

**Pembroke Planning Board  
Minutes of Meeting  
May 24, 2016  
(Adopted)**

**MEMBERS PRESENT:** Alan Topliff, Chairman; Brian Seaworth, Vice Chairman; Larry Young, Sr.; Brent Edmonds; Fred Kline, Selectmen's Rep. (arrived 7:20 p.m. after School Board meeting appearance)

**ALTERNATES PRESENT:** Richard Bean

**EXCUSED:** Kathy Cruson; Robert Bourque

**STAFF PRESENT:** Stephanie Verdile, Town Planner; Susan Gifford, Recording Secretary

Chairman Topliff began the meeting at 7:00 p.m. Alternate Member Bean agreed to vote in place of Member Cruson.

**New Business –**

1. **Major Subdivision Application #16-03, Matthew Lavoie and Leanne Mullin, property owners of Tax Map 266, Lot 85-30, located at 123 Smith Ave., in the Medium density Residential (R1) Zone.** Through one owner/applicant, Matthew Lavoie, the owners propose to convert an existing residential duplex into a residential duplex under a condominium form of ownership.

A Condominium Site Plan for 123 Smith Avenue Condominium Units A&B dated April 8, 2016 prepared by Keach-Nordstrom Associates, Inc. and condominium floor plans drawn by Seth Prescott revised April 20, 2016 were provided with tonight's agenda packet.

**Present:** Matthew Lavoie and his wife; Leeann Mullin, and Michelle Radie-Coffin, Esq.

Ms. Verdile recapped that the application is a change in ownership with no development proposed. Ms. Verdile explained that after a meeting with Pembroke Water Works last week, a second meter and service line will be required for the second unit. Water Works will not have to cross the street to install. There will be a service shutoff and meter on each unit. Ms. Verdile read aloud the waivers requested from the checklist because they do not apply to this situation.

**MOTION:** Vice Chairman Seaworth made a motion to grant the waiver requests for: Part A, Items H, I, J, K, L, M, N, O, P, S, T, U, V, W, and X  
Part B, Items A, B, C, D, E, and F of the Major Subdivision Plan Review Checklist for Major Subdivision Application #16-03.  
Seconded by Member Young.

**VOTE:** A. Topliff - Y L. Young – Y B. Seaworth – Y  
R. Bean - Y B. Edmonds-Y

**MOTION TO GRANT WAIVER REQUESTS FOR: PART A, ITEMS H, I, J, K, L, M, N, O, P, S, T, U,V, W, AND X AND PART B, ITEMS A, B, C, D, E, AND F OF THE MAJOR SUBDIVISION PLAN REVIEW CHECKLIST FOR MAJOR SUBDIVISION APPLICATION #16-03 PASSED ON A 5-0 VOTE.**

**MOTION:** Vice Chairman Seaworth made a motion to accept the Major Subdivision Plan Application #16-03 as complete.  
Seconded by Member Bean.

**VOTE:** A. Topliff - Y L. Young – Y B. Seaworth – Y R.  
Bean - Y B. Edmonds- Y

**MOTION TO ACCEPT MAJOR SUBDIVISION PLAN APPLICATION #16-03 AS COMPLETE PASSED ON A 5-0 VOTE.**

Chairman Topliff opened the public hearing at 7:07 p.m.

Matthew Lavoie requested conditional approval for the Pembroke Water Work's requirement. Matthew Lavoie would satisfy the Water Works requirements before the plat is signed. Chairman Topliff explained that requirements like this are very often included as conditions of approval.

After discussions on the conditions of approval, the Board agreed on the following:

1. Provide the original signatures of all property owners and professionals on the final plans to be recorded.
2. Update the Condominium Declarations and Covenants and add a note to the final plans that reflect a second water line and meter will be installed per requirements of Pembroke Water Works.
3. Revise the Condominium Floor Plans to meet the Merrimack County Registry of Deeds standards required for recording plans.
4. The Condominium site plan and floor plans should be recorded prior to the recording of the Condominium Declarations and Covenants in order to include the plan recording information in the Condominium Declarations and Covenants.
5. A copy of the recorded, updated Condominium Declarations and Covenants shall be submitted to the Planning Department prior to the release of any remaining Planning Board application escrow funds.
6. Checklist waivers that were granted are to be listed completely on the plan with the date they were granted.
7. Add a note to the Condominium Site Plan explaining the "drainage easement".

There being no further comments or question from the Board and the public, Chairman Topliff closed the public hearing at 7:15 p.m. He said if consideration for this application was not concluded this evening, the cases would be continued to the next Planning Board meeting as well as the public hearing and will not be renoticed.

**MOTION:** Vice Chairman Seaworth made a motion to approve the Major Subdivision Plan Application, Case #16-03, with the following conditions to be completed prior to the final plan and Notice of Decision being signed and recorded:  
Seconded by Member Edmonds.

1. Provide the original signatures of all property owners and professionals on the final plans to be recorded.
2. Update the condominium declarations and covenants and add a note to the final plans that reflect a second water line and meter will be installed per requirements of Pembroke water works.
3. Revise the condominium floor plans to the meet the Merrimack county registry of deeds standards required for recording plans.
4. The condominium site plan and floor plans should be recorded prior to the recording of the condominium declarations and covenants in order to include the plan recording information in the condominium declarations and covenants.
5. A copy of the recorded, updated condominium declarations and covenants shall be submitted to the planning department prior to the release of any remaining planning board application escrow funds.
6. Checklist waivers that were granted are to be listed completely on the plan with the date they were granted.
7. Add a note to the condominium site plan explaining the "drainage easement".

**VOTE:**           A. Topliff - Y L. Young – Y           B. Seaworth – Y  
                       R. Bean - Y B. Edmonds – Y

**MOTION TO APPROVE THE MAJOR SUBDIVISION APPLICATION PLAN, CASE #16-03, WITH THE FOLLOWING CONDITIONS TO BE COMPLETED PRIOR TO THE FINAL PLAN AND NOTICE OF DECISION BEING SIGNED AND RECORDED:**

1. **PROVIDE THE ORIGINAL SIGNATURES OF ALL PROPERTY OWNERS AND PROFESSIONALS ON THE FINAL PLANS TO BE RECORDED.**
2. **UPDATE THE CONDOMINIUM DECLARATIONS AND COVENANTS AND ADD A NOTE TO THE FINAL PLANS THAT REFLECT A SECOND WATER LINE AND METER WILL BE INSTALLED PER REQUIREMENTS OF PEMBROKE WATER WORKS.**
3. **REVISE THE CONDOMINIUM FLOOR PLANS TO THE MEET THE MERRIMACK COUNTY REGISTRY OF DEEDS STANDARDS REQUIRED FOR RECORDING PLANS.**
4. **THE CONDOMINIUM SITE PLAN AND FLOOR PLANS SHOULD BE RECORDED PRIOR TO THE RECORDING OF THE CONDOMINIUM DECLARATIONS AND COVENANTS IN ORDER TO INCLUDE THE PLAN RECORDING INFORMATION IN THE CONDOMINIUM DECLARATIONS AND COVENANTS.**
5. **A COPY OF THE RECORDED, UPDATED CONDOMINIUM DECLARATIONS AND COVENANTS SHALL BE SUBMITTED TO THE PLANNING DEPARTMENT PRIOR TO THE RELEASE OF ANY REMAINING PLANNING BOARD APPLICATION ESCROW FUNDS.**
6. **CHECKLIST WAIVERS THAT WERE GRANTED ARE TO BE LISTED COMPLETELY ON THE PLAN WITH THE DATE THEY WERE GRANTED.**
7. **ADD A NOTE TO THE CONDOMINIUM SITE PLAN EXPLAINING THE "DRAINAGE EASEMENT".**

**PASSED ON A 5-0 VOTE**

1. **Special Use Permit Application SUP-AC #16-304, Mark Sargent, Richard Bartlett and Associates, LLC, for Sabbow & Co. Inc., owners of Tax Map 632, Lot 10, located at 52 Sheep Davis Rd., in Commercial Industrial (C1) Zone and the Aquifer Conservation (AC) District.** The applicant Mark Sargent on behalf of property owner Sabbow & Co. Inc., 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 #16-104.
2. **Major Site Plan Application #16-104, Mark Sargent, Richard Bartlett and Associates, LLC, for Sabbow & Co. Inc., owners of Tax Map 632, Lot 10, located at 52 Sheep Davis Rd., in the Commercial Industrial (C1) Zone and the Aquifer Conservation (AC) District.** The applicant Mark Sargent, on behalf of property owner Sabbow & Co. Inc., proposes a change in use to permit the utilization of an existing building for equipment storage for a commercial and residential property maintenance company.

**Present:** Mark Sargent of Richard D. Bartlett and Associates, LLC; Peter Scott, Shane and Crustal Laliberte of SKS Maintenance Services, Inc., 28 Wilson Avenue, Concord NH 03301.

Change of Use Plat prepared by Richard D. Bartlett and Associates, LLC for Sabbow & Company, Inc. dated April 19, 2016; Pembroke Technical Review Committee Minutes of Meeting May 4, 2016 and a letter to the Planning Board from SKS Maintenance Services, Inc. dated April 19, 2016 were included in the agenda packet.

Chairman Topliff stated that the Planning Board will consider Special Use Permit Application SUP-AC #16-304 and Major Site Plan Application #16-104 together since they are from the same applicant.

Ms. Verdile recapped that the application is for a change in use at an existing building. Ms. Verdile read aloud the waivers requested from the checklist because they do not apply to this situation.

**MOTION:** Vice Chairman Seaworth made a motion to grant the waiver requests for: Part A, Items C, G and L; Part B, Items 6, 7, 11, 16, 19, and 20; Part C, Items A, B, C, D, E, and F: For Major Site Plan Application #16-103.  
Seconded by Member Young.

**VOTE:** A. Topliff - Y L. Young – Y B. Seaworth – Y  
R. Bean - Y F. Kline - Y B. Edmonds - Y

**MOTION TO GRANT WAIVER REQUESTS FOR: PART A, ITEMS C, G AND L; PART B, ITEMS 6, 7, 11, 16, 19, AND 20; PART C, ITEMS A, B, C, D, E, AND F: FOR MAJOR SITE PLAN APPLICATION #16-103. PASSED ON A 6-0 VOTE.**

**MOTION:** Vice Chairman Seaworth made a motion to accept the Major Site Plan Application #16-104 as complete.

Seconded by Member Edmonds.

**VOTE:**        A. Topliff - Y            L. Young – Y            B. Seaworth – Y  
                  R. Bean - Y            F. Kline - Y            B. Edmonds- Y

**MOTION TO ACCEPT MAJOR SITE PLAN APPLICATION #16-104 AS COMPLETE PASSED ON A 6-0 VOTE.**

Chairman Topliff opened the public hearing at 7:22 p.m.

Mark Sargent of Richard D Bartlett and Associates, LLC, stated that the facilities are located at 52 Sheep Davis Road. There are three existing buildings, two of which are joined together. In 2011, Sabbow & Company, Inc. appeared before the Planning Board to store parts. In 2014 Sabbow requested a crematorium use and a stone cutting facility. Sabbow did not pursue the stone cutting use which was approved. Shane Laliberte stated that SKS Maintenance Services intends to store commercial vehicles, covered trailers, a bobcat, a bucket truck and a dump truck at the property. There will be no vehicles washed on the property. They will also store lawn mowers, leaf blowers, power broom, hedge trimmer, chainsaws, snow plows, snow blower, wet vacuums, floor scrubber, air movers, air scrubbers, ladders and similar tools and equipment.

In response to Board questions, Shane Laliberte stated they plan to store everything inside to protect it and keep equipment safe and secure. SKS has no plans for outside storage. In response to Member Edmonds' question, the facility is hooked up to town water and sewer. Air movers are used to dry carpet. Air scrubbers collect dust in a filter. Flooring jobs are subcontracted out. The company is in the business of property management. The business has one employee, is not open to the public and will have no regular operating hours. Small amounts of material from jobs, such as carpet tiles, acoustic ceiling tiles, latex paints and similar items may be stored. SDS sheets for all materials will be kept on site. 10-20 gallons of diesel fuel in 5 gallon containers, 5-15 gallons of gas in 5 gallon and smaller gas cans, less than 5 gallons of bar and chain oil and less than 2 gallons of 2 stroke engine oil will be kept in original containers. There will be secondary containment for all gas and oil.

Chairman Topliff stated that the location of the site is over the aquifer that feeds the town wells. The Planning Board must ensure that any potential contaminants are stored according to diligent Best Management Practices. The water quality in the aquifer is irreplaceable. Also, if the company wants a sign they need to apply to ZBA for a sign permit.

Mark Sargent stated that the building has been vacant since last year. Sabbow and Company, Inc. has owned the property since 2010. They were approved for a stone cutting use in 2014, but declined to install that more intense use.

After discussions on the conditions of approval, the Board agreed on the following:

1. Provide the signatures of all property owners on the final plat.
2. The Checklist waivers shall be listed completely as notes on the final plan with the date granted by the Planning Board.
3. Applicant is notified through this notice that no site work and/or building demolition or remodeling shall begin and that town demolition and building

permits will not be issued until the final plan is signed, and the Notice of Decision is recorded.

4. The site plan will not be considered as receiving final approval until all applicable conditions of approval are met, the final plan is signed, and the Notice of Decision is recorded.
5. Applicant to contact Town Planner prior to submission of final plan to make administrative corrections to the plan.
6. A sign permit will be required from the Building Inspector.
7. Prior to the issuance of any Certificate of Occupancy the applicant shall submit an As-built revised site plan for Planning Board signature that shows any approved administrative changes that have been made to the site including but not limited to: drainage features, landscaping, or buildings, etc. that have taken place during construction.
8. All chemicals or other possibly hazardous materials will be stored and handled inside the building, any vehicle maintenance will occur inside the building and the Fire Department, Code Enforcement Officer and Water Works will evaluate the safety and procedures associated with those materials.
9. Applicant will use best management practices for the storage and transfer of any potential contaminants on the property as required by the Pembroke Water Works. Secondary containment for any substance five gallons or more must hold 110% of the volume of the fluid being stored. The Water Department will do a site inspection after the initial setup and every three years thereafter.

There being no further comments or question from the Board and the public, Chairman Topliff closed the public hearing at 7:35 p.m. He said if consideration for this application was not concluded this evening, the cases would be continued to the next Planning Board meeting as well as the public hearing and will not be renoticed.

**MOTION:** Vice Chairman Seaworth made a motion to approve the **Special Use Permit Case #16-304-SUP-AC with the following conditions to be included as notes on the final site plan:**

1. Special Use Permit, SUP-AC #16-304, for activity within the Aquifer Conservation District is granted conditionally until the related, Major Site Plan Application #16-104, Mark Sargent, Richard Bartlett and Associates, LLC, for Sabbow & Co. Inc. has received final approval, at such time this Special Use Permit becomes final and will remain final for as long as Case #16-104, 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 May 24, 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 Edmonds.

**VOTE:**        A. Topliff - Y        L. Young – Y        B. Seaworth – Y

**SPECIAL USE PERMIT CASE #16-304-SUP-AC APPROVED WITH THE FOLLOWING CONDITIONS TO BE INCLUDED AS NOTES ON THE FINAL SITE PLAN:**

- 1. SPECIAL USE PERMIT, SUP-AC #16-304, FOR ACTIVITY WITHIN THE AQUIFER CONSERVATION DISTRICT IS GRANTED CONDITIONALLY UNTIL THE RELATED, MAJOR SITE PLAN APPLICATION #16-104, MARK SARGENT, RICHARD BARTLETT AND ASSOCIATES, LLC, FOR SABBOW & CO. INC. HAS RECEIVED FINAL APPROVAL, AT SUCH TIME THIS SPECIAL USE PERMIT BECOMES FINAL AND WILL REMAIN FINAL FOR AS LONG AS CASE #16-104, 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 MAY 24, 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:** Vice Chairman Seaworth made a motion to approve the Major Site Plan Application #16-104 with the following conditions. Applicable conditions shall be listed as notes on the final plan:

1. Provide the signatures of all property owners on the final plat.
2. The Checklist waivers shall be listed completely as notes on the final plan with the date granted by the Planning Board.
3. Applicant is notified through this notice that no site work and/or building demolition or remodeling shall begin and that town demolition and building permits will not be issued until the final plan is signed, and the Notice of Decision is recorded.
4. The site plan will not be considered as receiving final approval until all applicable conditions of approval are met, the final plan is signed, and the Notice of Decision is recorded.
5. Applicant to contact Town Planner prior to submission of final plan to make administrative corrections to the plan.
6. A sign permit will be required from the Building Inspector.
7. Prior to the issuance of any Certificate of Occupancy the applicant shall submit an As-built revised site plan for Planning Board signature that shows any approved administrative changes that have been made to the site including but not limited to: drainage features, landscaping, or buildings, etc. that have taken place during construction.
8. All chemicals or other possibly hazardous materials will be stored and handled inside the building, any vehicle maintenance will occur inside the building and the Fire Department, Code Enforcement Officer and Water Works will evaluate the safety and procedures associated with those materials.

9. Applicant will use best management practices for the storage and transfer of any potential contaminants on the property as required by the Pembroke Water Works. Secondary containment for any substance five gallons or more must hold 110% of the volume of the fluid being stored. The Water Department will do a site inspection after the initial setup and every three years thereafter.

Seconded by Member Edmonds.

**VOTE:**      A. Topliff - Y      L. Young – Y      B. Seaworth – Y  
                 R. Bean - Y      F. Kline - Y      B. Edmonds- Y

**MAJOR SITE PLAN APPLICATION #16-104 APPROVED WITH THE FOLLOWING CONDITIONS. APPLICABLE CONDITIONS SHALL BE LISTED AS NOTES ON THE FINAL PLAN:**

1. **PROVIDE THE SIGNATURES OF ALL PROPERTY OWNERS ON THE FINAL PLAT.**
2. **THE CHECKLIST WAIVERS SHALL BE LISTED COMPLETELY AS NOTES ON THE FINAL PLAN WITH THE DATE GRANTED BY THE PLANNING BOARD.**
3. **APPLICANT IS NOTIFIED THROUGH THIS NOTICE THAT NO SITE WORK AND/OR BUILDING, DEMOLITION, OR REMODELING SHALL BEGIN AND THAT TOWN DEMOLITION AND BUILDING PERMITS WILL NOT BE ISSUED UNTIL THE FINAL PLAN IS SIGNED AND THE NOTICE OF DECISION IS RECORDED.**
4. **THE SITE PLAN WILL NOT BE CONSIDERED AS RECEIVING FINAL APPROVAL UNTIL ALL APPLICABLE CONDITIONS OF APPROVAL ARE MET, THE FINAL PLAN IS SIGNED, AND THE NOTICE OF DECISION IS RECORDED.**
5. **APPLICANT TO CONTACT TOWN PLANNER PRIOR TO SUBMISSION OF FINAL PLAN TO MAKE ADMINISTRATIVE CORRECTIONS TO THE PLAN.**
6. **A SIGN PERMIT WILL BE REQUIRED FROM THE BUILDING INSPECTOR.**
7. **PRIOR TO THE ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY THE APPLICANT SHALL SUBMIT AN AS-BUILT REVISED SITE PLAN FOR PLANNING BOARD SIGNATURE THAT SHOWS ANY APPROVED ADMINISTRATIVE CHANGES THAT HAVE BEEN MADE TO THE SITE INCLUDING BUT NOT LIMITED TO: DRAINAGE FEATURES, LANDSCAPING, OR BUILDINGS, ETC. THAT HAVE TAKEN PLACE DURING CONSTRUCTION.**
8. **ALL CHEMICALS OR OTHER POSSIBLY HAZARDOUS MATERIALS WILL BE STORED AND HANDLED INSIDE THE BUILDING, ANY VEHICLE MAINTENANCE WILL OCCUR INSIDE THE BUILDING AND THE FIRE DEPARTMENT, CODE ENFORCEMENT OFFICER AND WATER WORKS WILL EVALUATE THE SAFETY AND PROCEDURES ASSOCIATED WITH THOSE MATERIALS.**
9. **APPLICANT WILL USE BEST MANAGEMENT PRACTICES FOR THE STORAGE AND TRANSFER OF ANY POTENTIAL CONTAMINANTS ON THE PROPERTY AS REQUIRED BY THE PEMBROKE WATER WORKS. SECONDARY CONTAINMENT FOR ANY SUBSTANCE FIVE GALLONS**



**OR MORE MUST HOLD 110% OF THE VOLUME OF THE FLUID BEING STORED. THE WATER DEPARTMENT WILL DO A SITE INSPECTION AFTER THE INITIAL SETUP AND EVERY THREE YEARS THEREAFTER. PASSED ON A 6-0 VOTE**

3. **Minor Subdivision Application #16-04, Joseph M. Wichert, LLS, for property owners, Paul & Jill Drouin and Thomas & Yvonne Bell of Tax Map 262, Lot 8 and Map 262, Lot 9 located at 458 Fourth Range Rd. and 462 Range Road, respectively, in the Rural/Agricultural-Residential (R3) Zone.** The applicant, Joseph Wichert, LLS, proposes to adjust the line between the subject parcels to create a lot of 2.24 acres (Lot 8) and 2.02 acres (Lot 9). The adjustment involves back land only and will not create any new lots.

A Lot Line Adjustment Plan for Paul & Jill Drouin and Thomas & Yvonne Bell prepared by Joseph M. Wichert, LLS, Inc., on April 19, 2016 was included in the agenda packet.

Ms. Verdile recapped that the application is for a lot line adjustment in the back land of two lots on Fourth Range Road. The waiver requests for Part A, Items A and B are partial. The applicant did not use a Certified Wetland Scientist, so for Items A and B, there will not be a Wetland Scientist seal on the plan. The two houses are preexisting. No development is planned. The adjustment involves back land only and will not create any new lots.

Ms. Verdile read aloud the waivers requested from the checklist because they do not apply to this situation.

**MOTION:** Vice Chairman Seaworth made a motion to grant the waiver requests for: Part A, Items A, B, C, J, K, L, M, N, O, P, R, S, U, V, W, and X of the Minor Subdivision Application Checklist for Application #16-04.  
Seconded by Selectmen's Representative Kline.

**VOTE:**           A. Topliff - Y           L. Young – Y           B. Seaworth – Y  
                      R. Bean - Y           F. Kline - Y           B. Edmonds-Y

**MOTION TO GRANT WAIVER REQUESTS FOR PART A, ITEMS A, B, C, J, K, L, M, N, O, P, R, S, U, V, W, AND X OF THE MINOR SUBDIVISION APPLICATION CHECKLIST FOR APPLICATION #16-04 PASSED ON A 6-0 VOTE.**

**MOTION:** Vice Chairman Seaworth made a motion to accept the Minor Subdivision Plan Application #16-04 as complete.  
Seconded by Selectmen's Representative Kline.

**VOTE:**           A. Topliff - Y           L. Young – Y           B. Seaworth – Y  
                      R. Bean - Y           F. Kline - Y           B. Edmonds- Y

**MOTION TO ACCEPT MINOR SUBDIVISION PLAN APPLICATION #16-04 AS COMPLETE PASSED ON A 6-0 VOTE.**

Chairman Topliff opened the public hearing at 7:52 p.m.

Joseph Wichert, LLS, stated he is the surveyor who prepared the lot line adjustment for both parties, Thomas and Yvonne Bell and Paul and Jill Drouin. The Bells are moving and proposed to sell the back land to the Drouins. Mr. Bell wants to keep the lot at 2 acres. So there will be 1.03 acres added to Drouins land and 1.03 acres subtracted from Bells land. None of the area involved contains septic or well components. There are no DES or driveway permits needed. Member Young asked for and received confirmation that the 50 foot right-of-way at the bottom is used as a driveway. It was laid out as a future town road. This lot line adjustment brings both lots into conforming size.

After discussions on the conditions of approval, the Board agreed on the following:

1. Checklist waivers that were granted are to be listed completely on the plan with the date they were granted.
2. Provide the original signatures of all property owners and professionals on the final plan.
3. Monuments are to be set in all required locations.
4. Contact Town Planner to go over Administrative Zoning information that needs to be added to the final plan.
5. Prior to final plat signature, notarized owner authorization letter(s) to be submitted to the Planning Department.

There being no further comments or question from the Board and the public, Chairman Topliff closed the public hearing at 8:00 p.m. He said if consideration for this application was not concluded this evening, the cases would be continued to the next Planning Board meeting as well as the public hearing and will not be renoticed.

**MOTION:** Vice Chairman Seaworth made a motion to approve Minor Subdivision Application, Case #16-04, with the following conditions to be completed prior to the final plan being signed and the recording of the Notice of Decision:

1. Checklist waivers that were granted are to be listed completely on the plan with the date they were granted.
2. Provide the original signatures of all property owners and professionals on the final plan.
3. Monuments are to be set in all required locations.
4. Contact Town Planner to go over Administrative Zoning information that needs to be added to the final plan.
5. Prior to final plat signature, notarized owner authorization letter(s) to be submitted to the Planning Department.

Seconded by Selectmen's Representative Kline.

<b>VOTE:</b>	A. Topliff - Y	L. Young – Y	B. Seaworth – Y
	R. Bean - Y	F. Kline - Y	B. Edmonds- Y

**MOTION TO APPROVE MINOR SUBDIVISION APPLICATION, CASE #16-04, WITH THE FOLLOWING CONDITIONS TO BE COMPLETED PRIOR TO THE FINAL PLAN BEING SIGNED AND THE RECORDING OF THE NOTICE OF DECISION:**

- 1. CHECKLIST WAIVERS THAT WERE GRANTED ARE TO BE LISTED COMPLETELY ON THE PLAN WITH THE DATE THEY WERE GRANTED.**
- 2. PROVIDE THE ORIGINAL SIGNATURES OF ALL PROPERTY OWNERS AND PROFESSIONALS ON THE FINAL PLAN.**

3. **MONUMENTS ARE TO BE SET IN ALL REQUIRED LOCATIONS.**
  4. **CONTACT TOWN PLANNER TO GO OVER ADMINISTRATIVE ZONING INFORMATION THAT NEEDS TO BE ADDED TO THE FINAL PLAN.**
  5. **PRIOR TO FINAL PLAT SIGNATURE, NOTARIZED OWNER AUTHORIZATION LETTER(S) TO BE SUBMITTED TO THE PLANNING DEPARTMENT.**
- PASSED ON A 6-0 VOTE.**

**Minutes** – Chairman Topliff tabled the April 26, 2016 minutes until a future meeting.

### **Miscellaneous**

1. Correspondence- none

2. Committee Reports-

Roads Committee: Vice-Chairman Seaworth reported that Roads Committee has not met this month.

CIP Committee: Member Young reported that CIP Committee has not started meeting yet this year.

Conservation Commission: Member Edmonds reported that Conservation Commission meets next month.

Master Plan Committee: Alternate Member Bean reported that the Master Plan Committee, which also includes Member Bourque and Selectmen's Rep. Kline, will meet later this month.

Board of Selectmen: Selectmen's Rep. Kline reported that this evening he went to a School Board meeting to gift a grant for installing sidewalks at Three Rivers School and at Rowe and Perley. The funds also allow for adding a flashing speed sign at school locations. This grant application had been denied by the State of NH twice previously, but was rewritten and resubmitted based on comments from the State.

The Pembroke Historical Society received a generous donation of materials to replace the roof on the old school building from the new owner of A&B Lumber. A&B Lumber will provide expertise and the Town will be looking for volunteer help from residents some weekend in July to complete the project.

Selectmen's Rep. reported on the TIF project.

### **3. Planner Items-**

Planning and Zoning Conference May 27, 2016, at Grappone Center, Concord NH

Ms. Verdile noted that the Planning Board budget allows for three members to attend this annual conference. If members are interested in attending, they should contact Ms. Verdile to submit the registration form and fee.

### **4. Construction Escrow-Allgeyer Site Plan Escrow Release**

Ms. Verdile reported that the Allgeyer project at 135 Pembroke Street is now complete and parking lot paving is done. The site was inspected and is complete as shown on the plan. The Town held \$1,800 in escrow pending completion.

**MOTION:** Vice-Chairman Seaworth moved to release the escrow held by the Town on the Allgeyer project.  
Seconded by Member Young.

**VOTE:**           A, Topliff - Y           L. Young – Y           B. Seaworth – Y  
                  R. Bean - Y           F. Kline - Y           B. Edmonds- Y

**MOTION TO RELEASE ESCROW FOR ALLGEYER 135 PEMBROKE STREET PROJECT PASSED ON A 6-0 VOTE**

**5. Board Member Items-**  
Grant Writer for Merrimack County

Vice-Chairman Seaworth reported that he reviewed the Merrimack County Budget update in relation to the Master Plan. Merrimack County is hiring a dedicated Grant Writer beginning July 1, 2016. When that individual is not busy writing county grants, the County plans to make the individual's services available to Merrimack County communities.

Applicant Attendance at Technical Review Committee

Chairman Topliff reported that for the first time since TRC was instituted, two applicants did not attend the scheduled Technical Review Committee meeting for their application. Where in the regulations is the expectation that an applicant will attend Technical Review Committee with Town Department heads? Member Young stated that TRC was begun as a way to speed the application along. It was not a written requirement of the Town, but a benefit to the developer/applicant. If concerns cannot be resolved prior to public hearing at Planning Board, it adds time and meetings to the process. Chairman Topliff stated that Technical Review Committee is a primary opportunity for an applicant to present questions to all department heads and exchange information. Department heads generally do not attend Planning Board meetings.

Ms. Verdile asked if an applicant is a no show at TRC, does the Planning Board feel the application be sent to the next Planning Board meeting. If there were significant questions as a result of Technical Review Committee, would the Planning Board prefer the application not go forward? If the application will not go to Planning Board meeting if applicant does not attend TRC meeting, there needs to be a written policy in the application process. This policy could be adopted as part of the checklist or as part of the regulations. The Planning Board could empower the Town Planner to exercise discretion on whether the plan should be placed on the next Planning Board agenda or held. A notice to the applicant should appear on the paperwork that failure to attend the Technical Review Committee meeting

could cause delay in processing the application. The applicant receives a copy of the TRC report following each meeting. If the application does not provide all the needed information, and the applicant does not attend the Technical Review Meeting to provide additional information, the application may not be complete for the next Planning Board meeting date.

#### Impact Fees/Off Site Improvements

Alternate Member Bean asked, as a new member, what has been the Pembroke Planning Board's experience with assessing Impact Fees. Chairman Topliff stated that impact fees have been exacted in the past, but to justify use of impact fees, there needs to be an impact on Town services from the project. Selectmen's Rep. Kline stated that right now, enrollment in the schools is down. There is excess capacity in Pembroke Academy. Vice-Chairman Seaworth stated that the impact fees assessed in the past were tracked and accounted for, and eventually had to be returned to the developer unused for the intended purpose. The Town has been successful in its ability to negotiate necessary off-site improvements for specific projects. Chairman Topliff summarized that it is good to periodically reevaluate the impact on town services that new development may have.

**MOTION:** Member Bean moved to adjourn the meeting. Seconded by Selectmen's Representative Kline. Unanimously approved.

The meeting was adjourned at 8:47 p.m.

Respectfully submitted,  
Susan Gifford, Recording Secretary