

PEMBROKE PLANNING BOARD
Minutes of Meeting
February 23, 2016
(Adopted)

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

ALTERNATES PRESENT: Brent Edmonds

EXCUSED: Kathy Cruson; Robert Bourque

STAFF PRESENT: Stephanie Verdile, Town Planner; Matt Monahan, CNHRDC Circuit Rider; Jocelyn Carlucci, Recording Secretary

Chairman Topliff called the meeting to order at 7:06 p.m. Alternate Member Edmonds agreed to vote in place of Member Bourque.

New Business –

1. **Special Use Permit Application SUP-AC #16-301 John's Wrecker Service on Tax Map 561, Lot 35, located at 107 Sheep Davis Road, in the Commercial/Light Industrial (C1) and the Aquifer Conservation (AC) District.** The applicant, Mark Sargent, of Richard Bartlett & Associates, LLC, on behalf of the property owner, John Dapergolas, requests a Special Use Permit from Article 143-68.E, Aquifer Conservation District, which is required for any activity taking place within the District. This permit is associated with the Major Site Plan Application Site #16-101. *Continued from January 26, 2016.*
2. **Major Site Plan Application #16-101, John's Wrecker Service on Tax Map 561, Lot 35, located at 107 Sheep Davis Road, in the Commercial/Light Industrial (C1) and the Aquifer Conservation (AC) District.** The applicant, Mark Sargent, of Richard Bartlett and Associates, LLC, on behalf of the property owner, John Dapergolas, Inc, proposes a Change in Use of an existing, vacant, commercial facility to permit an automotive wrecker, maintenance, outside storage facility with associated office space. *Continued from January 26, 2016*

Guest: Nancy Larson, Planner for City of Concord

Present: Mark Sargent of Richard D. Bartlett and Associates, LLC; John Dapergolas (Applicant), Attorney James Steiner, and James Vernon of Nobis Engineering, Inc.

Chairman Topliff recalled at the January 26, 2016 meeting the Board deemed the application to be one of regional impact which permitted the City of Concord and the NH Regional Planning Commission abutter status. The Board accepted the applicant's waiver requests and deemed the application complete. The meeting was stopped at that point and the public hearing was not opened in order to provide the City of Concord and the NH Regional Planning Commission to participate in the public hearing process.

He stated the policy of the Board is to only engage in conversation with the applicant during public hearing in order to ensure anyone interested in the application have an opportunity to participate in the conversation and hear everything being said.

Ms. Verdile said the applicant also applied for three special exceptions from ZBA. The ZBA declared the application one of Regional Impact. Concord and NH Regional Planning were included in the process and were given an opportunity to provide comments at the January 22, 2016 ZBA meeting. Nancy Larson, Concord's City Planner and Mr. Monahan of NH Regional Planning Commission attended.

She continued to say the applicant received all the Special Exceptions with detailed conditions of approval. They received the zoning use portion of the project. The applicant received Emery & Garrett's information that was requested by the Pembroke Water Works.

Ms. Verdile apologized for the delay in getting some of the information to the Board. She said that extenuating circumstances made it difficult.

Chairman Topliff said normally the Board would not allow additional information to be presented the night of the application if it was not included in the Board's packets, but the circumstances were unusual. Chairman Topliff asked Ms. Verdile if she felt the additional information given to the Board was pertinent to the conversations for the meeting.

Ms. Verdile recommended the Board take a few minutes to read through the in-depth engineering information which she had just provided. She also said that the Board would not be remiss in continuing the meeting in order to be better prepared to ask questions of the applicant about the new reports.

Chairman Topliff explained Mr. Monahan was presently wearing two hats: He was representing the NH Regional Planning Commission as an abutter to the application, and was also advisor to the Board on more technical aspects of some applications and, therefore, would be seated at the table with the Board.

Chairman Topliff recessed the meeting at 7:14 p.m. to allow the Board time to review the information.

Chairman Topliff reconvened the meeting at 7:22 p.m.

Since there were no comments from the Board, Chairman Topliff opened the public hearing at 7:22 p.m.

Mr. Sargent said the site was located at 107 Sheep Davis Road (former the Epoch Homes facility). It contains 11.04 acres and 144.22 ft. of frontage on Sheep Davis Road. It has several buildings on site such as 1,380 sq. ft. split level home, a 34,000 sq. ft. building, and several smaller buildings scattered throughout the property. The buildings are surrounded by a paved apron. There are 2 large gravel parking areas. 98% of the site is surrounded by a 6 ft. chain-linked fence. Mr. Dapergolas plans to fill in a small gap in the fencing and improve the fence's stability once the project begins.

There are a few wetlands on the property. There is a drainage system that comes down off Clough Mill Road and heads to the Town's property. The system comes into a drainage structure and is piped as part of the Epoch Homes site plan done in the early 1980s and falls into a large detention basin. The ditch continues down along Rt. 106. The ditch is dry most of the year. The only wetlands on the site are located at the head where the drainage comes into the manhole. Those wetlands were delineated by Stoney Bridge Environmental.

Mr. Sargent said the applicant is proposing to relocate its wrecker towing business from 12 Integra Drive in Concord to the former Epoch Homes facility. He plans to use the split level building as their office/dispatch center. The 34,000 sq. ft. building would house the wrecker trucks and they would perform maintenance on their vehicles and also be used for storing and repairing vehicles towed to the facility from accident scenes.

Three other buildings on site will remain: A 1,120 sq. ft. building, a 3100 sq. ft. building and a 4,475 sq. ft. building. The applicant is planning to remove 5 smaller wood-framed buildings that are in poor shape. If any of the removed buildings are on a concrete pad, the pad will remain on site.

The paved area will be utilized for storage of vehicles that are towed to the facility or vehicles that Mr. Dapergolas is repairing on site.

Mr. Sargent said that there is also a secondary use proposed on the site. It is to use the 4,475 sq. ft. building for maintenance and repair of commercial tractor trailers which would then be stored on a gravel area. At the January meeting when discussing waivers, Mr. Sargent said that there were comments made regarding storm water erosion control measures. As part of the demolition of the storage buildings, the applicant will be installing a silt fence along the area where the drainage is heading toward the detention basin.

The applicant asked for a modification of the parking requirements. Given the size of the buildings, 56 spaces are required. The applicant has proposed striping 9 spaces. Mr. Sargent has shown on the plan that there is ample room on the paved area to provide another 80 spaces. Mr. Dapergolas does not want to stripe the 80 spaces because the area will be used for towed vehicles.

Unlike a car dealership, people will not be coming in and looking at vehicles or picking up their towed vehicles. The activity involving the public coming to the site will be minimal.

Mr. John Dapergolas, owner of John's Wrecker Service, said they are a towing transportation business. They tow disabled vehicles from accident sites and store them for insurance purposes before moving them to body shops. The vehicles involved in motor vehicle accidents sometime have injured items such as radiators, oil coolers, etc. that could cause the vehicle to leak fluids. He said, in most cases, the accident vehicle leaks its fluids at the crash site. Part of his responsibility at the crash site is to clean-up any fluid spills. If there are any signs of residual fluid leaking while it is being transported, the vehicle is placed in a building, placed on a lift, and the remainder of the

fluid from the impacted part of the vehicle is drained. The vehicle is then placed outside in a storage area.

The Sheep Davis Road site gives John's Wrecker Service a lot of flexibility. For example, if a vehicle is towed to the site at 2 a.m., it could be placed inside and have a collect basin catch any residual fluid until daytime hours when the day crew can handle the leakage.

Mr. Dapergolas said he would also like to store things outside for long term storage such as camper trailers, and a flatbed trailer. Those items have no impact on the environment because they are "dry" vehicles and not motorized. They presently store those items at their Concord facility.

Chairman Topliff asked what Mr. Dapergolas would estimate the number of crash vehicles being towed to his facility on a "bad night" such as a snowstorm.

Mr. Dapergolas said it could be as much as a dozen vehicles.

Mr. Dapergolas said the majority of vehicles involved in accident do not leak fluids (such as vehicles that were rear ended or T-boned). Vehicles are towed because they are non-drivable from the windshield being blown out or a flat tire, bent suspension, inoperable lights, etc. The 34,000 sq. ft. building could house 20 vehicles and not impair their ability to conduct business.

He said it was not realistic to have a crew of men emptying fluids out of a vehicle at 2 a.m. It is more realistic to place the vehicles in a confined area with a concrete slab and have something under it to catch the leaking fluids.

Mr. Dapergolas said if there was a vehicle with a severe leak, they have someone on call 24 hrs. a day to drain the fluid. He said if he tows something that has a gas leak, the vehicle will not be stored in one of his buildings under any circumstance. Whoever operates the wrecker truck is required to drain all the gas and store the product properly.

The operators determine when a vehicle is leaking fluids by looking at the flatbeds they are towed on. The remains are very apparent on a flatbeds. One of the functions of the operator is to clean the deck of the truck before moving onto the next job. John's Wrecker Service is not as concerned about fluids leaking off the truck deck as they are about the fluids creating a slipper surface which make it dangerous to conduct business. They use Speedy dry to absorb the fluids. It is then considered solid waste and can be placed in contractor trash bags and disposed of.

With regard to storing vehicle fluids, Mr. Dapergolas said they have double-wall containers. One is specifically for antifreeze and the other is for petroleum products. It is a 275 gal. unit that is set up with a sucking unit which allows Clean Harbor or similar entity to suck the fluids out into their own trucks. He said all the procedures are documented because many are billable services and it is good environmental practice. Mr. Dapergolas said they are documented as Standard Operating Procedures (SOPs).

Mr. Dapergolas said his Integra Drive site has 50-60 parking spaces but is also a rental facility. The complex's parking spaces are used by employees of Dish Network, Hodges Development, etc. which have their own parking spaces. John's Wrecker Service does not occupy as many of the parking spots as they have laid out for themselves. He said it is difficult to compare the two facilities because the tenants will not be occupying the Sheep Davis Road facility.

Alternate Member Edmonds asked how frequently the fluids are taken off the site by contracted vendors. Mr. Dapergolas said they are removed within 30 days.

With regard to old antifreeze, motor oil, lubricants etc., he said very little is generated. Their container is emptied once a year. Mr. Dapergolas said if they could generate enough antifreeze and motor oil, they would have a waste-oil heater to heat their facility for free but they don't generate enough for that.

Mr. Dapergolas said they purchase recycled antifreeze from a facility who picks up old antifreeze from John's Wrecker Service. When old antifreeze is taken, recycled antifreeze is dropped off – approximately 20 gallons at a time.

Mr. Dapergolas reiterated that Speedy Dry is used on spills and is then considered solid waste and can go in a dumpster. John's Wrecker Service places their old Speedy Dry in a contractor trash bag along with broken glass or anything that was part of that particular motor vehicle accident and ties the bag up and places it inside the motor vehicle. When the vehicle leaves their site for a body shop, auction house, etc., whatever trash product was placed in the vehicle, goes with it.

Any Speedy Dry waste generated from servicing their own vehicles, goes into the dumpster.

Mr. Dapergolas said they typically have a 55-gallon drum of bulk oil stored at their facility. The maximum would be 110 gallons. The drum is stored in the parts room. It has a pan under it in case it leaks from the top.

Mr. Richard Berube of N. Pembroke Road commented that Sheep Davis Road houses many businesses that use oil such as H. P. Fairfields, etc. He also said the amount of money generated from vehicle registrations from John's Wrecker Service could be substantial.

Nancy Larson, Concord City Planner said she attended the ZBA meeting last night and apologized for getting her letter to Ms. Verdile late. She requested that the Planning Board, in its final motion to grant approval include: (1) the condition to incorporate the ZBA approval of the 3 Special Exceptions, and (2) that the ZBA conditions be noted on the plan with date of approval. She noted that one requirement was that the current gravel area proposed for vehicle storage be paved.

Although Concord agrees with recharging the aquifer, it also feels that the proposed vehicle storage area should be paved because it will be storing dry vehicles and overflow vehicles. She said that their concern is that if vehicles have fluids in them, those could potentially contaminate the aquifer.

Chairman Topliff said because of the soil type at the site, anything that would leak from the vehicles, would be very quickly absorbed by the ground. He said the paved area could be designed with rainwater catch systems which would allow treatment of the water before absorbing into the ground.

Ms. Larson said the applicant received a copy of Concord's letter. She said that she drove through the present John's Wrecker Service site and found that there is a significant area that is unpaved where vehicles are stored (North and West side of the building).

Mr. Dapergolas said he went before the Concord Planning Board in 2007 when they modified their 16,000 sq. ft. building.

Chairman Topliff said a study noted that the Integra Drive property had 175-200 vehicles on site. He said that it seemed like quite a few.

Mr. Dapergolas said some of them have been there for a while waiting to be scrapped as soon as scrap prices increase. They are uninsured or abandoned vehicles.

Chairman Topliff asked what was meant by a "dry vehicle".

Mr. Dapergolas said a "dry vehicle" is one that the floors have been pulled out and is ready to go to a Fire Department if it is needed for training purposes. The Fire Departments use approximately 12 vehicles annually for training purposes -- to use the "jaws of life" etc. The vehicle is drained of all fluids (contains no transmission fluid, no motor oil, no antifreeze) and is then called "dry".

Chairman Topliff asked if he would consider a "dry vehicle" hazard free. Mr. Dapergolas said yes.

Ms. Larson suggested a DES checklist that deals with green salvage yards be used. The vehicle checklist notes the description of the vehicle and which fluids were removed, etc. The checklist ensures that everyone is aware of the process done for each vehicle. Ms. Larson said it sounds as though John's Wrecker Service is versed in best management practices and may be already doing something to that extent.

Mr. Dapergolas said he is "on board" with putting a system in place that documents the procedures and is understood by everyone. .

Ms. Larson said she would e-mail the checklist to Mr. Dapergolas, Ms. Verdile, and Mr. Monahan.

Mr. Monahan said the NH Regional Planning Commission suggests the ZBA conditions be considered by the Planning Board and be incorporated on the plan; that the Planning Board defer to the Pembroke Water Works' February 19, 2016 letter; and that the Planning Board should comply with Mr. Vignale's findings and recommendations, especially numbers 1, 4, and 5.

Mr. Monahan suggested that since the applicant will be tying into the sewer system, that he speak with the Pembroke Sewer Commission regarding the MS 4 compliance and permit.

Chairman Topliff asked if the building had floor drains. Mr. Dapergolas said the present building has no floor drains. They are considering two options: (1) Designate an area, before entering the building, where the concrete slab would tapper into the floor drain and go through an oil/water separator and then be discharged or (2) Purchase a Tennant 5700 Industrial Scrubber to suck up any fluid that can be placed into a DOT-approved barrel and be disposed of by Clean Harbor. He then passed around a handout describing the Tennant 5700.

Vice Chairman Seaworth asked if their business plan included a limit of no more than 2 vehicle auctions per year.

Mr. Dapergolas said unclaimed motor vehicles, once properly processed through the State of NH, are auctioned before going to the scrap yard. Depending on how quickly his office can go through the paperwork, depends on how frequently whether they hold an auction. He said the process of disposing cars is mandated by NH law.

Ms. Verdile suggested one condition of approval: Allow 1 to 2 auctions a year. Mr. Dapergolas said most auctions have a few vehicles and a handful of spectators if any.

Mr. Dapergolas said from time to time there are opportunities that arise in business. He was recently contacted by someone who has 100 exotic cars to be auctioned. He said the new facility offers the ability to display the cars and has adequate parking for such an event. He said as long as they are not doing anything that is unlawful, he would like to explore ways to diversify on the site.

Chairman Topliff asked how many people would potentially come to an auction of 100 exotic cars. Mr. Dapergolas said 200. He said people would probably show up a week before the auction for viewing. If there were parking restrictions, one option would be to bus people in from another site. If it happens, it would be a one-shot deal and would be done within the Town's regulations.

Mr. Dapergolas said, at one time, Epoch Homes had as many as 140 employees and were parking on the gravel area. He said he expects to do a lot better job using the gravel area than what was done in the past.

Ms. Verdile encouraged Mr. Dapergolas to think of any other venues that he may want to have at the site, so the Board would be aware of them and they could be listed on the plan. By doing so, he would not have to waste time coming before the Planning Board whenever another opportunity arose.

Selectmen's Rep. Kline said if Mr. Dapergolas had an annual event, it should be documented on the plan. But, if he has an occasional opportunity such as the exotic car auction, he would require a large gathering permit which has its own regulations. The town would be covered in either

circumstance. He said it would be very difficult to document every possible future opportunity John's Wrecker Service may have.

Vice Chairman Seaworth said that he does not want to restrict the plan with something that may have a dual use such as the parking area. He suggested the Board explore alternate uses so when the plan is approved, the Board has not ruled something out.

Chris Culberson, a Pembroke Water Works Commissioner, said that Emery & Garrett Groundwater is also the hydrogeologist for the City of Concord. The Pembroke Water Works agreed with the recommendations made by Concord with regard to all the gravel and paved area and would like to see them on the site plan as improvements.

Mr. Culberson also said one of the ZBA conditions was a monitoring well on the property. Emery & Garrett and Nobis Engineering agreed with the location. The Pembroke Water Works agreed that the final review of the location of the well would be reviewed by Emery & Garrett and the Pembroke Water Works. The Pembroke Water Works will do sampling for a minimum of 5-year periods, paid for by the applicant, twice a year to look at the water quality and to trend it over a period of time. The Pembroke Water Works would like to maintain access to that well after that time for sampling. The Board should consider who will pay for the sampling after the 5-year period.

Mr. Culberson said the Pembroke Water Works agrees with paving the gravel areas with the ability to collect any fluids so that the fluids do not penetrate the ground.

Mr. Culberson also said because of the Pembroke Water Works DES classification, Pembroke Water Works is required to do BMPs every 3 years. They would like to reserve the right to do it twice a year so they can inspect and monitor the activities and keep their classification up.

Mr. Culberson said typically there is a SOP created for everything that happens on a site. His recommendation was to have a SOP in place as part of the plan. He would also ask that Emery & Garrett review the SOP and make sure that the correct application is listed for the process and would like them to make recommendations for the best application to reduce the possibility of contamination. They can be brought in to whatever level the Board feels comfortable with.

Attorney Jim Steiner, representing Mr. Dapergolas, said Mr. Dapergolas' facility has been in Concord for 25 years and will perform the same functions on Sheep Davis Road. He said Mr. Dapergolas has an impeccable environmental record and has never had any kind of problem at his facility. Unlike any of the other industrial businesses in the aquifer, Mr. Dapergolas' business has a 24/7 environmental response truck. John's Wrecker Service has more cleanup gear on site if something happened than any neighboring business. He does not have to wait for Clean Harbor or another environmental clean-up business to show up. His truck is equipped with all the pads, scrubbers, powders and other items necessary to take care of the problem because it is part of the SOP that he operates under. Attorney Steiner pointed out the Integra Drive and Sheep Davis Road sites are over the same aquifer.

He said Mr. Dapergolas is very willing to work with the Town to make sure that what he is doing is environmentally sound. With regard to the auctions, there is a distinction between the statutory disposals of less than 10 vehicles in the manner that Mr. Dapergolas described with 0-5 people showing up vs. the potential of a classic car event (greater than 50 cars).

He said the Board may want to make note that the disposal of less than 10 vehicles is not truly an auction.

Mr. Dapergolas said that site mediation is what his business does. They perform cleanup at accident sites.

Jim Vernon of Nobis Engineering said they were retained by Mr. Dapergolas to review Emery & Garrett's report. He said his recommendation would be to locate the monitoring well somewhere near the western end because he wants the monitoring well to intervene between Concord and Pembroke's Well #6. He said the specific location of the well could be agreed upon by all parties. Mr. Dapergolas is agreeable to put in the well and to have it monitored twice a year for 5 years as requested. If there were no problems found, after the 5-year period, Mr. Vernon said it would be reasonable to continue monitoring it but, in his opinion, only once annually.

Mr. Vernon also suggested once the well was drilled, samples should be collected immediately to establish a base line and then begin monitoring it every 6 months.

Mr. Vernon agreed with Emery & Garrett's suggestion to establish Best Management Practices. He said the tests of the applicant's Integra Drive current site were fine.

He said the proposed site is geographically uphill of Well #6 and just outside the wellhead protection area of Wells #2 and #3. The current Integra Drive site is in the wellhead protection area of Wells #2 and #3.

Chairman Topliff said because the Board does not have the ZBA conditions of approval that were documented at the February 22, 2016 meeting, the Board is forced to continue the public hearing to the March meeting.

Mr. Dapergolas asked if a partial approval could be given so that they could begin some portion of their operation.

Chairman Topliff said the Town does not have a process that allows the Board to do that.

Mr. Berube asked why the Planning Board would schedule this meeting the day after the ZBA meeting knowing that the Board would not have the ZBA minutes and conditions of approval.

Chairman Topliff said State law precludes the Board from delaying consideration of an application in the context of a ZBA decision. The Board is required, if an applicant made application to the ZBA and the application is also in front of the Planning Board, the Board cannot refuse to consider

that application just because the ZBA has not made a decision. The Board also cannot reschedule the meeting.

Selectmen's Rep. Kline noted that normally the Code Enforcement Officer would have the Conditions of Approval from the ZBA the day after their meeting, but, unfortunately, he had a death in the family which precluded him from doing so.

Chairman Topliff thanked Mr. Dapergolas and his representatives for doing such a great job and providing the Board with good information.

Chairman Topliff said if Mr. Dapergolas wanted to begin working on the SOPs, it would be a good thing.

Ms. Verdile said she would get the Special Exceptions and Conditions of Approval to Mr. Vignale and continue to work with the applicant and his representatives.

MOTION: Vice Chairman Seaworth moved to continue the public hearing to the Planning Board is March 22, 2016 meeting. Seconded by Member Young. Unanimously approved.

The Board recessed at 9:00 p.m.

Chairman Topliff reconvened the meeting at 9:09 p.m.

- 3. Special Use Permit Application, SUP-AC #16-302, Next Level Church, 79 Sheep Davis Road, LLC, on Tax Map 561, Lot 6, located at 79 Sheep Davis Road, in the Commercial/Industrial (C1) Zone and the Aquifer Conservation (AC) District. The applicant, Tony Fallon of Tony Fallon Architects, on behalf of Next Level Church and 79 Sheep David Road, LLC, requests a Special Use Permit from Article 143-68.E, Aquifer Conservation District, which is required for any activity taking place within the District. This permit is associated with the Major Site Plan Application Site #16-102. Continued from January 26, 2016**
- 4. Major Site Plan Application #16-102, Next Level Church, 79 Sheep Davis Road, LLC, on Tax Map 561, Lot 6, located at 79 Sheep Davis Road, in the Commercial/Industrial (C1) Zone and the Aquifer Conservation (AC) District. The applicant, Tony Fallon of Tony Fallon Architects, on behalf of Next Level Church and 79 Sheep David Road, LLC, proposes to remodel an existing commercial building and associated parking areas to locate a church. Continued from January 26, 2016**

Present: Tony Fallon of Tony Fallon Architects, Pastor Daniel King, Attorney Robert Murphy of Wadleigh, Starr & Peters, P.L.L.C.

Chairman Topliff recalled at the last meeting, the Board chose not to grant the waiver requests and to continue consideration of this application to February 23, 2016.

Attorney Murphy disclosed that he was recording the meeting.

Ms. Verdile summarized at the January meeting the application was not accepted as complete because of a waiver issue. Since that meeting, the applicant submitted revised plans and information that was acceptable to the Town Engineer. The applicant submitted the driveway permit application to DOT and is awaiting word on whether they need an updated permit or a new permit.

The applicant hired an engineer to draw plans which have met Town Engineer concerns. The applicant has met the intent of Part C of items A and D of the checklist requirements and do not need a waiver request for those items.

Ms. Verdile said that she agrees with the waiver requests as revised. Part A – Items B, C, D, I, K, and L; Part B – Numbers 11, 16, 18, 19, 20, and 21; Part C – B, C, E, F.

Chairman Topliff said that the Board considered each of the waiver request items at the last meeting, so if the Board is comfortable, a motion would be in order.

MOTION: Vice Chairman Seaworth moved to grant the waiver requests for checklist items: Part A – Items B, C, D, I, K, and L; Part B – Numbers 11, 16, 18, 19, 20, and 21; Part C – B, C, E, F. Seconded by Member Young.

Selectmen's Rep. Kline said Part C item A was mistakenly omitted from the motion. Ms. Verdile agreed that Part C Item A should have been included in the motion.

The motion was revised to read:

MOTION: Vice Chairman Seaworth moved to grant the waiver requests for checklist items: Part A – Items B, C, D, I, K, and L; Part B – Numbers 11, 16, 18, 19, 20, and 21; Part C – A, B, C, E, F. Seconded by Member Young.

After further review, Ms. Verdile corrected herself and said that Part C – A and D should not be included in the waiver requests.

MOTION: Vice Chairman Seaworth moved to grant the waiver requests for checklist items: Part A – Items B, C, D, I, K, and L; Part B – Numbers 11, 16, 18, 19, 20, and 21; Part C – B, C, E, F. Seconded by Member Young.

VOTE:	A. Topliff – Y	B. Seaworth – Y	F. Kline – Y
	K. Krebbs – Y	E. Edmonds – Y	L. Young – Y

MOTION TO GRANT THE WAIVER REQUESTS FOR CHECKLIST ITEMS: PART A – ITEMS B, C, D, I, K, AND L; PART B – NUMBERS 11, 16, 18, 19, 20, AND 21; PART C – B, C, E, F PASSED ON A 6-0 VOTE.

MOTION: Vice Chairman Seaworth moved to accept **Major Site Plan Application #16-102** as complete. Seconded by Member Young.

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

**MOTION TO ACCEPT MAJOR SITE PLAN APPLICATION #16-102 AS COMPLETE
PASSED ON A 6-0 VOTE.**

Chairman Topliff opened the public hearing at 9:19 p.m.

Mr. Fallon said the application site is at 79 Sheep Davis Road. There will be modest site changes such as: (1) 348 sq. ft. of pervious surface will be added; (2) Removing a drive-thru at the entry and replacing it with a patio and a few sidewalks; (3) Going to correct the accessible parking spaces from 2 to 4 and moving them closer to the entry; (4) The paving for the general parking lot will not change. They are not expanding the general parking lot. The existing driveway entry is not changing. (5) Restriping to gain the 4 parking spots previously mentioned; (6) Providing a dumpster location with an 8 ft. fence; (7) Removing trees along Sheep Davis Road and planting lower bushes so that the site is more visible; (8) Adding height to the existing front overhang; (9) Revising the front door entry with wood trim; (10) Repainting the metal siding; (11) Redressing the 2 columns.

Mr. Fallon said the applicant cannot get a final DOT letter until the real estate closing.

Alternate Member Edmonds asked how much the vehicular activity would be expected during typical operation of the site.

Pastor King said they will primarily have activities on Sundays. If there are activities during the week, he said that it would be only approximately 12 people having a meeting. There will not be midweek events or services. The traffic will be consolidated to weekend services. If they have 2 services on Sundays, they would schedule a half-hour gap between the services to primarily accommodate the lobby capacity and not the parking.

Pastor King said the church holds 5 services per weekend at their Rt. 108, Somersworth facility and there has never been an accident. He said that if Christmas Eve fell in the middle of the week, then there would be a service.

Mr. Fallon said there are 77 parking spots. The occupancy was revised from 316 to 308.

With regard to household items and cleaning solutions, Ms. Verdile said there would be a very low intensity.

Ms. Verdile read aloud the suggested conditions of approval from the Staff Report (page 12 of 12).

There being no further questions or comments from the Board or the audience, Chairman Topliff closed the public hearing at 9:31 p.m. He said if the case was continued to a subsequent Planning Board meeting, it would not be renoticed and all those interested should monitor the Planning Board agenda on the website or contact Town Hall.

MOTION: Member Krebs moved to approve the Special Use Permit Case #16-302-SUP-AC with the following conditions to be included as notes on the final subdivision plan:

1. Special Use Permit, SUP-AC #16-302, for activity within the Aquifer Conservation District is granted conditionally until the related Case #16-102, Major Site Plan Application, Next Level Church, has received final approval, at such time this Special Use Permit becomes final and will remain final for as long as Case #16-102, Major Site Plan Application, Next Level Church, is approved. If at any time the related case is revoked or final approval is not received, this Special Use Permit becomes invalid.
2. A Special Use Permit for activity within the Aquifer Conservation District was granted on February 23, 2016 by the Planning Board. The approval is contingent upon all provisions of the Town of Pembroke Zoning Chapter 143, Article 143-68.E, Aquifer Conservation District, being followed.

Seconded by Member Young.

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

MOTION TO APPROVE THE SPECIAL USE PERMIT CASE #16-302-SUP-AC WITH THE FOLLOWING CONDITIONS TO BE INCLUDED AS NOTES ON THE FINAL SUBDIVISION PLAN:

1. **SPECIAL USE PERMIT, SUP-AC #16-302, FOR ACTIVITY WITHIN THE AQUIFER CONSERVATION DISTRICT IS GRANTED CONDITIONALLY UNTIL THE RELATED CASE #16-102, MAJOR SITE PLAN APPLICATION, NEXT LEVEL CHURCH, HAS RECEIVED FINAL APPROVAL, AT SUCH TIME THIS SPECIAL USE PERMIT BECOMES FINAL AND WILL REMAIN FINAL FOR AS LONG AS CASE #16-102, MAJOR SITE PLAN APPLICATION, NEXT LEVEL CHURCH, IS APPROVED. IF AT ANY TIME THE RELATED CASE IS REVOKED OR FINAL APPROVAL IS NOT RECEIVED, THIS SPECIAL USE PERMIT BECOMES INVALID.**
2. **A SPECIAL USE PERMIT FOR ACTIVITY WITHIN THE AQUIFER CONSERVATION DISTRICT WAS GRANTED ON FEBRUARY 23, 2016 BY THE PLANNING BOARD. THE APPROVAL IS CONTINGENT UPON ALL PROVISIONS OF THE TOWN OF PEMBROKE ZONING CHAPTER 143,**

**ARTICLE 143-68.E, AQUIFER CONSERVATION DISTRICT, BEING
FOLLOWED.
PASSED ON A 6-0 VOTE.**

MOTION: Member Krebs moved to approve the Major Site Plan Application, Case #16-102, with the following conditions to be completed prior to the final plan being signed and the recording of the Notice of Decision:

1. The Checklist waivers that were granted shall be listed as an itemized note on the plan as to which waivers were granted with the date they were granted.
2. If necessary a revised driveway permit or letter from the NHDOT approving the access for the change of use for the site is required. A permit/letter of the new use to the site shall be submitted to the Planning Department prior to Planning Board signature on final plans.
3. Applicant is notified through this notice of the following: occupancy of the building is prohibited until a Certificate of Occupancy is issued, no site work shall begin and town building permits will not be issued until the final plan is signed and the Notice of Decision is recorded.
4. Applicant is notified through this notice that stamped engineered plans shall be submitted for all applicable renovations per the Building Inspector's requirements for the building/structural/floor plans, electrical, plumbing, fire alarm and fire suppression system as part of the building permit application process.
5. A note shall be included on the final plan stating when the Variance for the use was granted and any conditions of approval included with the Variance.
6. The site plan will not be considered as receiving final approval and will not be eligible for signature until all applicable conditions of approval are first completed.
7. Engineering Inspection Escrow in the amount of \$500.00 and Site Restoration Escrow in the amount of \$715.00 shall be submitted to the Town of Pembroke prior to final plan signature.
8. Place a note on the plan which will read: "Any storage or use of commercial chemicals in quantities in excess of 1 gallon shall be submitted to the Pembroke Water Works for review and opinion prior to any changes.
9. Contact the Town Planner before the following administrative corrections are to be made to sheet 1 of Roaring Brook Consultants, Inc. plan as follows: update revision dates of the plan, add Aquifer Conservation District, take off the word "proposed" 2 yard dumpster location, and remove the shed.
10. Provide the signatures of all property owners on the final plat.

Seconded by Member Young.

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

MOTION TO APPROVE THE MAJOR SITE PLAN APPLICATION, CASE #16-102, WITH THE FOLLOWING CONDITIONS TO BE COMPLETED PRIOR TO THE FINAL PLAN BEING SIGNED AND THE RECORDING OF THE NOTICE OF DECISION:

- 1. THE CHECKLIST WAIVERS THAT WERE GRANTED SHALL BE LISTED AS AN ITEMIZED NOTE ON THE PLAN AS TO WHICH WAIVERS WERE GRANTED WITH THE DATE THEY WERE GRANTED.**
- 2. IF NECESSARY A REVISED DRIVEWAY PERMIT OR LETTER FROM THE NHDOT APPROVING THE ACCESS FOR THE CHANGE OF USE FOR THE SITE IS REQUIRED. A PERMIT/LETTER OF THE NEW USE TO THE SITE SHALL BE SUBMITTED TO THE PLANNING DEPARTMENT PRIOR TO PLANNING BOARD SIGNATURE ON FINAL PLANS.**
- 3. APPLICANT IS NOTIFIED THROUGH THIS NOTICE OF THE FOLLOWING: OCCUPANCY OF THE BUILDING IS PROHIBITED UNTIL A CERTIFICATE OF OCCUPANCY IS ISSUED, NO SITE WORK SHALL BEGIN AND TOWN BUILDING PERMITS WILL NOT BE ISSUED UNTIL THE FINAL PLAN IS SIGNED AND THE NOTICE OF DECISION IS RECORDED.**
- 4. APPLICANT IS NOTIFIED THROUGH THIS NOTICE THAT STAMPED ENGINEERED PLANS SHALL BE SUBMITTED FOR ALL APPLICABLE RENOVATIONS PER THE BUILDING INSPECTOR'S REQUIREMENTS FOR THE BUILDING/STRUCTURAL/FLOOR PLANS, ELECTRICAL, PLUMBING, FIRE ALARM AND FIRE SUPPRESSION SYSTEM AS PART OF THE BUILDING PERMIT APPLICATION PROCESS.**
- 5. A NOTE SHALL BE INCLUDED ON THE FINAL PLAN STATING WHEN THE VARIANCE FOR THE USE WAS GRANTED AND ANY CONDITIONS OF APPROVAL INCLUDED WITH THE VARIANCE.**
- 6. THE SITE PLAN WILL NOT BE CONSIDERED AS RECEIVING FINAL APPROVAL AND WILL NOT BE ELIGIBLE FOR SIGNATURE UNTIL ALL APPLICABLE CONDITIONS OF APPROVAL ARE FIRST COMPLETED.**
- 7. ENGINEERING INSPECTION ESCROW IN THE AMOUNT OF \$500.00 AND SITE RESTORATION ESCROW IN THE AMOUNT OF \$715.00 SHALL BE SUBMITTED TO THE TOWN OF PEMBROKE PRIOR TO FINAL PLAN SIGNATURE.**
- 8. PLACE A NOTE ON THE PLAN WHICH WILL READ: "ANY STORAGE OR USE OF COMMERCIAL CHEMICALS IN QUANTITIES IN EXCESS OF 1 GALLON SHALL BE SUBMITTED TO THE PEMBROKE WATER WORKS FOR REVIEW AND OPINION PRIOR TO ANY CHANGES.**
- 9. CONTACT THE TOWN PLANNER BEFORE THE FOLLOWING ADMINISTRATIVE CORRECTIONS ARE TO BE MADE TO SHEET 1 OF ROARING BROOK CONSULTANTS, INC. PLAN AS FOLLOWS: UPDATE REVISION DATES OF THE PLAN, ADD AQUIFER CONSERVATION DISTRICT, TAKE OFF THE WORD "PROPOSED" 2 YARD DUMPSTER LOCATION, AND REMOVE THE SHED.**

10. PROVIDE THE SIGNATURES OF ALL PROPERTY OWNERS ON THE FINAL PLAT.
PASSED ON A 6-0 VOTE.

Chairman Topliff recommended voting on the minutes and then table the remainder of the agenda.

Minutes- January 26, 2016

MOTION: Member Young moved to approve the January 26, 2016 Meeting Minutes as amended. Seconded by Selectmen's Rep. Kline. Unanimously approved.

Miscellaneous

1. Planner Items- NH DOT meeting, NH National Guard information

Ms. Verdile said she attended the NH DOT meeting regarding the 110 lot subdivision. DOT is requiring the applicant to include a traffic count on Pembroke Street from the Academy Road light to Route 106. They also are requiring traffic information on the loop road and information on the liquor store.

The Liquor Store is proposed to open Memorial Day weekend. She said it is also rumored another retail/commercial space may eventually be included on the site.

Ms. Verdile said she informed DOT her experience is the traffic along Pembroke Street at 7:30-8:00 a.m. is backed up from the Academy Road traffic light nearly into Allenstown. Bill O'Donnell, NHDOT, and Ms. Verdile are concerned about the possibility of making a left-hand turn out of the proposed development onto Pembroke Street and onto Broadway. They are also concerned about traffic making a left-hand turn into the development from Pembroke Street.

Mr. Monahan said Hooksett just signed off on a 400 lot subdivision, which could very well add more traffic to Pembroke Street.

2. Other Business—

Vice Chairman Seaworth said he reviewed past ZBA minutes regarding a zoning change request to the Planning Board and said the ZBA only proposed the Planning Board only deal with the road frontage. They asked, if a nonconforming lot came in and did not have the length of road required, that the Planning Board remove the language so that they would not have to get a variance.

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

The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Pembroke Planning Board

Minutes of Meeting

February 23, 2016 (Adopted)

Jocelyn Carlucci, Recording Secretary