

**Pembroke Planning Board
Minutes of Meeting
(Adopted)
April 28, 2015**

MEMBERS PRESENT: Alan Topliff, Chairman; Brian Seaworth, Vice Chairman; Larry Young, Sr.; Kathy Cruson; Fred Kline, Selectmen's Rep.

ALTERNATES PRESENT: Brent Edmonds

EXCUSED: Kevin Krebs; Robert Bourque

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

Chairman Topliff called the meeting to order at 7:00 p.m. Alternate Member Edmonds agreed to vote in place of Member Krebs.

New Business

1. **Special Use Permit Application #15-303, Champagne Dental Lab on Tax Map 868, Lot 30, located at 724 Pinewood Road (Route 28), in the R-3D Rural/Agricultural Zone and the Aquifer Protection Zone.** The applicant, Peter D. Holden of Holden Engineering, on behalf of the owners, Arthur and Violette Champagne, proposes a site plan to establish a dental laboratory to make artificial teeth. The building is currently being used as a hobby and storage area.
2. **Major Site Plan Application #15-104, Champagne Dental Lab, on Tax Map 868, Lot 30, located at 724 Pinewood Road (Route 28), in the R-3D Rural/Agricultural Zone and the Aquifer Protection Zone.** The applicant, Peter D. Holden of Holden Engineering, on behalf of the owners, Arthur and Violette Champagne, proposes a site plan to establish a dental laboratory to make artificial teeth. The building is currently being used as a hobby and storage area.

Present: Arthur Champagne, Mark Champagne, and Lynn Jenkins

Mr. Monahan said that a Site Plan Application and a Special Use Permit Application have been filed. There is an existing home on the site along with a hobby/storage building. The Applicant is proposing to open a dental laboratory to make artificial teeth in the present storage building. A variance was granted on January 26, 2015 to operate a manufacturing facility on the property.

Everett Hodge, the Building Inspector, indicated that the two propane tanks must be relocated due to their proximity to the door. This can be done prior to the issuance of the Certificate of Occupancy.

The Technical Review Committee reviewed the application on April 1, 2015. The Pembroke Water Works had concerns about the Town wells. They would like to perform a Best Management Practice inspection prior to the Certificate of Occupancy.

The Town engineer had no concerns with the application and indicated that there was no need for a drainage study.

Mr. Monahan reviewed the waiver requests and said that they were all reasonable. A guardrail and the relocation of the propane tanks were the only requirements.

MOTION: Vice Chairman Seaworth moved to grant the following waiver requests: (1) Part A, Item L for multifamily housing; (2) Part A, Item P for reviewing utility needs with responsible agency; (3) Part B, Item 6 for locations, dimensions and footing areas of all proposed buildings; (4) Part B, Item 7 for locations, dimensions and area of all property proposed to be set aside for park, playground or other open space; (5) Part B, Item 16 for soil test pits; (6) Part B, Item 20 for legal descriptions of easements; (7) Part C, Item C for roadway profiles; (8) Part C, Item C for roadway cross-sections; (9) Part C, Item D for roadway construction details; (10) Part C, Item E for erosion and sedimentation control plans; (11) Part C, Item F for various impacts from the site. Seconded by Member Young.

VOTE:	A. Topliff – Y	B. Seaworth – Y	L. Young – Y
	B. Edmonds – Y	F. Kline – Y	K. Cruson - Y

MOTION TO GRANT THE FOLLOWING WAIVER REQUESTS: (1) PART A, ITEM L FOR MULTIFAMILY HOUSING; (2) PART A, ITEM P FOR REVIEWING UTILITY NEEDS WITH RESPONSIBLE AGENCY; (3) PART B, ITEM 6 FOR LOCATIONS, DIMENSIONS AND FOOTING AREAS OF ALL PROPOSED BUILDINGS; (4) PART B, ITEM 7 FOR LOCATIONS, DIMENSIONS AND AREA OF ALL PROPERTY PROPOSED TO BE SET ASIDE FOR PARK, PLAYGROUND OR OTHER OPEN SPACE; (5) PART B, ITEM 16 FOR SOIL TEST PITS; (6) PART B, ITEM 20 FOR LEGAL DESCRIPTIONS OF EASEMENTS; (7) PART C, ITEM C FOR ROADWAY PROFILES; (8) PART C, ITEM C FOR ROADWAY CROSS-SECTIONS; (9) PART C, ITEM D FOR ROADWAY CONSTRUCTION DETAILS; (10) PART C, ITEM E FOR EROSION AND SEDIMENTATION CONTROL PLANS; (11) PART C, ITEM F FOR VARIOUS IMPACTS FROM THE SITE PASSED ON A 6-0 VOTE.

MOTION: Vice Chairman Seaworth moved to accept Special Use Permit Application, Case #15-303 and Major Site Plan Application, Case #15-104 as complete. Seconded by Member Young.

VOTE:	A. Topliff – Y	B. Seaworth – Y	L. Young – Y
	B. Edmonds – Y	F. Kline – Y	K. Cruson - Y

MOTION TO ACCEPT SPECIAL USE PERMIT APPLICATION, CASE #15-303 AND MAJOR SITE PLAN APPLICATION, CASE #15-104 AS COMPLETE PASSED ON A 6-0 VOTE.

Chairman Topliff opened the public hearing at 7:11 p.m. on Case #15-303 and Case #15-104.

Arthur Champagne said that he thought that they had complied with all the Town requirements. He said that Peter Holden was suppose to be present.

Mr. Champagne also said that there would be no hazardous chemicals used in the laboratory. He said that the byproduct of the process is a hard plastic. There are no chemicals to go into the ground. Mr. Champagne said that there would be very little waste. He also pointed out that the building cannot be seen from the road.

Mr. Champagne explained that Methyl Methacrylate is a monomer and a polymer which is mixed with a powder and then pressed into a mold. Any excess is squeezed out, becomes a hard plastic, and is thrown away. If the chemical is spilled, it would vaporize. There will be one quart in the production area and one in the supply are per month. The mold is then cooked and baked in boiling water for approximately 8 hours. The result is a piece of plastic.

Mr. Champagne said that the lab will also have a mechanical suction system in the work area a/k/a a venting system where the grinding will take place.

Mark Champagne said that the products are always used and then replenished.

Arthur Champagne said that there would be approximately 5 employees with a maximum of 15. There is very little noise from the operation. He said that his table saw in the workshop make 5 times more noise than the lab operation would.

Mark Champagne noted that there would be no customer traffic, only a periodic vendor.

The Board discussed whether the operation was a development of regional impact. The consensus of the Board was that it was not.

Arthur Champagne said that the Planner and Code Enforcement Officer were very helpful.

The Board reviewed the Conditions of Approval for the Special Use Permit and the Major Site Plan Application.

There being no further questions from the Board or the public, Chairman Topliff closed the public hearing at 7:25 p.m. He said that in the event that either case is continued, there would be no additional notices to abutters. He suggested that the public follow the Planning Board agenda on the Town website.

MOTION: Selectmen's Rep. Kline moved that, in review of the plan, it was determined that it is not a development of regional impact. Seconded by Vice Chairman Seaworth.

VOTE: A. Topliff – Y B. Seaworth – Y L. Young – Y
 B. Edmonds – Y F. Kline – Y K. Cruson - Y

MOTION THAT, IN REVIEW OF THE PLAN, IT WAS DETERMINED THAT IT IS NOT A DEVELOPMENT OF REGIONAL IMPACT PASSED ON A 6-0 VOTE.

MOTION: Vice Chairman Seaworth moved to approve Application #15-303 SUP-WP with the following condition to be placed as a note on the plan:

1. This Special Use Permit is granted conditionally until Case #15-104, Major 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 Young.

VOTE: A. Topliff – Y B. Seaworth – Y L. Young – Y
 B. Edmonds – Y F. Kline – Y K. Cruson - Y

MOTION TO APPROVE APPLICATION #15-303 SUP-WP WITH THE FOLLOWING CONDITION TO BE PLACED AS A NOTE ON THE PLAN:

1. **THIS SPECIAL USE PERMIT IS GRANTED CONDITIONALLY UNTIL CASE #15-104, MAJOR 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 6-0 VOTE.

MOTION: Vice Chairman Seaworth moved to approve Case #15-404, Major Site Plan with the following conditions:

1. Provide the signatures of all property owners and surveyor on the final plat.
2. All waivers granted, and conditions of approval imposed by the Planning Board shall be listed on the plan.
3. A plan note shall be placed on the plan indicating that a Best Management Practices Inspection, conducted by the Pembroke Water Works, prior to the issuance of a Certificate of Occupancy, shall be conducted. The applicant shall also resolve any issues brought up by the Pembroke Water Works resulting from the inspection.

4. Demonstrate to the Code Enforcement Officer that all propane tanks are properly installed per NFPA 54 Standards prior to the issuance of a Certificate of Occupancy.

Seconded by Member Young.

VOTE: A. Topliff – Y B. Seaworth – Y L. Young – Y
 B. Edmonds – Y F. Kline – Y K. Cruson - Y

MOTION TO APPROVE CASE #15-404, MAJOR SITE PLAN WITH THE FOLLOWING CONDITIONS:

1. **PROVIDE THE SIGNATURES OF ALL PROPERTY OWNERS AND SURVEYOR ON THE FINAL PLAT.**
2. **ALL WAIVERS GRANTED, AND CONDITIONS OF APPROVAL IMPOSED BY THE PLANNING BOARD SHALL BE LISTED ON THE PLAN.**
3. **A PLAN NOTE SHALL BE PLACED ON THE PLAN INDICATING THAT A BEST MANAGEMENT PRACTICES INSPECTION, CONDUCTED BY THE PEMBROKE WATER WORKS, PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, SHALL BE CONDUCTED. THE APPLICANT SHALL ALSO RESOLVE ANY ISSUES BROUGHT UP BY THE PEMBROKE WATER WORKS RESULTING FROM THE INSPECTION.**
4. **DEMONSTRATE TO THE CODE ENFORCEMENT OFFICER THAT ALL PROPANE TANKS ARE PROPERLY INSTALLED PER NFPA 54 STANDARDS PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.**

PASSED ON A 6-0 VOTE.

Conceptual Consultations

1. **Sand Road Retail Store, Tax Map 634-48-1, 619 Sand Road (AKA Pembroke Crossing).** CLD Engineering is proposing revisions to the site and would like to engage in a non-binding conceptual consultation with the planning board.

Present: Brian Pratt, PE of CLD Consulting Engineers, Frank Merrill, and Alex Vailas Pembroke Commercial Group.

Chairman Topliff said that a conceptual consultation was a free and open discussion in which nothing is binding. He said that all comments were welcomed.

Mr. Pratt said that the property is located at 619 Sand Road, Tax Map 634-48-1 the former location of Merrill Construction. They are proposing to build a 12,000 sq. ft. NH Liquor and Wine Outlet. The current buildings have been torn down. Mr. Pratt gave the Board a concept plan.

Because of the time of year and construction season approaching, Mr. Pratt said that a formal application has been submitted. They are scheduled for a Technical Review Committee meeting on the May 6, 2015.

The building will be located in the approximate location of the old building. Parking will be in the rear, side, and front of the building. All loading will be in the rear. Access will be from the same on-site driveway. The entire site will come down 5-6 ft. It will sit a little higher than the present Dunkin' Donuts facility.

Mr. Pratt said that 40 parking spaces are required but that they would have 60. There will be no problems circulating the tractor trailer trucks around the building. Deliveries will be by tractor trailers and box trucks. Deliveries will be limited to approximately one per day. Traffic will be primarily from passenger vehicles.

They will tie into the water and gas at Sand Road. The sewer tie-in will be near the Dunkin' Donuts. There will be a new transformer off Sand Road. Lighting will be LED pole lights around the parking lot perimeter and building-mounted LED lights. They will be downfacing, dark-sky compatible lighting.

With regard to landscaping, Mr. Pratt said that the architect could not fit the number of trees and shrubs required by the ordinance on the property. He said that the architect tried to fit as much on the plan as possible, but still came up 30% short of the landscaping requirement. The result was that it left too little snow storage area and the trees were right up against the light poles. Mr. Pratt said that they would like to reduce the landscaping approximately 20% more in order to allow more snow storage.

Mr. Pratt said that it made no sense to have so many plantings that would make snow storage difficult and eventually the salt and snow would destroy the trees and shrubs.

Mr. Young said that he would hate to see shrubs planted and then die because they were over-crowded and not winter/salt resistant. Ms. Cruson agreed. She also said that she would prefer to look at snow storage and snow removal and then consider the landscaping areas. Chairman Topliff said that the Board has flexibility during the review process.

Chairman Topliff said that a waiver request for landscaping would not be necessary since the applicant is not considering eliminating landscaping but merely reducing the landscaping for more practical purposes such as snow removal and storage.

Alternate Member Edmonds asked if the abutting undeveloped lots would remain accessible. Mr. Pratt said that the properties would still have access. Mr. Merrill noted that Sand Road would remain open. Mr. Pratt said that they would also be leaving a sewer stub by the dumpsters in case something was developed in that area without tearing up the asphalt.

Mr. Pratt said that they conducted a trip generation study. It found that Dunkin' Donuts generates A.M. peak traffic and the liquor store would have a P.M. peak. They are good complimentary uses.

One concern that the applicant had was traffic leaving Dunkin' Donuts and not stopping at the stop sign. They are proposing a speed bump prior to the stop signs to ensure that people stop when leaving the liquor store and Dunkin' Donuts.

It was suggested that the applicant contact the Department of Transportation to keep them updated on what is being proposed even though the road from the liquor store does not connect to Route 3.

Mr. Vailas said that the building will be privately owned and leased to the State of New Hampshire. He said that the private entity will pay the real estate taxes on the land and the building.

Mr. Pratt said that he was aware of the Design Review Process but, since construction must begin in June and, in order to meet other submittal deadlines, they opted for the Conceptual Consultation. Mr. Valais said that the plan is for the building to be built by the holiday season.

Mr. Merrill said that he recently graded Sand Road. He has notified Jim Boisvert at the Public Works Department.

Harold Thompson of the Sewer Department said that the applicant had the necessary sewer capacity.

Mr. Pratt said that the site would be privately plowed in the winters. They are considering a number of styles of speed bumps/speed tables, but presently are thinking of installing removal speed bumps so they could be removed in the winter for plowing.

Minutes- April 14, 2015

MOTION: Member Young moved to approve the Minutes of April 14, 2015 as amended. Seconded by Vice Chairman Seaworth. Approved with one abstention – Chairman Topliff.

Miscellaneous

1. Correspondence-

- A.** Krazy Kids LLC. Question to the Board regarding an interpretation of condition number two of the March 24, 2015 Conditions of Approval associated with Case #15-101, Major Site Plan.

Present: Richard Latham of Krazy Kids LLC

Mr. Monahan said that Krazy Kids is requesting an interpretation of one of the conditions of approval. Mr. Monahan read aloud the April 17, 2015 letter from Richard C. Latham of Krazy Kids LLC.

Mr. Latham asked if the floor plan of the first and second floors met the condition of approval. Mr. Monahan said that, in his opinion, it did because it met the requirement of the Fire and Police Departments. The Board agreed.

Mr. Monahan said that the only thing missing was the State License Number on the plan. Mr. Latham said that they expect to receive it by May 12, 2015.

- B.** Email from Dean Williams, Central New Hampshire Regional Planning Commission providing information on 2015 traffic count locations and an inquiry as to if the Board would like additional counts.

Mr. Monahan received an e-mail from Dean Williams regarding the roads that the Roads Committee chose for the traffic counts. After a short discussion, the Board agreed to go with the Roads Committee road count choices.

- C.** New Hampshire Department of Environmental Services (NHDES) Request for More Information. NHDES is requesting additional information from CLD Consulting Engineers regarding the Cooperative Way Loop Road Extension Alteration of Terrain Permit.
- D.** New Hampshire Department of Environmental Services (NHDES) Alternation of Terrain Permit letter for Pembroke Hill Roadway Improvement Project.

Mr. Monahan said that the letter dated April 17, 2015 from the Department of Environmental Services (DES) which focused on the Pembroke Loop Road Extension of Cooperative Way along with the letter dated April 12, 2015 from DES regarding the Pembroke Hill Road Roadway Improvement Project were for information purposes only.

2. Committee Reports-

Technical Review Committee: Member Young said that they will be reviewing 4 new projects.

Suncook Softball and Little League: Selectmen's Rep. Kline said that Suncook Softball and Little League had "clean-up" day at Memorial Field which was very successful.

TIF Committee: Selectmen's Rep. Kline said that they received a letter from the Economic Development Administration indicating their approval of the CEDS documents for the TIF Committee project. Mr. Monahan presently has the grant application. The TIF Committee will meet on May 4, 2015 to review the grant application. The deadline is June 15, 2015.

He said that the grant will drive the price of the bond and he is hoping to hear news by July. He also said that the property assessments in the TIF were not coming in as high as anticipated.

3. Other Business—

**A. Regulation Update Discussion RE: TRC Committee/Simple Site Plan
(material per last meeting)**

Chairman Topliff read through the recommendations.

He pointed out that the TRC members could send the application to the Planning Board if they felt that the proposed concept was complicated or controversial.

Member Young noted that the list of TRC members had grown. There were people listed that never attended the meetings. Originally there were 8 members on the TRC. He suggested the Planning Board review the TRC members.

Chairman Topliff said that if the Planning Board chose to enact the Simple Site Plan Application, the Planning Board would have the authority to appoint the TRC members.

The Board questioned whether a Special Use Permit would be required for the B1 and B2 districts since they are in the Well-Head Protection and Aquifer Protection Areas. Mr. Monahan will check with the Pembroke Water Works to clarify those areas, especially where Town Wells might be located in those districts to justify the "Well-Head Protection" classification.

Mr. Monahan suggested creating a Simple Site Plan Checklist by using the Minor Site Plan Checklist as a guide. The Board agreed to review the Minor Site Plan Checklist at the next work session.

Mr. Monahan suggested that the Board address the Special Use Permit topic. Chairman Topliff suggested that the Planner make the decision of whether a Special Use Permit would be necessary. If one is necessary, then the application would come before the Planning Board. Mr. Monahan will add this topic to the next work session agenda.

MOTION: Member Young moved to adjourn the meeting. Seconded by Member Cruson. Unanimously approved.

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,
Jocelyn Carlucci, Recording Secretary