

**Pembroke Planning Board  
Minutes of Meeting  
(ADOPTED)  
March 22, 2016**

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

**ALTERNATES PRESENT:**

**EXCUSED:** Kathy Cruson; Kevin Krebs; Alternate Member Brent Edmonds

**STAFF PRESENT:** Stephanie Verdile, Town Planner; David Jodoin, Town Administrator; Jocelyn Carlucci, Recording Secretary

Chairman Topliff began the meeting at 7:12 p.m. and announced Members Kruson and Krebs along with Alternate Member Edmonds would not be attending but the members present qualified as a quorum.

**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 February 23, 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 February 23, 2016*

**Present:** Mark Sargent of Richard D. Bartlett and Associates, LLC; John Dapergolas (Applicant)

Chairman Topliff recapped that, at the last meeting, the Board accepted the waivers, voted the application as complete and opened the public hearing and continued it to the March 22, 2016 meeting.

Ms. Verdile said that there is one housekeeping item that the Board should address – the parking waiver request from the zoning ordinance.

Member Bourque asked if the Board had the authority to waive a Zoning Board requirement. Ms. Verdile said in this particular provision of the zoning ordinance, the Planning Board does.

Chairman Topliff reopened the public hearing at 7:15 p.m.

Mr. Sargent said based on the size of the buildings on site, 56 parking spaces are required. The applicant would like to stripe 9 spaces in the front. The plan shows 86 spaces that can be accommodated within the paved area. Because of the way the applicant intends on using the area, they would prefer not to stripe them. The space will primarily be used for storage of Mr. Dapergolas' vehicles. There will be very little public traffic associated with the facility.

Chairman Topliff read aloud the Zoning Board conditions dated February 22, 2016.

With regard to the monitoring well, Matt Gagne, Pembroke Water Works Superintendent, said testing the well for the first five years would be at the Applicant's expense. Thereafter, payment of the testing will be decided based on the information gathered. Mr. Sargent said that was also his understanding.

Chairman Topliff read aloud KV Partners' comments dated March 17, 2016.

Mr. Sargent said placement of the monitoring well will be somewhere at the Northwest corner of the site.

Mr. Sargent said originally the plan showed the vehicle storage area to be on the gravel portion of the site. For the time being, they will be storing the vehicles only on the impervious area. The dry storage (not the dry vehicles) will be on the gravel.

Mr. Dapergolas said he presently has three tow-behind campers on site. From time to time they may tow in a pickup truck and camper trailer so it is possible that both would need to be stored at the same time. The non-motorized trailer would be parked on the gravel.

Chairman Topliff asked if the Applicant would be providing winter storage of RVs or campers for the public. Mr. Dapergolas said "not at this time."

Member Bourque asked if the box trailers or sea compartments to be parked on the dry storage area on the hill of the site, would contain any hazardous material such as brake linings, brake drums or brake shoes. Mr. Dapergolas said no. He said they purchase that type of material as needed. The storage units will consist more of wrecker supplies such as slings, chains, and cables. They also have seasonal items such as motorcycle dollies from time to time, but it will be all non-hazardous materials.

Chairman Topliff said at some point, the site plan will need to be updated to reflect some the changes that have occurred.

Chairman Topliff asked if there was anything in the Salvage Yard Compliance Manual that would be difficult to comply with. Mr. Dapergolas said the Manual is very straightforward and they presently exceed the Manual requirements.

With regard to fuel storage, Mr. Dapergolas said they would prefer to have a fuel storage facility outside.

Mr. Sargent said they applied for a revised driveway permit with NHDOT just to be safe.

Ms. Verdile said one of the requirements for a change of use application on Route 106 is for the Applicant to check with NHDOT (NH Department of Transportation) to ensure that no changes would be necessary and a condition of approval that is applied to all applicants is that documentation be submitted to the Planning Department from DOT stating either no new permit is needed or a new permit is needed.

Chairman Topliff said the presently paved area is broken up with dirt between the old railed areas. He asked what the plan would be for that area.

Mr. Dapergolas said they plan to jackhammer the concrete rails, remove all the electrical outlets, level the area and pave it. They will create one impervious area. They will be removing buildings in that area and replacing that area with pavement, but there will be no increase in impervious area.

Member Bourque asked Mr. Dapergolas to discuss the number of junk vehicles to be stored and how long since, in his opinion, it could be considered a "junk yard".

He also said all sand and salt storage must be on an impervious area as they have required of other businesses such as Dirt Doctors.

Chairman Topliff read aloud the definition of a junk yard. He concluded John's Wrecker Service would not be storing the vehicles there for the purpose of dismantling the vehicles for parts or the use of the metal for scrap. He said that the Applicant may be the exception for the type of operation.

With regard to disposing of old vehicles on a regular basis, Chairman Topliff said the Applicant represented at the site walk, that, in the past, a Basin Street recycling business took as many vehicles as could be brought in but they no longer do that. There is one local business that accepts no more than 4 vehicles per day. This has eliminated the Applicant's ability to transfer them off site quickly.

Chairman Topliff said he noticed the Integra Drive site contained vehicles that were 4-5 vehicles deep which meant that they had been there for a length of time. He asked Mr. Dapergolas to comment.

Mr. Dapergolas acknowledged some vehicles had been on the site for a while. He said part of their business is to try and sell some of the vehicles to recapture their losses. Some were used as a parts vehicles in order to create one usable vehicle to sell.

He said they are presently in a "clean up mode" time of the year. Most of what was seen on the site walk was an entire winter's worth of activity that occurred. The winter is the most difficult time to clean the storage lot. Typically they would do a "marathon" run where they would dispose of approximately 50 cars in a weekend. He said they are now readdressing that practice because of the new concern with Schnitzer. He said they will have to make it part of their normal routine of getting rid of 4 cars per day as part of their day-to-day routine. Mr. Dapergolas said there is no gain

for the business to have them there. They are taking up valuable space with no return to the business.

Chairman Topliff asked if it would be a hardship to impose a condition of approval that states that a vehicle no longer road-worthy could be stored on site for no more than 90-120 days. Mr. Dapergolas said no.

With regard to salt storage, Mr. Dapergolas said prior to going to 107 Sheep Davis Road business they had steel containers that they used to dump material into a “roll-off”. Mr. Dapergolas said he now has 4 of those. Their intent is to fill the steel containers with salt and place them under cover. They will then fill their trucks from the containers so the salt does not end up on the ground.

Mr. Sargent said he would place the undercover salt storage site on the plan along with a note describing that the salt will be stored in containers and placed under cover.

Member Bourque said his only concern is the number of “dry vehicles” stored for an indefinite period of time. He suggested setting a set amount of time the vehicles can be stored.

Mr. Dapergolas said a window of 90-120 days is a reasonable amount of time for his business to go through the process necessary to dispose of a vehicle. He said the business does not do any dismantling of vehicles and the parking is of greater value to them.

Vice Chairman Seaworth said given the conversation at the last meeting regarding the Applicant holding public auctions, he agreed that if a large crowd was expected, the Town’s Large Gathering Ordinance would deal with it and, therefore, he no longer sees a reason to limit the number of auctions the Applicant could have.

Chairman Topliff said the Applicant indicated they might have a small auction once a week. Mr. Dapergolas said the protocol of what his industry requires in order to get rid of an abandoned vehicle is classified as an auction – where the public is notified and they have the ability to show up. One a week is the average. His records have shown that, historically 5-10 people show up at the auction.

With regard to the exotic car auction mentioned at the last meeting, Mr. Dapergolas said it would be a one-shot deal that they would like to organize.

Selectmen’s Rep. Kline said he had no issue with the Applicant holding weekly auctions consisting of a limited amount of people. He also felt very comfortable with larger auctions being handled through the Large Gathering Ordinance. Selectmen’s Rep. Kline said it would be ridiculous for the Board to try to regulate every type of event that Mr. Dapergolas could possibly hold given his creative thinking.

Mr. Sargent said the Applicant is not proposing any floor drains with oil/water separators at this time. His plan is to go with the zamboni-type floor cleaning machine.

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

1. The final plan shall include the entire Notice of Decision from the Pembroke Zoning Board of Adjustment dated February 22, 2016.
2. The Checklist waivers that were granted shall be listed completely on the plan as to which waivers were granted with the date granted.
3. If necessary a revised driveway permit or letter from the NHDOT approving the access for the change of use for the site shall be submitted to the Planning Department prior to signature on final plans.
4. Applicant is notified through this notice that no site work shall begin and town demolition and building permits will not be issued until the final plan is signed and the Notice of Decision is recorded.
5. 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.
6. 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.
7. The Applicant, Pembroke Water Works Superintendent, and Pembroke Sewer Operations Director shall perform a site inspection together of the site and buildings after plan signature and prior to issuance of demolition and/or building permits. The inspection will be to determine the necessary retrofitting of buildings, installation of equipment, and site improvements for the proposed uses of vehicles repair, storage, and maintenance. This shall be in conjunction with any conditions of approval from the Special Exceptions granted.
8. Applicant shall declare existing septic system on site failed, provide proof of decommissioned system to Pembroke Sewer Department, and connect to Town Sewer before issuance of a Certificate of Occupancy.
9. Any use proposed under a different owner/applicant, which is permitted by right in the zone, shall require a special use permit application be submitted to the Planning Board.
10. There shall be no storage of any cars, vehicles or hazardous materials on any gravel surfaces on site.
11. If applicant wants to pave gravel areas in the future, an application must be made to the Planning Department to determine what type of application should be submitted and needed for approval.
12. Applicant to submit the Standard Operating Procedure (SOP) Manual to Town Engineer, Emery & Garret, and Pembroke Water Works and Pembroke Planning Department for their review and approval prior to final plan signature.
13. Applicant shall place a note on the plan that says, "Outdoor events are permitted at the applicant's discretion. Temporary outdoor events will not impact the required parking spaces."
14. Outdoor fuel storage shall have containment and overhead coverage. Salt or other ice treatment shall have overhead coverage and be stored on an impervious surface.
15. Knox Box capabilities approved by the Fire Department shall be installed on the gate with access provided to Fire Department.
16. The plan shall be revised to include following administrative correction(s): add water lines.
17. The location of the monitoring well shall be shown on the plan.

18. Submit funds in escrow as recommended by KV Partners for engineering site inspections and site restoration related to the demolition of the buildings.
19. Abandoned vehicles may be stored for disposal up to 120 days unless impounded by state, federal or local authorities or involved in a civil or criminal proceeding.
20. There shall be no overflow parking of vehicles along Route 106/Sheep Davis Road at any time.
21. Prior to the release of site restoration escrow, the applicant shall submit an As- built-revised site plan that shows of the buildings labeled “proposed to be removed” have been removed from the plan.
22. Provide the original signatures of all property owners on the final plat.
23. All chemicals or other possibly hazardous materials will be stored and handled in a manner approved by the Fire Department, Code Enforcement Officer and the Pembroke Water Works.

There being no further comments or questions from the Board and the public, Chairman Topliff closed the public hearing at 8:30 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.

Vice Chairman Seaworth read aloud the Richard Bartlett & Associates, LLC, “Parking Requirement Modification” letter submitted by the applicant as part of the application.

**MOTION:** Member Bourque moved to waive the parking requirement as requested by the Applicant. Seconded by Vice Chairman Seaworth.

**VOTE:**      A. Topliff – Y                      L. Young – Y                      B. Seaworth – Y  
                     B. Bourque – Y                      F. Kline – Y

**MOTION TO WAIVE THE PARKING REQUIREMENT AS REQUESTED BY THE APPLICANT PASSED ON A 5-0 VOTE.**

**MOTION:** Vice Chairman Seaworth moved to approve the Special Use Permit Case #16-301-SUP-AC with the following conditions to be included as notes on the final site plan:

1. Special Use Permit, SUP-AC #16-301, for activity within the Aquifer Conservation District is granted conditionally until the related Case #16-101, Major Site Plan Application, John’s Wrecker Service, has received final approval, at such time this Special Use Permit becomes final and will remain final for as long as Case #16-101, Major Site Plan Application, John’s Wrecker Service, 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 March 22, 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 Bourque.

**VOTE:**      A. Topliff – Y                      L. Young – Y                      B. Seaworth – Y  
                 B. Bourque – Y                      F. Kline – Y

**MOTION TO APPROVE THE SPECIAL USE PERMIT CASE #16-301-SUP-AC WITH THE FOLLOWING CONDITIONS TO BE INCLUDED AS NOTES ON THE FINAL SITE PLAN:**

- 1. SPECIAL USE PERMIT, SUP-AC #16-301, FOR ACTIVITY WITHIN THE AQUIFER CONSERVATION DISTRICT IS GRANTED CONDITIONALLY UNTIL THE RELATED CASE #16-101, MAJOR SITE PLAN APPLICATION, JOHN'S WRECKER SERVICE, HAS RECEIVED FINAL APPROVAL, AT SUCH TIME THIS SPECIAL USE PERMIT BECOMES FINAL AND WILL REMAIN FINAL FOR AS LONG AS CASE #16-101, MAJOR SITE PLAN APPLICATION, JOHN'S WRECKER SERVICE, 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 MARCH 22, 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 5-0 VOTE.**

**MOTION:** Vice Chairman Seaworth moved to approve the Major Site Plan Application, Case #16-101, with the following conditions to be added to the site plan and completed, as applicable, prior to the final plan being signed and the recording of the Notice of Decision:

1. The final plan shall include the entire Notice of Decision from the Pembroke Zoning Board of Adjustment dated February 22, 2016.
2. The Checklist waivers that were granted shall be listed completely on the plan as to which waivers were granted with the date granted.
3. If necessary a revised driveway permit or letter from the NHDOT approving the access for the change of use for the site shall be submitted to the Planning Department prior to signature on final plans.
4. Applicant is notified through this notice that no site work shall begin and town demolition and building permits will not be issued until the final plan is signed and the Notice of Decision is recorded.
5. 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.
6. 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.

7. The Applicant, Pembroke Water Works Superintendent, and Pembroke Sewer Operations Director shall perform a site inspection together of the site and buildings after plan signature and prior to issuance of demolition and/or building permits. The inspection will be to determine the necessary retrofitting of buildings, installation of equipment, and site improvements for the proposed uses of vehicles repair, storage, and maintenance. This shall be in conjunction with any conditions of approval from the Special Exceptions granted.
8. Applicant shall declare existing septic system on site failed, provide proof of decommissioned system to Pembroke Sewer Department, and connect to Town Sewer before issuance of a Certificate of Occupancy.
9. Any use proposed under a different owner/applicant, which is permitted by right in the zone, shall require a special use permit application be submitted to the Planning Board.
10. There shall be no storage of any cars, vehicles or hazardous materials on any gravel surfaces on site.
11. If applicant wants to pave gravel areas in the future, an application must be made to the Planning Department to determine what type of application should be submitted and needed for approval.
12. Applicant to submit the Standard Operating Procedure (SOP) Manual to Town Engineer, Emery & Garret, and Pembroke Water Works and Pembroke Planning Department for their review and approval prior to final plan signature.
13. Applicant shall place a note on the plan that says, "Outdoor events are permitted at the applicant's discretion. Temporary outdoor events will not impact the required parking spaces."
14. Outdoor fuel storage shall have containment and overhead coverage. Salt or other ice treatment shall have overhead coverage and be stored on an impervious surface.
15. Knox Box capabilities approved by the Fire Department shall be installed on the gate with access provided to Fire Department.
16. The plan shall be revised to include following administrative correction(s): add water lines.
17. The location of the monitoring well shall be shown on the plan.
18. Submit funds in escrow as recommended by KV Partners for engineering site inspections and site restoration related to the demolition of the buildings.
19. Abandoned vehicles may be stored for disposal up to 120 days unless impounded by state, federal or local authorities or involved in a civil or criminal proceeding.
20. There shall be no overflow parking of vehicles along Route 106/Sheep Davis Road at any time.
21. Prior to the release of site restoration escrow, the applicant shall submit an As- built-revised site plan that shows of the buildings labeled "proposed to be removed" have been removed from the plan.
22. Provide the original signatures of all property owners on the final plat.
23. All chemicals or other possibly hazardous materials will be stored and handled in a manner approved by the Fire Department, Code Enforcement Officer and the Pembroke Water Works.

Seconded by Member Bourque.

<b>VOTE:</b>	A. Topliff – Y	L. Young – Y	B. Seaworth – Y
	B. Bourque – Y	F. Kline – Y	



**MOTION TO APPROVE THE MAJOR SITE PLAN APPLICATION, CASE #16-101, WITH THE FOLLOWING CONDITIONS TO BE ADDED TO THE SITE PLAN AND COMPLETED, AS APPLICABLE, PRIOR TO THE FINAL PLAN BEING SIGNED AND THE RECORDING OF THE NOTICE OF DECISION:**

- 1. THE FINAL PLAN SHALL INCLUDE THE ENTIRE NOTICE OF DECISION FROM THE PEMBROKE ZONING BOARD OF ADJUSTMENT DATED FEBRUARY 22, 2016.**
- 2. THE CHECKLIST WAIVERS THAT WERE GRANTED SHALL BE LISTED COMPLETELY ON THE PLAN AS TO WHICH WAIVERS WERE GRANTED WITH THE DATE GRANTED.**
- 3. IF NECESSARY A REVISED DRIVEWAY PERMIT OR LETTER FROM THE NHDOT APPROVING THE ACCESS FOR THE CHANGE OF USE FOR THE SITE SHALL BE SUBMITTED TO THE PLANNING DEPARTMENT PRIOR TO SIGNATURE ON FINAL PLANS.**
- 4. APPLICANT IS NOTIFIED THROUGH THIS NOTICE THAT NO SITE WORK SHALL BEGIN AND TOWN DEMOLITION AND BUILDING PERMITS WILL NOT BE ISSUED UNTIL THE FINAL PLAN IS SIGNED AND THE NOTICE OF DECISION IS RECORDED.**
- 5. 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.**
- 6. 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.**
- 7. THE APPLICANT, PEMBROKE WATER WORKS SUPERINTENDENT, AND PEMBROKE SEWER OPERATIONS DIRECTOR SHALL PERFORM A SITE INSPECTION TOGETHER OF THE SITE AND BUILDINGS AFTER PLAN SIGNATURE AND PRIOR TO ISSUANCE OF DEMOLITION AND/OR BUILDING PERMITS. THE INSPECTION WILL BE TO DETERMINE THE NECESSARY RETROFITTING OF BUILDINGS, INSTALLATION OF EQUIPMENT, AND SITE IMPROVEMENTS FOR THE PROPOSED USES OF VEHICLES REPAIR, STORAGE, AND MAINTENANCE. THIS SHALL BE IN CONJUNCTION WITH ANY CONDITIONS OF APPROVAL FROM THE SPECIAL EXCEPTIONS GRANTED.**
- 8. APPLICANT SHALL DECLARE EXISTING SEPTIC SYSTEM ON SITE FAILED, PROVIDE PROOF OF DECOMMISSIONED SYSTEM TO PEMBROKE SEWER DEPARTMENT, AND CONNECT TO TOWN SEWER BEFORE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.**
- 9. ANY USE PROPOSED UNDER A DIFFERENT OWNER/APPLICANT, WHICH IS PERMITTED BY RIGHT IN THE ZONE, SHALL REQUIRE A SPECIAL USE PERMIT APPLICATION BE SUBMITTED TO THE PLANNING BOARD.**

10. **THERE SHALL BE NO STORAGE OF ANY CARS, VEHICLES OR HAZARDOUS MATERIALS ON ANY GRAVEL SURFACES ON SITE.**
  11. **IF APPLICANT WANTS TO PAVE GRAVEL AREAS IN THE FUTURE, AN APPLICATION MUST BE MADE TO THE PLANNING DEPARTMENT TO DETERMINE WHAT TYPE OF APPLICATION SHOULD BE SUBMITTED AND NEEDED FOR APPROVAL.**
  12. **APPLICANT TO SUBMIT THE STANDARD OPERATING PROCEDURE (SOP) MANUAL TO TOWN ENGINEER, EMERY & GARRET, AND PEMBROKE WATER WORKS AND PEMBROKE PLANNING DEPARTMENT FOR THEIR REVIEW AND APPROVAL PRIOR TO FINAL PLAN SIGNATURE.**
  13. **APPLICANT SHALL PLACE A NOTE ON THE PLAN THAT SAYS, "OUTDOOR EVENTS ARE PERMITTED AT THE APPLICANT'S DISCRETION. TEMPORARY OUTDOOR EVENTS WILL NOT IMPACT THE REQUIRED PARKING SPACES."**
  14. **OUTDOOR FUEL STORAGE SHALL HAVE CONTAINMENT AND OVERHEAD COVERAGE. SALT OR OTHER ICE TREATMENT SHALL HAVE OVERHEAD COVERAGE AND BE STORED ON AN IMPERVIOUS SURFACE.**
  15. **KNOX BOX CAPABILITIES APPROVED BY THE FIRE DEPARTMENT SHALL BE INSTALLED ON THE GATE WITH ACCESS PROVIDED TO FIRE DEPARTMENT.**
  16. **THE PLAN SHALL BE REVISED TO INCLUDE FOLLOWING ADMINISTRATIVE CORRECTION(S): ADD WATER LINES.**
  17. **THE LOCATION OF THE MONITORING WELL SHALL BE SHOWN ON THE PLAN.**
  18. **SUBMIT FUNDS IN ESCROW AS RECOMMENDED BY KV PARTNERS FOR ENGINEERING SITE INSPECTIONS AND SITE RESTORATION RELATED TO THE DEMOLITION OF THE BUILDINGS.**
  19. **ABANDONED VEHICLES MAY BE STORED FOR DISPOSAL UP TO 120 DAYS UNLESS IMPOUNDED BY STATE, FEDERAL OR LOCAL AUTHORITIES OR INVOLVED IN A CIVIL OR CRIMINAL PROCEEDING.**
  20. **THERE SHALL BE NO OVERFLOW PARKING OF VEHICLES ALONG ROUTE 106/SHEEP DAVIS ROAD AT ANY TIME.**
  21. **PRIOR TO THE RELEASE OF SITE RESTORATION ESCROW, THE APPLICANT SHALL SUBMIT AN AS- BUILT-REVISED SITE PLAN THAT SHOWS OF THE BUILDINGS LABELED "PROPOSED TO BE REMOVED" HAVE BEEN REMOVED FROM THE PLAN.**
  22. **PROVIDE THE ORIGINAL SIGNATURES OF ALL PROPERTY OWNERS ON THE FINAL PLAT.**
  23. **ALL CHEMICALS OR OTHER POSSIBLY HAZARDOUS MATERIALS WILL BE STORED AND HANDLED IN A MANNER APPROVED BY THE FIRE DEPARTMENT, CODE ENFORCEMENT OFFICER AND THE PEMBROKE WATER WORKS.**
- PASSED ON A 5-0 VOTE.**

Chairman Topliff recessed the meeting at 8:35 p.m.

Chairman Topliff reconvened the meeting at 8:45 p.m.

3. **Minor Subdivision Application #16-01, David & Rachel Ladd/DASAI Group, LLC, on Tax Map 561, Lots 18 & 46, located at 743 Clough Mill Rd., in the Rural Agricultural (R3) Zone, the Commercial/Light Industrial (C1) Zone, and the Aquifer Conservation (AC) District.** The applicant Tim Bernier of T. F. Bernier, Inc., on behalf of the property owners David & Rachel Ladd/DASAI Group, LLC, proposes a Lot Line Adjustment between lots 18 and 46 with the resulting lots ranging in size from 17 acres to 46 acres.

**Present:** Timothy Bernier of T F. Bernier, Inc. and Rachel Ladd (Applicant)

Ms. Verdile said this was a boundary line adjustment consisting of several waiver requests which she agreed with.

**MOTION:** Member Bourque moved to grant the waiver requests for checklist items: C, I, J, K, L, M, N, O, S, U, V, and W. Seconded by Member Young.

**VOTE:**      A. Topliff – Y                      L. Young – Y                      B. Seaworth – Y  
                 B. Bourque – Y                      F. Kline – Y

**MOTION TO GRANT THE WAIVER REQUESTS FOR CHECKLIST ITEMS: C, I, J, K, L, M, N, O, S, U, V, AND W PASSED ON A 5-0 VOTE.**

**Motion:** Member Bourque moved to accept the application as complete. Seconded by Vice Chairman Seaworth.

**VOTE:**      A. Topliff – Y                      L. Young – Y                      B. Seaworth – Y  
                 B. Bourque – Y                      F. Kline – Y

**MOTION TO ACCEPT THE APPLICATION AS COMPLETE PASSED ON A 5-0 VOTE.**

Chairman Topliff opened the public hearing at 8:50 p.m.

Mr. Bernier said the Ladds (aka DAISAI Group LLC) own Lot 46 and Lot 18. They would like to reorganize their properties by taking a portion of Lot 46 and adding it to Lot 18 and also take a portion of Lot 18 and add it to Lot 46. Mr. Bernier said there is a natural stream that creates a natural boundary.

Mr. Bernier explained the boundary line shown on the map would remain a jurisdictional boundary because Lot 18 was the original Kruger gravel pit which is a “grandfathered” use. Lot 46 is the new gravel pit that is a “permitted” use. There are two different governing bodies – the grandfathered and permitted uses. A clarification note was added to the plan.

Member Young asked how the Board could approve increasing a non-conforming lot because it was grandfathered.

Chairman Topliff said the topic of conforming and nonconforming lots has to do with the zoning ordinance and not mining. It changes the legal boundary of the lot such that it crosses over into the purview of a separate gravel pit permit but it does not affect conformity. Ms. Verdile agreed. She

said the 2010 site plan of Lot 18 brought the lot into conformity. She said the use was what was grandfathered. The Ladds are not changing the use of the site that was granted, they are just adjusting the lot line. She also said that there is no real nonconformity.

Chairman Topliff said that Note 5 makes it clear that the grandfathered pit operation at the boundary stays the same.

Ms. Verdile reviewed the conditions of approval.

Selectmen's Rep. Kline asked Ms. Verdile if granite posts were required as markers. Ms. Verdile said yes.

There being no further questions or comments from the Board or the public, Chairman Topliff closed the public hearing at 9:01 p.m. If the consideration of the application was not concluded at the meeting, it would be continued to a later business meeting without being renoticed.

**MOTION:** Member Bourque moved to approve the Boundary Line Adjustment Plan with the following conditions:

1. Provide the signatures of all property owners on the final plat.
2. Checklist waivers that were granted are to be listed completely on the plan with the date they were granted.
3. Monuments are to be set in all required locations.

Seconded by Selectmen's Rep. Kline.

**VOTE:**      A. Topliff – Y                      L. Young – Y                      B. Seaworth – Y  
                  B. Bourque – Y                      F. Kline – Y

**MOTION TO APPROVE THE BOUNDARY LINE ADJUSTMENT PLAN WITH THE FOLLOWING CONDITIONS:**

- 1. PROVIDE THE SIGNATURES OF ALL PROPERTY OWNERS ON THE FINAL PLAT.**
- 2. CHECKLIST WAIVERS THAT WERE GRANTED ARE TO BE LISTED COMPLETELY ON THE PLAN WITH THE DATE THEY WERE GRANTED.**
- 3. MONUMENTS ARE TO BE SET IN ALL REQUIRED LOCATIONS.**

**PASSED ON A 5-0 VOTE.**

**Minutes-** February 23, 2016

Chairman Topliff tabled the February 23, 2016 minutes until a future meeting.

### **Miscellaneous**

1. Correspondence- Ms. Verdile said that she received the Business NH Magazine.

## 2. Committee Reports-

Hazardous Mitigation Committee: Member Young said that the meetings are nearly done.

Tri-Town Ambulance: Member Bourque said that their last meeting was administrative only.

Board of Selectmen: Selectmen's Rep. Kline said that Town meeting started at 10:05 and ended at 10:26 a.m. with the exception that the ballot had to remain open for one hour on the sewer bond.

Selectmen's Rep. Kline said that the Commercial Noise Ordinance would be reviewed by the Board of Selectmen this summer.

TIF: Selectmen's Rep. Kline said that the Cooperative Way project went out to bid. The Alteration of Terrain permit was received. He said that the Sewer Department granted sewage capacity to the TIF District loop road project. They agreed to hold the sewage capacity for two years.

Conservation Commission: Ms. Verdile said the Commission was having a site walk on Thursday, March 24, 2016 at 4:30 p.m. for the Pembroke Meadows project. They will meet at Pembroke Academy. She has not received a formal application from Pembroke Meadows.

The Board expressed their concern over the project's entrance at Broadway and onto Route 3. Vice Chairman Seaworth asked if the Board could require a four-way stop light at the Pembroke Meadows project. Chairman Topliff said the Applicant would have to apply to the State for a permit and, although the Board had no jurisdiction over a state road, the Board could attach requirements to the approved site plan such as coming out at a signaled intersection, which the Applicant would then have to comply with.

## 3. Planner Items- Planning Board homework 2016

Ms. Verdile said the Board would be working on the Excavation regulations at the April work session. It will not be a public hearing.

She also said the Board should begin working on the Master Plan and solicit volunteers outside the Board to help with it.

She said there are also several RSA updates that will require the Board to adjust the ordinance. The Board also must make adjustments to the Subdivision Regulations in order to capture the definition amendments to the Zoning Ordinance that the Board made in 2015. She will prepare the language for their review.

Ms. Verdile asked the Board if they would like to add another work session a month in order to work on the items that she has mentioned. The Board was not in favor of doing so. Chairman Topliff suggested setting priorities such as first completing all items that are RSA driven and putting the other items aside until they have time.

Selectmen's Rep. Kline said the NH Regional Planning Commission would have to be hired to help the Board with the Master Plan if the funding were available.

Mr. Jodoin said the Town's budget is "bare bones". He said that 95% of the budget is salary and benefits. He spoke with Mike Tardiff about available grants and was told that a grant for approximately \$1,500 may be available. Ms. Verdile said it could cost a minimum of \$20,000 to redo the Master Plan. The Board could concentrate on things that might not cost money.

Mr. Jodoin said Mr. Tardiff could meet with the Board for free and talk about what Master Plan items could be done internally and externally and how to do them.

With regard to the traffic count, the Board decided Ms. Verdile should share her suggestions with the Roads Committee, Jim Boisvert, and Paulette Malo and ask them to make the final decisions and send it to the NHDOT.

#### **4. Board Member Items-**

Selectmen's Rep. Kline said that Doctor Greco and Mr. Sheldon were re-elected to the Board of Selectmen. He also said that the Chair and Vice Chair positions did not change.

Ms. Verdile said that Member Cruson is scheduled for surgery and will be out for approximately 3 months. Because of scheduling conflicts, Member Krebs would not be attending the Board's business meetings. Ms. Verdile will continue to send him the work session packets. He would consider being an Alternate. She said that the Board should try to interest other people to join the Board. It was suggested that Alternate Member Edmonds be asked to join as a regular member and finish Member Krebs term.

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

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

Respectfully submitted,  
Jocelyn Carlucci, Recording Secretary