

MINUTES
PEMBROKE ZONING BOARD OF ADJUSTMENT
Held at Pembroke Academy Auditorium

January 23, 2017

DRAFT pending 1-26-2017

MEMBERS PRESENT: Bruce Kudrick, Chair; Tom Hebert, Vice Chair; Dana Carlucci, Ann Bond

ALTERNATES PRESENT:

EXCUSED: Mark Simard

STAFF PRESENT: Everett Hodge, Code Enforcement Officer; Susan Gifford, Recording Secretary

Chairman Kudrick called the meeting to order at 7:05 p.m. The clerk took the roll call. Ann Bond was designated to vote for Mark Simard.

There were 3 regular members and 1 alternate member present. Therefore, there was a not a full five-member board present for this hearing.

Chairman Kudrick explained that because there is a four member board tonight, the applicant has the option to reschedule the public hearing to a date when five Zoning Board of Adjustment members are present. If the applicant proceeds with a four member board and the case is not approved, the fact that there were four members is not grounds for appeal. Bob McCormack, applicant; Tim Peloquin, Promised Land Survey LLC; Charley Cleary, Attorney for applicant were present. The applicant opted to proceed with the appeal this evening with a four member board.

Chairman Kudrick explained the rules of the hearing. The Board makes its decision based upon the facts presented by the applicant. If any of these facts are subsequently found to be different, the Board reserves the right to revisit its decision.

Chairman Kudrick opened the continued public hearing for Case 16-07-Z at 7:06 p.m.

Case #16-07-Z

Applicant: Bob MacCormack
Keystone Pembroke LLC
17 Bridge St, Suite 103
Billerica, MA 01821

Property Owner(s): Keystone Pembroke LLC
17 Bridge St, Suite 103
Billerica, MA 01821

Agent(s): Timothy Peloquin, LLS
Promised Land Survey, LLC
230 Rockingham Road
Derry, NH 03038

Property Address: 31-39 Whittemore Drive
Pembroke, NH 03275
Tax Map (634) Lot (001) in the R1Medium Density-Residential and the
AC Aquifer Conservation Zoning Districts.

Continuation of Case 16-07-Z from December 20, 2016.

A request has been made for a **Special Exception** under **Article IV Use Regulations, §143-19 Table of Use Regulations #3**. The applicant, Keystone Pembroke, LLC 17 Bridge Street, Billerica, MA 01821, is requesting a **Special Exception** to construct 19 4-plex housing units. A **Special Exception** is required under §143-19 **Table of Use Regulations #3** in the R-1 Zoning District. The property is owned by Keystone Pembroke, LLC 17 Bridge Street, Billerica, MA 01821. The property is located at 31-39 Whittemore Road, Map (634) Lot (1) in the R-1 Medium Density-Residential and the AC Aquifer Conversation Zoning Districts.

Three communications were read into the minutes:

- Email dated December 28, 2016 from Laura Spector-Morgan, Esquire, Mitchell Municipal Group PA stating this project does not need a variance.
- Letter dated December 27, 2016 from Matt Gagne, Superintendent, Pembroke Water Works stating that water capacity exists for 76 units.
- Email dated December 29, 2016 from Matt Gagne stating that fire sprinklers do not affect capacity. Matt Gagne stated that secondary meters must be installed on any outside irrigation. The main extended down Whittemore Road must loop into Nadine Drive to provide appropriate fire flow and water pressure.

Paulette Malo, Operations Manager, Pembroke Sewer Department, reported that the court case decision was received today. Pembroke Sewer Department lost their case with Allenstown Sewer Commission over capacity. The applicant can come back in and meet with the Sewer Commissioners to see if there is additional capacity in the future. At this time, Paulette Malo can at least guarantee the 33 sewer connections approved in October 2016.

Tim Peloquin, Promised Land Survey LLC, reported that the applicant provided additional information since the December 20, 2016 ZBA meeting.

- A substantial traffic study dated January 18, 2017
- Furgal Appraisals provided a report dated January 20, 2017 on property value impact
- Legal opinion on the procedure.

Tim Peloquin stated that the developer was waiting for word on the sewer court case. The applicant was prepared, as part of an amended plan, to construct less units than requested in the beginning. On the plan, 8 four-plexes on pages 3 and 4 were dark shaded to amount to 32 units. The applicant would build additional units later. Applicant could possibly put septic systems in for some of the units in lieu of hooking up to municipal sewer. The applicant would need to go in from the Board of Sewer Commissioners for a waiver to install septic systems. NH DES must approve all septic plans. Tim Peloquin is a licensed septic designer. The applicant would leave stubs for the remaining units to connect to sewer when additional capacity is available.

Paulette Malo stated the applicant would still need Sewer Commission waiver.

John, 435 Micol Road, lives around the corner from the gate shown across Nadine Drive. What if the gate is installed and later comes down after a year? Are there any requirements that the gate must remain?

Chairman Kudrick stated that the ZBA can set a condition that a gate, of a type to be approved by the Pembroke Fire Department, must be up and maintained and kept locked at Nadine Drive to provide access for emergency vehicles. There is a similar crash gate at Three Rivers School. So yes, the gate must stay in place as part of the ZBA approval and the design must be approved by the fire department.

Rick Mulcahy, 17 Donna Drive, asked another question about the proposed gate. Is the gate something that cannot be changed by a number of residents submitting a warrant article to town meeting in the future?

Chairman Kudrick stated that if the gate is a condition of approval for the Special Exception, it cannot be removed.

Could the gate use part of the Conservation land to protect it and keep it in place? Board is not sure.

Everett Hodge stated it is possible that the road can be constructed further than the gate and the last 25 feet could be grass. This is what was done at the National Guard facility on Riverwood Drive. The Three Rivers school road initially was gravel and recently got paved. The road could be a non-paved road suitable for all weather access. This would be discussed at the Planning Board review.

Tim Peloquin stated that the applicant fully intends to put the gate in. The traffic in our development area would have no need to cut through Nadine Drive. We are perfectly willing to put up the gate with the condition that the gate will remain a condition of approval. The Planning Board can change the composition of the road – paved or gravel for all weather travel.

Chris Brierson, 51 Whittemore Road, expressed concern about traffic travelling up and back from the golf course. How long will 32 units take to build? We have lived through construction at the golf course all last summer. Dealing with dust all over our yards was not pleasant.

Bob MacCormack stated that if construction began in spring 2017 it would likely be complete by spring 2018. Chris Brierson stated if you construct another 32 units later, another period of construction would begin and there would be dust all over.

Ann Bond asked for clarification on building the units as they sell. Tim Peloquin stated that the owner would have three buildings going up at once as inventory in different stages. One building would be in early construction, one mid, and one building ready for sales. As one building is completed and sold, another building would be started.

Bob MacCormack stated that all the heavy equipment work will be done in the beginning of the project. All roadwork down to binder coat will be done. Sewer and water will be in place and lots stumped and cleared at the beginning. The timing of constructing the units will be based on the selling process. There is a need. Last year I sold 34 units in two and a half months. There is no way to predict sales. The road would be a four month project.

Dana Carlucci asked if the engineer could present the additional traffic study results.

Stephen Pernaw, of Stephen Pernaw & Company, referred to his memorandum of January 18, 2017. He prepared a preliminary traffic investigation and measured site distance on Route 3 from Whittemore Road. The traffic count is from January 5, 2017. Pembroke Pines country club is open for sign ups now. 40-50 trips (ins and outs) can be expected when the golf course is open for the season. The crash history was reviewed for 2013-2015. NH DOT reports only two crashes in the three year period. The short term data count was done on August 14, 2016. The flow rate is heaviest at the 7am – 8am peak hour heading north on Route 3 and from 4:15-5:15 pm heading south on Route 3. Whittemore Road had 37 vehicles in the am peak hour and 48 vehicles in the pm peak hour. Trip generation to project trip rate is based on an edict by NH DOT to use a particular reference source. Based on 76 units, there would be 48 vehicle trips – 32 in the morning and 16 in the evening. Site distances to the left and right are both excellent at Whittemore Road.

Keith Watts, 47 Whittemore Road, asked about the wetlands and culvert that goes under the road by buildings 9, 10, 11 and 12. Bob McCormack stated that the entire project has been engineered for wetlands. Tim Peloquin stated that all the wetlands are flagged and delineated. Appropriate barriers and setbacks will be met. Keith is on Lot 47 on the plan. Keith asked how far from the power lines will the road be located. Bob McCormack stated he would give Keith a business card and set up a time to do a site walk together. Bob McCormack stated that the trees on Mr. Watts's side of the easement will certainly stay, and the location of the road is another 150 feet away.

Bob MacCormack stated that there is another whole series of meetings coming up at Planning Board review, all open to the public. At this meeting he is seeking approval to use four-plex buildings.

Beth Vaco, 440 Nadine, stated that she worked in real estate for eight years. She does not understand the appraisal of the impact of 76 units and possibly another 150 units down the street. The only development under discussion is the 76 units on Whittemore Road.

Timothy Vasconcellos, educator in Pembroke, and resident of the Donna Drive area, stated that a large influx of housing would affect schools. Many of the schools are at or near capacity. My long term concern is the tax effect.

Michelle Kelly of Londonderry, Realtor, affirmed that all new developments raise property values. Ms. Kelly has worked with Mr. McCormack for four years. He is building luxury town homes not low end housing. Inventory is at an all-time low. Eleven Pembroke properties are on the market right now.

Danielle Trudali, Verani Real Estate, stated that statistically new construction over a period of time will raise property values. The market works on supply and demand. 67% of buyers are millennials. There is an opportunity for Pembroke to grow in a positive way. These town homes are being built around a golf course, and will appeal to golfers.

Ann Bond asked for clarification. At the last meeting in December, it was stated that only 1-2 new homes a year are being built in towns around Pembroke. Hooksett and Bow are definitely growing faster.

Chris Brierson, 51 Whittemore Road, stated that at the last meeting it was noted that 30 new homes were built in Concord NH last year. Tim Peloquin stated these high end town homes are targeted to buyers age 55 plus. Michelle from Verani Real Estate stated the initial marketing push would be older residents who are members of the golf course. A large percentage of these people may be retired. The millennial market will want to see the amenities of new housing built in Pembroke but may not be able to afford it at this time. They may like the town and search out other homes they can afford.

Bob MacCormack asked if it were possible to ask for ZBA approval for 76 units, rather than 32 which have sewer capacity now with stubs left for the 44 remaining units to connect with town sewer when capacity is available. Everett Hodge stated the ZBA could take the verbal request but he would need formal written request tomorrow for the record.

Don Kana asked if septic systems were allowed by aquifer restrictions. Everett Hodge stated septic is not a prohibited use in the aquifer area but septic design must be approved by State of NH DES.

Ammy Heiser, 604 Buck Street, recapped that Mr. McCormack attended a Conservation Commission meeting and presented three plans – 28, 32 and 76 units as a carrot and stick. The Conservation Commission does not want to see projects built along the river but would support the one with the least environmental impact.

The 76 units located on the upper part of the parcel would be the maximum residential units. The applicant agreed that there would be no further residential development on the 88.8 acre parcel if he was approved for 76 units. Thirty acres that abut White Sands Conservation area would be deeded to Conservation Commission. In the center section of the parcel the applicant reserves the right for golf course use not buildings

Ammy Heiser stated that this plan still disturbs the soil, but the Conservation Commission is more likely to support plan 3. Ami wanted to be clear that the Commission does not love this project.

Chairman Kudrick stated I do understand all of your concerns. I live on Dearborn Road and I went through the same concerns with the development of Chickering Meadows. Traffic, construction noise and dust, lights shining in my windows, drainage and sidewalks were all brought up then too. The Planning Board is the place to work on the details of all these concerns.

Dana Carlucci summarized the case from both hearings December 20, 2016 and January 23, 2017. This is Case #06-07-Z, a request for a **Special Exception** under **Article IV Use Regulations**, §143-19 **Table of Use Regulations #3**. The applicant, Keystone Pembroke, LLC 17 Bridge Street, Billerica, MA 01821, is requesting a **Special Exception** to construct 19 4-plex housing units. A **Special Exception** is required under §143-19 **Table of Use Regulations #3** in the R-1 Zoning District. The property is owned by Keystone Pembroke, LLC 17 Bridge Street, Billerica, MA 01821. The property is located at 31-39 Whittemore Road, Map (634) Lot (1) in the R-1 Medium Density-Residential and the AC Aquifer Conversation Zoning Districts.

The applicant proposes to build 19 4-plex town homes on 88.79 acres off Whittemore Road and Nadine Drive with two secondary roads. The roads would be public. Sidewalks and driveways would be maintained independently. Each unit would have a first floor master bedroom and one upstairs bedroom. 33.33 acres is proposed to be deeded to the town for conservation land abutting White Sands. The units would be separately owned with no rules that exclude animals. The target market is mature customers; however there is no restriction for age. The applicant previously met with Sewer, Conservation and the Planning department. The property could potentially support 140 single-family homes. This plan for 76 town homes would provide open space. This area is supported by the Master Plan in x1-33 for expanding the R1 corridor along Pembroke Street. The applicant initially requested 33 units for sewer connection. The outcome of the court case just became known today. Since the Pembroke Sewer Commission lost the court case with Allenstown Sewer Commission, the applicant will need to return to the Sewer Commission to discuss options for additional units.

The applicant would like flexibility in locating the septic connections in the most appropriate locations. The Sewer Commission will need to consider future capacity allocation. If the applicant were to build more than 32 units and wanted the additional units to be serviced by private septic, he would need a Sewer Commission waiver. It was stated that the land is suitable for septic and would also need State of NH DES approval. A formal letter will be written by the applicant stating that of the 19 4-plex units to be built on Map 634-1, 8 of those buildings will be hooked up to municipal sewer and eleven buildings will be stubbed for sewer when it becomes available. The goal is that there will be adequate sewer capacity for all 76 units in the future. The units on septic would be disconnected once town sewer capacity becomes available.

Ammy Heiser of the Conservation Commission explained that the proposal for the 76 town homes was the best of three plans presented. The Conservation Commission would prefer all land be left in its natural state.

Mr. Pernaw presented a traffic study using 10 year data and recent data. Peak traffic hours are 7am to 8am heading north on Route 3 and 4:15 to 5:15 pm heading south on Route 3. With 76 units, 48 vehicles are expected at peak afternoon hour. The developer's intent is to maintain the existing tree buffer. The town homes would be new inventory worth more per square foot than older residences. The selling price would range from \$228,000 to \$330,000.

At the December 20, 2016 meeting Chairman Kudrick deferred some questions for further information, which were addressed January 23, 2017. A resident questioned the process regarding whether a variance is required. Mr. MacCormick went to various committees and departments after the last meeting to see how to address concerns. Tonight a response from Mitchell municipal law group stated a variance is not required. A letter from Pembroke Water Works stated there is water capacity for the project but the system must be looped down by Nadine Drive to help the flow. Pembroke Water Works requires a second water meter for irrigation uses. Pembroke Sewer Commission lost their court case and can guarantee hookup for 33 units at this time. Furgal Real Estate Appraisal provided a report that property values would not be adversely affected. The dirt part of building road and grading would take four months. Three buildings would be under construction at a time based on sales. One would be in foundation stage, one in finish stage and one completed four-plex would be offered for sale. Once the units in the completed four-plex are sold, a new building would be started. Visual and noise impacts will be addressed at Planning Board review.

Mr. Pernaw presented a traffic study report dated January 17, 2017 using recent data and 10 year historical data. Peak traffic hour is 7-8 am heading north on Route 3 and 4:15 to 5:15 pm heading south on Route 3. At peak morning hour, 37 vehicles would exit Whittemore Drive. At peak evening hour, 48 vehicles would enter Whittemore Drive. The intersection was measured and exceeds safe site distance in both directions.

Applicant stated that all the heavy equipment work will be done in the beginning of the project. All roadwork down to binder coat will be done. Barriers at the gate would be replaced at night, using boulders until utilities are placed, and using berm afterward until the gate is installed and functioning. There was concern about tax burden and market flood of housing. The realtors noted the units would be luxury town homes. It was stated that new homes increase the surrounding property values over time.

There being no further comments, Chairman Kudrick closed the public hearing at 8:26 p.m.

Chairman Kudrick thanked all the residents who came to last month's meeting and to this month's meeting. You have all been very polite and provided thoughtful questions.

Deliberations: Chairman Kudrick stated that the Zoning Board of Adjustment members would discuss and vote on each criterion for a Special Exception.

1. Please describe how the requested use is essential or desirable to the public convenience or general welfare.

Verani real estate representatives mentioned the need for new housing. Chairman Kudrick noted that more new housing is being built south of Pembroke and is coming up to our area. Many residents are downsizing and there is a market for town homes. Everett Hodge noted that sales in a four-plex unit behind his residence sell in 4 hours to several days after being listed on the market. Ann Bond asked how the general welfare is defined. Residents who used to look out at woods will now see multiple buildings. Vice Chairman Kudrick stated that he used to look out at cows and fields, now there is a development. Vice Chairman Hebert stated that through the extensive Planning Board process, berms, buffers, space between buildings and other details will be worked out. This process will offer some relief for abutters

and neighbors. Residents need to participate in the process and attend meetings regularly to make their concerns known.

MOTION: Tom Hebert moved and Dana Carlucci seconded that criteria number 6 is met.

VOTE: ANN - NO TOM – YES DANA - YES BRUCE – YES

MOTION PASSED ON 3-1 VOTE.

2. Please state how the requested use will not impair the integrity or character of the district, or adjoining zones, nor be detrimental to the health, morals or general welfare.

Vice Chairman Hebert noted that it is a residential zone and the proposed plan is residential use. Dana Carlucci noted that the proposed selling price of \$228,000 to \$330,000 is equivalent to surrounding property values. Condos managed by a Homeowner Association tend to be better maintained as the common area is very controlled by rules and regulations.

MOTION: Tom Hebert moved and Dana Carlucci seconded that criteria number 2 is met.

VOTE: ANN - YES TOM – YES DANA - YES BRUCE – YES

MOTION PASSED ON 4-0 VOTE

3. Please describe how the specific site is an appropriate location for the proposed use and that the character of adjoining uses will not be affected adversely.

Chairman Kudrick noted that the traffic counts reported will not impair the character of adjoining uses. Residential housing is an approved use on the site. Dana Carlucci stated that the Master Plan section 11-33 recommends higher density residential use along Pembroke Street corridor. Open space development is also part of this plan.

MOTION: Tom Hebert moved and Dana Carlucci seconded that criteria number 3 is met.

VOTE: ANN - NO TOM – YES DANA - YES BRUCE – YES

MOTION PASSED ON 3-1 VOTE

4. Please show that no factual evidence is found that the property value in the district will be adversely affected by such use.

There is no evidence that property values will be adversely affected. Chairman Kudrick stated that he met with a real estate/builder developer who just constructed three story town homes with garage under across from Greens Marine in Hooksett. The Hooksett units sell for 350-400 thousand dollars. In 30 years, this builder has not seen property valuation go down as long as they are condos. Also, Chairman Kudrick stated, that single family houses benefit from the proposed looped water system because it will provide better flow. If a water break occurred on Donna Drive now, it would deplete the entire system. There may be an insurance discount for improved water system. Vice Chairman Hebert noted that sales of new inventory coming onto the market would provide higher value comparisons when other houses are sold. Tom stated that a home owners association (HOA) would be developed to manage the common area. Everett Hodge stated that once a threshold is met by a certain number of owner occupied units, the HOA would be formed.

MOTION: Tom Hebert moved and Dana Carlucci seconded that criteria number 4 is met.

VOTE: ANN - YES TOM – YES DANA - YES BRUCE – YES

MOTION PASSED ON 4-0 VOTE

5. Will undue traffic, nuisance or unreasonable hazard result from your proposed use? Yes or no and please explain your answer.

Chairman Kudrick noted that he lives on Dearborn Road. He experiences traffic coming out of the Chickering Meadows development steadily from 5 am to 8:30 am. There will be traffic from the proposed development. Chickering Meadows has been there about 14 years, and cars are not backed up because residents adapted to the new flow. Ann Bond stated her concern is that going out of the neighborhood and taking a left to Route 3 will be difficult. Chairman Kudrick noted Route 3 is handled

by State of NH DOT. Dana Carlucci noted that perhaps the Planning Board will have other ideas for routing traffic. Vice Chairman Hebert stated that the property owner has a right to develop his property. Another proposed development near Tom Hebert's residence could generate 150 cars per day versus 76. An additional 76 vehicles is not unreasonable, but it is a nuisance because it is a change. Residents will adapt to it. Vice Chairman Hebert noted that there have not been multiple accidents reported at the site in the last three years. Chairman Kudrick emphasized that residents need to talk to the Planning Board about the particular details of the plan.

MOTION: Tom Hebert moved and Dana Carlucci seconded that criteria number 5 is met.

VOTE: ANN - NO TOM - YES DANA - YES BRUCE - YES

MOTION PASSED ON 3-1 VOTE

6. Please explain how adequate and appropriate facilities will be provided for the proper operation and maintenance of the proposed use?

Dana Carlucci stated that the roads are being built to town specifications with sidewalks and proper drainage. Vice Chairman Hebert noted that the wetland proximity to buildings and roads will be looked at with a more discerning eye at the Planning Board review level. Chairman Kudrick agreed that many abutter concerns will be addressed at the Planning Board level.

MOTION: Tom Hebert moved and Dana Carlucci seconded that criteria number 6 is met.

VOTE: ANN - YES TOM - YES DANA - YES BRUCE - YES

MOTION PASSED ON 4-0 VOTE

7. Please show that there are no valid objections from abutting property owners based on demonstrable fact.

We are not aware of any valid objections. Objections brought up regarding property value were addressed by a real estate appraisal. Planning Board will address concerns about traffic, buffers, property value, impact to schools and other concerns. Vice Chairman Hebert stated there is a clear path on how to proceed with the Planning Board process. Based on the attendance and comments from the December 20, 2016 ZBA meeting, the applicant redeveloped the plan to make it work best for everyone. The developer is willing to meet abutters, walk the site with neighbors and address concerns that are raised. Chairman Kudrick noted that the parcel could support up to 140 single family homes by right, and 76 town home units are proposed instead.

MOTION: Tom Hebert moved and Dana Carlucci seconded that criteria number 7 is met.

VOTE: ANN - YES TOM - YES DANA - YES BRUCE - YES

MOTION PASSED ON 4-0 VOTE

8. Please show that the proposed use has an adequate water supply and sewerage system and meets applicable requirements of the State.

Chairman Kudrick stated that the site will be serviced by municipal water so there will be an adequate water supply. The applicant has been assured of 33 sewer connections and possible capacity in the future. If the applicant were to build over 32 units and wanted the additional units to be serviced by private septic, he would first need a Sewer Commission waiver. The land is suitable for septic and would also need State of NH DES approval. Vice Chairman Hebert stated that the applicant has flexibility in locating the septic connections in the most appropriate locations. The outcome of the court case just became known today. The Sewer Commission will need to consider future capacity allocation. A formal letter will be written by the applicant stating that of the 19 4-plex units to be built on Map 634-1, 8 of those buildings will be hooked up to municipal sewer and eleven buildings will be stubbed for sewer when it becomes available. The goal is that there will be adequate sewer capacity in the future. The units on septic would be disconnected once town sewer capacity becomes available. Dana Carlucci agreed there is adequate water and sewer.

MOTION: Tom Hebert moved and Dana Carlucci seconded that criteria number 8 is met.

VOTE: ANN - YES TOM - YES DANA - YES BRUCE - YES
MOTION PASSED ON 4-0 VOTE

9. If the proposed use is for multi-family dwellings, will it be served by the Town water system and by the Town sewerage system?

See response to number 8. Intent is for all units to be served by Town water and sewer.

MOTION: Tom Hebert moved and Dana Carlucci seconded that criteria number 9 is met.

VOTE: ANN - YES TOM - YES DANA - YES BRUCE - YES
MOTION PASSED ON 4-0 VOTE

MOTION: Tom Hebert moved to APPROVE a request for a **Special Exception** under **Article IV Use Regulations, §143-19 Table of Use Regulations #3**. The applicant, Keystone Pembroke, LLC 17 Bridge Street, Billerica, MA 01821, is requesting a **Special Exception** to construct 19 4-plex housing units. A **Special Exception** is required under §143-19 **Table of Use Regulations #3** in the R-1 Zoning District. The property is owned by Keystone Pembroke, LLC 17 Bridge Street, Billerica, MA 01821. The property is located at 31-39 Whittemore Road, Map (634) Lot (1) in the R-1 Medium Density-Residential and the AC Aquifer Conversation Zoning Districts; with the following conditions:

1. Must follow all state and local regulations.
- 2 Must apply to the Pembroke Sewer Commission for a waiver to allow the construction of Individual Sewage Disposal systems for (11) 4-plexes not connected to Town Sewer.
3. During the construction process, Nadine Road will be blocked to prevent construction vehicles from traveling onto Nadine Road. A permanent locked gate will be installed to allow only emergency access to Nadine Road.
4. Must adhere to the submitted plans representing (19) 4-plex housing units. No additional residential housing units allowed on lot 634-1.
5. Must adhere to attached hand written Letter of Intent received at the hearing, which becomes a permanent part of this Notice of Decision.

Dana Carlucci seconded.

VOTE: ANN - YES TOM - YES DANA - YES BRUCE - YES

MOTION TO APPROVE SPECIAL EXCEPTION CASE 16-07-Z WITH CONDITIONS PASSED ON A 4-0 VOTE.

Chairman Kudrick thanked the abutters and neighbors who came to the January 23, 2017 and the December 20, 2016 meetings. Everyone who spoke was polite and courteous. All concerns were heard. Additional information was provided at tonight's meeting from the Town attorney, Pembroke Water Works and Pembroke Sewer Commission. Chairman Kudrick commended the developer's team for their willingness to listen and respond to all abutter questions. Working with the neighbors makes the process more collaborative.

Chairman Kudrick noted that copies of the traffic study and plans can be obtained from the Code Enforcement Office at Town Hall weekdays 8 am to 4:30 pm. Some extra copies are also available here on the stage. The applicant needs to file a formal letter of intent tomorrow January 24, 2017 for the number of units on the lot, which will become part of the permanent record.

The Planning Board process will address the site plan for the entire parcel as presented, and will work out the details. Chairman Kudrick urged all residents present to attend and follow the Planning Board hearings to ensure all of their concerns about traffic, etc are met.

MINUTES OF PREVIOUS MEETINGS

MOTION: Ann Bond moved to approve the minutes of December 20, 2016 as amended. Tom Hebert seconded.

VOTE: ANN - YES TOM – YES DANA - YES BRUCE – YES

MINUTES OF DECEMBER 20, 2016 APPROVED AS AMENDED ON A 4-0 VOTE.

NEXT MEETING

Date of next ZBA meeting – Everett Hodge noted the next ZBA meeting would be on **Monday, February 27, 2017 at 7:00 p.m.**

ADJOURN **Motion:** Tom Hebert moved to adjourn. Dana Carlucci seconded. Vote was unanimous in favor of motion. Meeting adjourned at 9:10 p.m.

Respectfully submitted,
Susan P. Gifford
Recording Secretary