

**Pembroke Planning Board  
Minutes of Meeting  
(Adopted)  
June 23, 2015**

**MEMBERS PRESENT:** Alan Topliff, Chairman; Brian Seaworth, Vice Chairman; Larry Young, Sr.; Robert Bourque; Kevin Krebs; Kathy Cruson; Vincent Greco, Selectmen's Rep.

**ALTERNATES PRESENT:** Brent Edmonds

**EXCUSED:**

**STAFF PRESENT:** David Jodoin, Town Administrator; Matt Monahan, Interim Town Planner; Susan Gifford, Recording Secretary

Chairman Topliff called the meeting to order at 7:00 p.m. With severe weather warnings in place, Chairman Topliff noted that if needed, refuge would be in the Town Hall basement.

**Old Business**

1. **Site Plan Application #15-108, Ric Brown Storage Units, on Tax Map 561, Lot 5-10-2, located at 307 Commerce Way in the C-1 Commercial/Light Industrial Zone and the Agricultural Zone and the Aquifer Protection Zone.** The applicant, Jeff Burd of RJB Engineering, on behalf of the owner Ric Brown, is proposing additional storage units at a site with existing storage units. *Continued from June 9, 2015.*
2. **Special Use Permit Application #15-305, Ric Brown Storage Units, on Tax Map 561, Lot 5-10-2, located at 307 Commerce Way in the C-1 Commercial/Light Industrial Zone and the Agricultural Zone and the Aquifer Protection Zone.** The applicant, Jeff Burd of RJB Engineering, on behalf of the owner Ric Brown, is proposing additional storage units at a site with existing storage units. *Continued from June 9, 2015.*

**Present:** Ric Brown, Applicant; Earl Gage, Facilities Manager, and Jeff Burd of RJB Engineering

Chairman Topliff asked Matt Monahan to recap this application. Matt Monahan noted that the waiver requests were approved at the June 9, 2015 meeting. The engineering comments came in June 17, 2015. The company policy for Employee Handling of Hazardous Materials was provided. Next

step is for the Planning Board to consider completeness. Member Krebs suggested that snow storage area should be shown on the plan.

**MOTION:** Vice Chairman Seaworth moved to accept Site Plan Application #15-108 and Special Use Permit Application #15-305 from Ric Brown Storage Units as complete. Seconded by Member Bourque.

**VOTE:** L. Young – Y      B. Bourque – Y      B. Seaworth – Y  
V. Greco – Y      K. Krebs – Y      K. Cruson – Y  
A. Topliff – Y

**MOTION TO ACCEPT SITE PLAN APPLICATION #15-108 AND SPECIAL USE PERMIT APPLICATION #15-305 AS COMPLETE PASSED ON A 7-0 VOTE.**

Chairman Topliff opened the public hearing on Site Plan Application #15-108 and Special Use Permit Application #15-305 at 7:05 p.m.

Jeff Burd of RJB Engineering stated that the property is approximately 11 acres and is L-shaped. There is a multitenant building in the front. The storage units share a common access with the tenant building. There are three existing storage units, an existing public services easement through the middle, a three building addition, a one building addition and an area for mobile storage (pods) both full and empty. There is also a future building site. Jeff Burd addressed drainage and lighting. Wall pack lighting will be mounted on new buildings and some pole mounted lighting will be added on existing utility poles. The lawn will include lawn, trees and bark mulch. Jeff Burd resubmitted June 5, 2015 plans. Design of the walls was an engineering concern. Member Bourque asked about proposed lighting in area 3 for mobile storage. Jeff Burd responded no, there was no lighting in the plan. Member Krebs asked about snow storage area. Jeff Burd will show snow storage area on the plan, and it will not be near wetlands or buffers. Chairman Topliff asked about the 106 Mini Storage handouts given to renters advising them that no hazardous materials can be stored in the units. Ric Brown stated that there is a 20 condition contract he discusses with each and every tenant. He does verbally advise each tenant that there cannot be any storage of hazardous material or 55 gallon drums in the units. Chairman Topliff would like to see Ric Brown incorporate the information on employee policy as a handout to tenants. Member Bourque would like to see two copies, one given to the renter and one signed by the renter indicating they have read and will abide by the policy. Also, Member Bourque is

concerned about the lack of lighting in area three where pods with material in them will be kept. The Police would like to have some kind of lighting. Ric Brown stated that there are infrared cameras on site. Ric stated we advertise 24-hour access but prefer the renters not be there at night. The area is gated but not fenced. The police will have access to the three new sites. The police will work with the applicant on security provisions.

There being no other comments from the Board or the public, Chairman Topliff closed the public hearing at 7:24 pm. If the consideration of the applications is not completed, they would be continued and not be renoticed. He advised the public to monitor the Town website for the Planning Board agenda.

**MOTION:** Member Bourque moved to approve Application #15-305 SUP with the following condition to be placed as a note on the plan: "This Special Use Permit is granted conditionally until Case #15-108, Site Plan application, has received final approval, at which time this 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, this Special Use Permit becomes invalid." Seconded by Member Cruson.

**VOTE:** L. Young – Y B. Bourque – Y B. Seaworth – Y  
V. Greco – Y K. Krebs - Y K. Cruson -Y  
A. Topliff – Y

**MOTION TO APPROVE APPLICATION #15-305 SUP WITH THE FOLLOWING CONDITION TO BE PLACED AS A NOTE ON THE PLAN: "THIS SPECIAL USE PERMIT IS GRANTED CONDITIONALLY UNTIL CASE #15-108, SITE PLAN APPLICATION, HAS RECEIVED FINAL APPROVAL, AT WHICH TIME THIS 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, THIS SPECIAL USE PERMIT BECOMES INVALID PASSED ON A 7-0 VOTE.**

**MOTION:** Member Bourque moved to approve Site Plan Application #15-108 with the following conditions:

1. Provide the signatures of all property owners and professionals on the final plat.
2. All waivers granted and conditions of approval are listed on the plan.
3. Revise plans according to Town Engineer's comments.

4. Review security and lighting with Pembroke Police Department prior to issuance of a building permit.
5. New buildings should be labeled, east to west on the plan, D, E, F, and G, the proposed area should be labeled H (future).
6. No hazardous materials may be stored at any time in any of the storage units.
7. Provide Fire Department and Planning Department with company policies regarding storage of hazardous materials in storage units.
8. Provide the written policy to renters regarding storage of hazardous materials on site, and have renters sign and return a copy indicating receipt and understanding.

Seconded by Member Krebs.

**VOTE:** L. Young – Y      B. Bourque – Y      B. Seaworth – Y  
V. Greco – Y      K. Krebs - Y      K. Cruson -Y  
A. Topliff – Y

**MOTION PASSED ON A 7-0 VOTE TO APPROVE SITE PLAN APPLICATION #15-108 FOR RIC BROWN STORAGE UNITS WITH THE FOLLOWING CONDITIONS:**

1. PROVIDE THE SIGNATURES OF ALL PROPERTY OWNERS AND PROFESSIONALS ON THE FINAL PLAT.
2. ALL WAIVERS GRANTED AND CONDITIONS OF APPROVAL ARE LISTED ON THE PLAN.
3. REVISE PLANS ACCORDING TO TOWN ENGINEER'S COMMENTS.
4. REVIEW SECURITY AND LIGHTING WITH PEMBROKE POLICE DEPARTMENT PRIOR TO ISSUANCE OF A BUILDING PERMIT.
5. NEW BUILDINGS SHOULD BE LABELED, EAST TO WEST ON THE PLAN, D, E, F, AND G, THE PROPOSED AREA SHOULD BE LABELED H (FUTURE).
6. NO HAZARDOUS MATERIALS MAY BE STORED AT ANY TIME IN ANY OF THE STORAGE UNITS.
7. PROVIDE FIRE DEPARTMENT AND PLANNING DEPARTMENT WITH COMPANY POLICIES REGARDING STORAGE OF HAZARDOUS MATERIALS IN STORAGE UNITS.
8. PROVIDE THE WRITTEN POLICY TO RENTERS REGARDING STORAGE OF HAZARDOUS MATERIALS ON SITE, AND HAVE RENTERS SIGN AND RETURN A COPY INDICATING RECEIPT AND UNDERSTANDING.

## **New Business**

- 1. Subdivision Application #15-03, LDW Enterprises Development LLC**  
**Subdivision, on Tax Map 939 Lot 63, located at 210 Fifth Range Road in the Rural Residential Zone.** The applicant, Eric C. Mitchell of Eric C. Mitchell and Associates Inc., on behalf of the owner LDW Enterprise Development, LL, is proposing a three-lot residential subdivision.

Chairman Topliff asked Matt Monahan to recap this application. Matt Monahan noted that Eric C. Mitchell & Associate, Inc. submitted a request dated June 16, 2015 for 8 waivers, A,C, K, L, M, R, S and W on behalf of LDW Enterprise Development LLC. A portion of Fifth Range Road shifts from Class V to Class VI along the property. Both Lots 63 and 63.1 have 200 feet of frontage on entirely Class V road. There are from 66 feet up to 137 feet of Class V road along Lot 63.2. At their June 22, 2015 meeting the Zoning Board of Adjustment discussed where the Class V road ends. The applicant is pursuing a variance to allow less than 200 feet of frontage on a Class V road for Lot 63-2. The Planning Board needs to determine whether a 50' x 50' hammerhead turnaround will be required as requested by the Roads Commission. The ZBA continued the case to their July 27, 2015 meeting.

With regard to the requested waiver of Part A- Item A: Wetland Stamp. The Wetland Scientist will sign the final plat. Don't all Certified Wetlands Scientists have a stamp? Is it not standard practice to require both a stamp and signature? There is a box located above "Wetland Notes" on the plan for a stamp. The plat must also show the seal and signature of the surveyor, engineer, wetlands scientist and the signatures of all owners.

Vice Chairman Seaworth asked if the Board agreed that the wetland scientist could stamp the final plans, would a waiver be needed. Chairman Topliff noted that the Registry of Deeds requires professional seals on plans before recording. State subdivision approval is required for less than 5 acres. It was discussed that the wetlands delineation is part of buildable area calculation. Brent Edmonds noted that all professionals should have their signatures on documents before they go any further.

The Planning Board discussed whether Part A, Item A could be a condition of approval. Chairman Topliff stated that standard procedure is that all waivers are accepted or none. The applicant can come back with a waiver request that the Planning Board is comfortable with. Part A, Item A will drop off the list of requested waivers when it is resolved. The applicant can withdraw the waiver request and issue a new request with new narrative.

**MOTION:** Member Bourque moved to deny the waiver request for LDW Enterprise Development LLC Subdivision on Tax Map 939, Lot 63 located at 210 Fifth Range Road as presented by Eric Mitchell & Associates, Inc. on June 26, 2015. Seconded by Member Krebs.

**VOTE:** L. Young – Y      B. Bourque – Y      B. Seaworth – Y  
V. Greco – Y      K. Krebs – Y      K. Cruson – Y  
A. Topliff – Y

**MOTION TO DENY THE WAIVER REQUEST FOR LDW ENTERPRISE DEVELOPMENT LLC SUBDIVISION ON TAX MAP 939, LOT 63 LOCATED AT 210 FIFTH RANGE ROAD AS PRESENTED BY ERIC MITCHELL & ASSOCIATES, INC. ON JUNE 26, PASSED ON A 7-0 VOTE.**

Chairman Topliff noted that at Technical Review Committee, both Public Works and the Roads Commission recommended a hammerhead turnaround. Vice Chairman Seaworth noted that standard practice is that a hammerhead is required whenever a new subdivision is created on a dead end road. Lot 62 driveway is being used now for town vehicles to turn around. Does the applicant or Town Engineer Mike Vignales design the hammerhead? Precedent is that the applicant designs the hammerhead and the engineer reviews the design. Member Bourque asked if the Town had a standard hammerhead design it used. The Roads Commission recommends 50' x 50'. A Board poll agreed that the applicant designs the hammerhead to be reviewed by the Town Engineer. Vice Chairman Seaworth noted a third option offered to the applicant was to redesign the subdivision with two lots that contain at least 200 feet Class V road frontage. Vice Chairman Seaworth asked if the applicant would need to reapply as a major subdivision if a hammerhead is required after the ZBA variance decision. Could it be considered a waiver request to ask that a plan be considered a minor subdivision with a hammerhead? Could it be a major subdivision with many waiver requests? A minor subdivision cannot include new roads. If the plan changes from 3 lots to 2 lots and adds a hammerhead, the hammerhead alone is not "new road construction." It is an off-site improvement.

Member Bourque noted that if the variance is not granted, and the applicant must upgrade the road from Class VI to Class V, the application would be a major subdivision. Matt Monahan reviewed the Procedures for Changing a Class VI Road to a Class V Road as Part of a Subdivision or Site Plan Approval and provided Planning Board members with a handout of the steps.

**MOTION:** Member Bourque moved to continue Subdivision Application #15-03 for LDW Enterprise Development to July 28, 2015. Seconded by Member Young.

**VOTE:** L. Young – Y      B. Bourque – Y      B. Seaworth – Y  
V. Greco – Y      K. Krebs - Y      K. Cruson -Y  
A. Topliff – Y

**MOTION TO CONTINUE SUBDIVISION APPLICATION #15-03 LDW ENTERPRISE DEVELOPMENT TO JULY 28, 2015 PASSED ON A 7-0 VOTE.**

Chairman Topliff noted that if cases are not completed tonight, they will be continued and not renoticed. He asked the public to monitor the Town website for the Planning Board agendas.

**2. Subdivision Application #15-04, Fowler/Miccuci Subdivision, on Tax Map 935, Lot 12, located at 523 North Pembroke Rd in the Rural Residential Zone.**

The applicant, Timothy Bernier of T.F. Bernier, Inc., on behalf of property owners Stephen and Patricia Fowler, is proposing a two-lot residential subdivision.

Chairman Topliff asked Matt Monahan to recap this application. Matt Monahan stated that this is a 2-lot subdivision on 43+ acres with an age restricted variance that prohibits any changes without going back to the Zoning Board of Adjustment. Stephen and Pat Fowler obtained a Variance to allow the subdivision on February 23, 2015. Prior variance had precluded future subdivision and the February 23 variance has revised that requirement. The town line of Chichester is involved, so the Chair of the Chichester Planning Board must sign the plan. There are current use penalties which must be assessed and paid. The Fire Chief has requested sprinklers in the home and a 14' wide driveway. That is a matter between applicant and Fire

Department with no Planning Board purview. A NH DES Wetlands Crossing permit is needed.

Applicant is requesting waivers of C, G, I, J, L, M, R and S.

**MOTION:** Member Krebs moved to approve waiver requests for Part A, Items C, G, I, J, L, M, R and S on Subdivision Application #15-04. Seconded by Member Cruson.

**VOTE:** L. Young – Y B. Bourque – Y B. Seaworth – Y  
V. Greco – Y K. Krebs - Y K. Cruson -Y  
A. Topliff – Y

**MOTION TO APPROVE WAIVER REQUESTS FOR PART A, ITEMS C, G, I, J, L, M, R AND S PASSED ON A 7-0 VOTE.**

**MOTION:** Member Bourque moved to accept Subdivision Application #15-04 from Stephen and Patricia Fowler as complete. Seconded by Member Krebs.

**VOTE:** L. Young – Y B. Bourque – Y B. Seaworth – Y  
V. Greco – Y K. Krebs - Y K. Cruson -Y  
A. Topliff – Y

**MOTION TO ACCEPT SUBDIVISION APPLICATION #15-04 FROM STEPHEN AND PATRICIA FOWLER AS COMPLETE PASSED ON A 7-0 VOTE.**

Chairman Topliff opened the public hearing on Subdivision Application #15-04 at 8:10 p.m.

Stephen Fowler, 443 No. Pembroke Road, is concerned by the requirement for a 14 feet wide driveway and that sprinkler system be installed in the proposed house. Stephen Fowler discussed this with Fire Chief Paulsen and Chief Paulsen agreed to relax the width of the road if Stephen Fowler put a sprinkler system in the house. A 300 gallon reservoir could provide water for a sprinkler system. Due to wetlands, they have had to locate the house further up the property than planned. The driveway will be 1100 feet. Chairman Topliff stated that Chapter 198 of zoning regulations addresses Town of Pembroke driveways. Driveway shall be minimum 10 feet wide, with 15 feet wide preferred. The Director of Public Works issues driveway permits using Chapter 198. Public Works can require a 25' paved apron at the



entrance of the driveway. There is no purview of National Fire Protection Association (NFPA) regulations by the Planning Board. The Town driveway standard would stand unless significant circumstances exist.

Joe Miccuci asked if the Planning Board can cite a Town standard for sprinkler systems. Chairman Topliff stated that by State RSA, Planning Board cannot require sprinkler systems in residential homes. The Planning Board has no purview over sprinkler systems. The Code Enforcement Officer enforces any regulations the Town has adopted. David Jodoin confirmed that the Town of Pembroke adopted NFPA.

The meeting recessed at 8:20p.m. Chairman Topliff continued the meeting at 8:25 p.m. Fire Chief Paulsen arrived at the meeting. Chief Paulsen confirmed the conversation he had with Stephen Fowler. Stephen agreed to put in a sprinkler system and make the street cut of the driveway a little wider. Stephen Fowler will build the base of the driveway up with bank run, gravel and paving. Chief Paulsen understands that creating a 14' driveway would be a cost barrier. The Fire Department concern is a driveway access where a fire truck will not get stuck in the road and prevent other life safety equipment from getting to the house. Fire Chief Paulsen sent an email to the Planning Department outlining this conversation, but it was not received by Matt Monahan prior to tonight's meeting.

Tom Decato, 533 North Pembroke Road, stated that the end of the 1100 foot driveway for the Fowler/Miccuci driveway comes out in his yard. When the Fowler's obtained a variance to operate a boarding house with age restrictions, Tom Decato did not expect any future development. Tom Decato has an outdoor wood boiler which heats his home. He has watched the smoke from it for 11 years. The wind blows ash from west to east. In 2008 the State of NH passed a law that outdoor wood boilers be located at least 200 feet from abutting houses. Tom Decato does not believe that the Miccuci house is 200 feet from his outdoor wood boiler. This is a serious consideration. Chairman Topliff stated I am not a lawyer, but as long as your installation was in place before the change in RSA in 2008, you will not have a problem. Stephen Fowler stated he never smelled the smoke from the operation of Tom Decato's outdoor wood boiler.

Joe Miccuci, 443 No. Pembroke Road, stated that he submitted a driveway 14 feet wide with 2 feet shoulders, total 18 feet wide based on Chief Paulsen's earlier request. If we get a permit for a wider drive, can we build a

10 foot wide with 2 foot shoulder drive? Chairman Topliff stated this is under NH DES purview. The DES permit application was submitted on June 16, 2015. The Planning Board just needs to see a DES permit. The engineer inspects the driveway if asked by Public Works. The building permit process involves the house siting and septic system. Typically, the Planning Board would only have been involved in the subdivision plan.

There being no other comments from the Board or the public, Chairman Topliff closed the public hearing at 8:45 pm. If the consideration of the applications is not completed, they would be continued and not be renoticed. He advised the public to monitor the Town website for the Planning Board agenda.

**MOTION:** Member Cruson moved to approve Subdivision Application #15-04 with the following conditions:

1. ***Receipt of a Town of Pembroke Driveway Permit.***
2. ***The plan must be signed by the Chichester Planning Board.***
3. ***In accordance with the Assessor's requirements, any Current Use penalties are to be assessed once the plan is recorded at the Merrimack County Registry of Deeds and prior to the issuance of a Building Permit.***
4. ***Provide the signatures of all property owners and professionals on the final plat.***
5. ***All waivers granted and conditions of approval are listed on the plan.***
6. ***Monuments are to be set in all required locations.***
7. ***All NHDES permit numbers should be located on the final plan.***

Seconded by Member Young.

**VOTE:** L. Young – Y      B. Bourque – Y      B. Seaworth – Y  
V. Greco – Y      K. Krebs - Y      K. Cruson -Y  
A. Topliff – Y

**MOTION TO APPROVE SUBDIVISION APPLICATION #15-04 FOR STEPHEN AND PAT FOWLER AT MAP 935, LOT 12 WITH THE FOLLOWING CONDITIONS:**

1. ***Receipt of a Town of Pembroke Driveway Permit.***
2. ***The plan must be signed by the Chichester Planning Board.***
3. ***In accordance with the Assessor's requirements, any Current Use penalties are to be assessed once the plan is recorded at the***

***Merrimack County Registry of Deeds and prior to the issuance of a Building Permit.***

- 4. Provide the signatures of all property owners and professionals on the final plat.***
- 5. All waivers granted and conditions of approval are listed on the plan.***
- 6. Monuments are to be set in all required locations.***

***All NHDES permit numbers should be located on the final plan***

## **Minutes-** June 9, 2015

**MOTION:** Member Young moved to approve the June 9, 2015 meeting minutes as amended. Seconded by Member Cruson. Approved unanimously.

The Planning Board recessed at 8:50 p.m. The meeting continued at 8:55 p.m.

## **Miscellaneous**

### **1. Committee Reports-**

Conservation Commission: Member Krebs said that the boulders were moved back where they belong by Pembroke Department of Public Works.

Roads Committee: Vice Chairman Seaworth said that there was nothing new to report.

Board of Selectmen: Selectmen's Rep Doc Greco reported that the Board of Selectmen are making progress every week. Pembroke Hill Road paving work is going well.

Tri Town: Member Bourque reported that Comstar is requesting a forensic audit due to the town being shortchanged on billing revenue. New policies and the budget were discussed.

CIP: Member Young stated that the CIP Committee has set its first meeting of 2015 for July 1, 2015.

### **2. Planner Items-**

Interim Planner Matt Monahan stated that with Stephanie Verdile back to work part time, they are transitioning the Planner duties. Neither Stephanie nor Matt is available for the July 14, 2015 Planning Board Work Session. The July 14 work session will not be held and the next meeting is July 24.

Stephanie Verdile is reviewing new applications and Matt Monahan is working on plans already in the review process. Matt presented some questions on behalf of Stephanie for Board guidance.

Matt Monahan stated that an application has been received from SABO, in which the applicant proposes to change a use from warehouse to manufacturing. There is an existing Special Use Permit. Can it be amended? No, a new use requires a new permit and new fees. Manufacturing was a prior use; office use is an existing use that is being relocated. All of the changes will be captured on the site plan.

Matt Monahan stated that Krazy Kids has an existing Special Use Permit. Can it be amended? No, a new use requires a new permit and new fees. There are actually two separate applications for Special Use Permits, one wetlands and one aquifer. Chairman Topliff advised that this would involve one notice to abutters and newspaper, and all applicable application fees. This is similar to any case with two separate applications.

### 3. Board Member Items-

Member Bourque said that he read the decisions from the June 22, 2015 ZBA meeting. The Hillside Baptist Church cases have been continued until the ZBA reconvenes on July 27, 2015 at the request of the lawyer involved.

Hillside Baptist Church wants a variance on an electronic message sign.

**MOTION:** Member Krebs moved to adjourn the meeting. Seconded by Selectmen's Rep. Greco. Unanimously approved.

The meeting was adjourned at 9:18 p.m.

Respectfully submitted,  
Susan Gifford, Recording Secretary