fluids will flow through a trench and into tanks that will be tested for PH, etc. before being discharged.

Alternate Member Edmonds asked if it would then flow into the waste water stream and Mr. Ferguson said yes, but only once it has been tested. They are planning on having two 250-gallon tanks.

Member Bourque asked how long it would take to fill the 2 tanks.

Mr. Ferguson said that they have run some numbers and it would take a while because they will be reusing the water. He explained that each tank is cleaned with a CIP (Clean-in-Place Ball), sprayed and the fluid would be reused on the next tank. He said that once a tank is filled and tested, it would then be released into the waste drain. He said that they will keep a log of all activity such as quantity, PH levels and what was done to it. They have chemicals that are added to either add or subtract from the PH levels in order to make it safe to dispose of. They said that they received all the information pertaining to the testing and disposal from a brewery in Merrimack, NH.

Member Krebs asked if there was a smell associated with the process. Mr. Ferguson said that there will be a stack which will expel steam from the brewing process approximately 4 times per month. The brewing process is approximately 1-1/2 hrs. in the boiler kettle. He said that it is a sweet smell.

With regard to lighting, Mr. Ferguson said that they have a simple light above the entryway. They may have a light shining on a sign if the ordinance allows it. The parking will be street or municipal parking. The building is only rated for 9 people. He expects customers to primarily pick up products.

After a short discussion on the lighting in the area, Member Young said that at the Technical Review Committee meeting, the police did not raise a concern about the lighting and that is usually one of the Department's concerns.

Mr. Monahan said that the Sewer Department had no issues. The applicant has submitted MSDS information, and a summary sheet. He also said that the tank is double-lined and will be on an impervious surface.

Mr. Ferguson said that they are considering a deduct meter.

The Board discussed the following site plan conditions:

1. A floor plan has been submitted in lieu of a site plan
2. A license, per the provisions of RSA 178 will be required. A plan note should indicate that this will be required prior to the issuance of the certificate of occupancy.
3. Sewer Department will require a water meter. A plan note should indicate that this will be required prior to the issuance of the certificate of occupancy.
4. Pembroke Water Works will require a testable backflow device to be installed on the water service. A plan note should indicate that this will be required prior to the issuance of the certificate of occupancy.
5. All Waivers granted or Conditions of Approval will be listed on the plan.
6. On the plan, include Owner names, addresses and signatures.
7. On the plan, include Architect name and address.
8. On the plan include plan title including address, map and lot.
9. Include SUP Application Number and Site Plan Application Number in the title of the plan.
10. On the plan include the date of the plan.
11. Ensure adequate lighting over the entrance as per code enforcement officer prior to issuance of certificate of occupancy.

Vice Chairman Seaworth asked Mr. Ferguson if he had any questions or concerns about any of the conditions of approval. Mr. Ferguson said no; that he wanted to make sure that he had submitted everything necessary to this point.

There being no further questions or concerns from the Board or the public, Vice Chairman Seaworth closed the public hearing at 8:03 p.m. He said that if the application is not approved, the public hearing will be continued along with the application and will not be renoticed.

MOTION: Member Bourque moved to approve Case #15-301, Oddball Brewery Special Use Permit. If the site plan is not approved, the Special Use Permit will no longer be approved. Seconded by Member Cruson.

VOTE: K. Krebs – Y B. Seaworth – Y B. Bourque – Y
L. Young – Y B. Edmonds – Y F. Kline – Y K.
Cruson - Y

MOTION TO APPROVE CASE #15-301, ODDBALL BREWERY SPECIAL USE PERMIT. IF THE SITE PLAN IS NOT APPROVED, THE SPECIAL USE PERMIT WILL NO LONGER BE APPROVED PASSED ON A 7-0 VOTE.

MOTION: Member Bourque moved to approve Case #15-105, Oddball Brewery Site Plan with the following conditions.

1. A floor plan has been submitted in lieu of a site plan
2. A license, per the provisions of RSA 178 will be required. A plan note should indicate that this will be required prior to the issuance of the certificate of occupancy.
3. Sewer Department will require a water meter. A plan note should indicate that this will be required prior to the issuance of the certificate of occupancy.
4. Pembroke Water Works will require a testable backflow device to be installed on the water service. A plan note should indicate that this will be required prior to the issuance of the certificate of occupancy.
5. All Waivers granted or Conditions of Approval will be listed on the plan.
6. On the plan, include Owner names, addresses and signatures.
7. On the plan, include Architect name and address.
8. On the plan include plan title including address, map and lot.
9. Include SUP Application Number and Site Plan Application Number in the title of the plan.
10. On the plan, include the date of the plan.
11. Ensure adequate lighting over the entrance as per Code Enforcement Officer prior to issuance of certificate of occupancy.

Seconded by Selectmen's Rep. Kline.

VOTE: K. Krebs – Y B. Seaworth – Y B. Bourque – Y
 L. Young – Y B. Edmonds – Y F. Kline – Y
 K. Cruson - Y

MOTION TO APPROVE CASE #15-105, ODDBALL BREWERY SITE PLAN WITH THE FOLLOWING CONDITIONS.

1. **A FLOOR PLAN HAS BEEN SUBMITTED IN LIEU OF A SITE PLAN.**
2. **A LICENSE, PER THE PROVISIONS OF RSA 178 WILL BE REQUIRED. A PLAN NOTE SHOULD INDICATE THAT THIS WILL BE REQUIRED PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.**
3. **SEWER DEPARTMENT WILL REQUIRE A WATER METER. A PLAN NOTE SHOULD INDICATE THAT THIS WILL BE REQUIRED PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.**
4. **PEMBROKE WATER WORKS WILL REQUIRE A TESTABLE BACKFLOW DEVICE TO BE INSTALLED ON THE WATER SERVICE. A PLAN NOTE SHOULD INDICATE THAT THIS WILL BE REQUIRED PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.**
5. **ALL WAIVERS GRANTED OR CONDITIONS OF APPROVAL WILL BE LISTED ON THE PLAN.**
6. **ON THE PLAN, INCLUDE OWNER NAMES, ADDRESSES AND SIGNATURES.**
7. **ON THE PLAN, INCLUDE ARCHITECT NAME AND ADDRESS.**
8. **ON THE PLAN INCLUDE PLAN TITLE INCLUDING ADDRESS, MAP AND LOT.**

9. INCLUDE SUP APPLICATION NUMBER AND SITE PLAN APPLICATION NUMBER IN THE TITLE OF THE PLAN.
10. ON THE PLAN INCLUDE THE DATE OF THE PLAN.
11. ENSURE ADEQUATE LIGHTING OVER THE ENTRANCE AS PER CODE ENFORCEMENT OFFICER PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY.

PASSED ON A 7-0 VOTE.

3. Discussion on potential Technical Review Committee authority and process changes in Site Plan Regulations.

The Board agreed to discuss language pertaining to the Technical Review Committee authority and changes in the Site Plan Regulations once Chairman Topliff returns to the Board.

MOTION: Selectmen's Rep. Kline moved to table discussion of the Technical Review Committee authority and changes to the Site Plan Regulations until Chairman Topliff returns. Seconded by Member Young. Unanimously approved.

Minutes- March 24, 2015

MOTION: Member Young moved to approve the Meeting Minutes of March 24, 2015 as amended. Seconded by Member Bourque. Approved with one abstention – Selectmen's Rep. Kline.

Miscellaneous

1. Correspondence-

Mr. Monahan received a copy of a letter dated March 24, 2015 from CLD Engineers to the NHDOT. The letter says that they have submitted the modifications for the loop road between Cooperative Way and Rt. 106.

Mr. Monahan said that he received a certified letter dated April 10, 2015 from Scott Reiff, Manager of Winn P. Realty, LLC regarding VE-179 and 1987 approvals. Mr. Monahan read the letter aloud to the Board.

W.I.N.P. Realty LLC
P. O. Box 4014
Windham, NH 03087

April 10, 2015

Town of Pembroke
Planning Department
311 Pembroke Street
Pembroke, NH 03275

Re: Lot VE-179, 1987 Approvals

Dear Ms. Verdile or acting planner:

Thank you for meeting with me last month regarding the discrepancy in the site and lot lines and how that pertains to previously approved 1987 plans for map VE-179 (Mill Falls Area). To summarize, the current site is different than the one approved in 1987 due to at least one lot line adjustment that was approved by Pembroke Planning Board on December 13, 2005 and subsequently recorded at Merrimack County Registry of Deeds on July 21, 2006 in Book 2912, Page 1260, Plan 17994 and Book 2912, Page 1255. This change, as well as any other changes, to the site that occurred since 1987 would require a new site plan and a new site plan submittal to the Planning Board of Pembroke. W.I.N.P. Realty owns an abutting property and wants to make certain that the 1987 plan is not permitting or allowed to continue without a completing entirely new site plan approval process (or revision requiring abutters to be notified). A portion of the land that we now own is included in the 1987 plans and approvals, thus, it would be crucial that our land is not included in any development site plan and/or we be notified of new proposed plans.

To avoid any confusion and/or accidental issuance of permits, we ask that the following occur:

- Please read this letter into the minutes of the planning board.
- Please place a copy of this letter into the planning board files for the property known as Map/Lot VE-179.
- Please place a note in the assessing department's system notating to review the planning file prior to issuing any building permits. This will hopefully notify the assessor quickly after building permit is issued that there needs to be additional review of the file to assure that new site plan has been approved and not relying on 1987 approvals, which would allow a quick reversal of permit issuance. I understand there is limited space to notate in this manner and any summarization would be fine, as long as it would trigger an "extra" look.
- Please place this letter into any other files that may exist electronically or in physical files (zoning, building, etc.)

If there are any questions, please feel free to contact us.

Sincerely,

Scott Reiff
Manager

W.I. N. P. Realty LLC
P. O. Box 4014
Windham, NH 03087
Phone: 603-785-5058
Fax: 206-600-6908
Email: sreiff@win-realty.com

Mr. Monahan said that Mr. Reiff believes that he lost access to a parcel of land because something was not recorded properly. The Board asked Mr. Monahan to review the files in order to clarify to the Board what actually occurred. Mr. Monahan suggested that Mr. Reiff come before the Board in order to explain the situation. Mr. Monahan will invite him to the May 12, 2015 workshop. The Board suggested limiting Mr. Reiff to a ½ hour since the Conservation Commission will be presenting their conservation study that same night and all Town Boards and Committees have been invited.

2. Committee Reports-

Central NH Regional Planning Commission: Member Cruson reviewed the broadband plan for central New Hampshire. The plan found that 93% of the households have broadband or some type of multi-faceted internet service. The study looked at broadband speed needs at public facilities, etc.

Roads Committee: Vice Chairman Seaworth said that the Committee approved the bid by Advanced Excavation and Paving for the paving projects. Advanced was also the company who holds the encumbered contract from last year.

The Roads committee also discussed the road count recommendations.

TIF Committee: Selectmen's Rep. Kline said that the bond for the TIF passed. The CEDS document was adopted. Now the Town must apply for a grant in hopes of reducing the amount of the bond. The Committee will meet in May.

Board of Selectmen: Selectmen's Rep. Kline said that the State has started the traffic light project at Pembroke Hill Road. The town is also doing a project on a portion of the Pembroke Hill Road which was awarded to Merrill Construction. Roadwork, drainage and potential water and sewer work is being done.

Noise Committee: Member Bourque said that the Committee voted to meet with an engineer about noise levels and frequency prior to discussing noise parameters.

Tri-Town EMS: Member Bourque reported that the Committee approved Stephanie Locke as Assistant Manager of Tri-Town EMS.

3. Board Member Items-

Member Bourque said that he will not be at the April 28, 2015 meeting.

MOTION: Member Bourque moved to adjourn the meeting. Seconded by Member Krebs. Unanimously approved.

The meeting was adjourned at 8:50 p.m.

Respectfully submitted,
Jocelyn Carlucci, Recording Secretary