

**MINUTES**  
**PEMBROKE ZONING BOARD OF ADJUSTMENT**  
**April 24, 2017**

**Pending 4-26-2017**

**MEMBERS PRESENT:** Bruce Kudrick, Chair; Tom Hebert, Vice Chair; Dana Carlucci, Mark Simard

**ALTERNATES PRESENT:** William Faith

**EXCUSED:** Ann Bond

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

Chairman Kudrick called the meeting to order at 7:00 p.m. The clerk tool the roll call. Chairman Kudrick asked William Faith if he would be willing to become a full Planning Board member due to resignation of Paul Paradis. William Faith agreed to become a full time member. William Faith was designated to vote for the open position.

**Case #17-03-Z**

Applicant: Keith Donovan and Amy Sarette  
447 Buck Street  
Pembroke, NH 03275

Property Owner(s): Keith Donovan and Amy Sarette  
447 Buck Street  
Pembroke, NH 03275

Agent(s): Jeffrey Green  
Land Surveying Services  
416 Bumfagon Road  
Loudon, NH 03307

Property Address: 447 Buck Street  
Pembroke, NH 03275  
Tax Map (941) Lot (24) in the R-3B Rural / Agricultural-Residential and  
the AC Aquifer Conservation Zoning Districts.

**Case 17-03-Z** A request has been made for a **Variance** under **Article V Dimensional and Density Regulations**, §143-21 **Table of Dimensional and Density Regulations**. The applicant, Keith Donovan and Amy Sarette, 447 Buck Street, Pembroke, NH is requesting a **Variance** to construct an **Accessory Dwelling Unit (ADU)** 13.4 feet from the side property boundary. A **Variance** is required because the required set back in the R-3B Zoning District is 25 feet. The property is owned by Keith Donovan and Amy Sarette. The property is located at 447 Buck Street, Map (941) Lot (24) in the R-3B Rural / Agricultural-Residential and the AC Aquifer Conservation Zoning Districts.

The clerk took the roll call and all members were present. Chairman Kudrick opened the public hearing at 7:02 p.m. There were 4 regular members and 1 alternate member present. Therefore, there was a full five-member board present for this hearing. Chairman Kudrick explained the rules of the hearing. Anyone who wishes to speak will give their name, address and interest in the case. All questions are directed to me, the Chair.

Plot Plan for Map 941, Lot 24, prepared by Jeffrey Green Land Surveying services, tax map and assessing card were included in the agenda packet.

Keith Donovan, 447 Buck Street, stated he proposes to build an in-law apartment for his parents. It will be a 20' x 36' single story addition attached to the back of the garage with a foundation. Keith talked with four of his neighbors and all were supportive of his proposal. The size of the unit is 720 square feet, under the 750 square feet allowed for Accessory Dwelling Units. He has a licensed contractor who will be doing all of the excavation, construction, roofing and plumbing work. Nothing is being changed on the exterior. The roof line of the addition will match that of the garage. The addition is to provide a place to live for Keith's 80 year old mother. There will be one additional car. There is an existing 2-car garage and 4 cars can park on the driveway. There is also a sand parking spot on the side of the house. There will be a new circuit breaker in the apartment. The existing septic system is designed for a 3 bedroom house. The existing house has two bedrooms so septic is adequate for the addition. Water and electric are in place.

Dana Carlucci asked if the applicants had looked at other locations on the property to build the addition. Keith Donovan stated that an engineer reviewed the structural integrity of the house and it is not adequate to build up. The columns and beams are offset. The septic system is located in the left side of the back yard. The lot is long but the land goes down on an angle. They have no other option to build an in-law apartment, which must be attached to the primary structure. There will be 2 doors, one off the front and one off the middle of the unit that will access the deck. There is also an interior garage door. A washer and dryer will be located in the one story addition.

Keith Donovan stated he will be removing about half of the existing deck to put the addition on the garage. Keith stated that his parents took care of people all of their lives and it was his turn to return the favor. Keith Donovan and Amy Sarette have been living in the home three years.

A letter from Sam and Oksana Drye, 449 Buck Street, was read into the record stating that they have no objection to Keith Donovan's proposed addition.

Keith Donovan addressed the Variance criteria:

Please give a detailed description of your proposal below:

Applicant is proposing the addition of a 20' x 36' in-law apartment (Accessory Dwelling Unit), single level with a foundation off the back of the garage within the 25-foot side setback.

1. **The variance will not be contrary to the public interest.** The proposed addition will not affect the public in any way. The addition is off the back of the garage.
2. **The spirit of the ordinance is observed.** The addition is to provide a place for my elderly parents to live. My parents need assistance in everyday challenges that they can no longer do on their own.
3. **Substantial justice is done.** We need a place for elderly mother and father to live.
4. **The values of surrounding properties are not diminished.** Property values should go up after the proposed addition.
5. **Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.**

- i. No fair and substantial relationship exists between the general public purpose of the ordinance provision and the specific application of that provision to the property because:
- ii. The proposed use is reasonable.

**B. If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to make a reasonable use of it.**

The garage was built before the new zoning ordinance required 25' setback.

Chairman Kudrick asked if there were Board member questions.

Dana Carlucci summarized the case. This is **Case 17-03-Z** A request has been made for a **Variance** under **Article V Dimensional and Density Regulations, §143-21 Table of Dimensional and Density Regulations**. The applicant, Keith Donovan and Amy Sarette, 447 Buck Street, Pembroke, NH is requesting a **Variance** to construct an **Accessory Dwelling Unit (ADU)** 13.4 feet from the side property boundary. A **Variance** is required because the required set back in the R-3B Zoning District is 25 feet. Keith Donovan wants to build a one bedroom, one story accessory dwelling unit/in-law apartment with kitchen off the back of his existing garage. The unit will be no higher than the existing roof line. One additional car will be added. There is a 2 car garage and 4 cars can park in the driveway. There is also a sand parking space on the side of the property. Sam Drye at 449 Buck Street submitted a letter stating he has no objections. Keith Donovan drives his camper and boat down to the back of the property on the easterly side of the house. Keith Donovan will tear down part of the deck to construct the addition to the back of the garage. There will be a new circuit breaker box in the unit. A washer and dryer will be located on the main floor. Septic system is able to handle the new use.

There being no further comment, Chairman Kudrick closed the public hearing at 7:25 p.m.

**Deliberations:** ZBA members discussed the Variance criteria. Dana Carlucci was hoping that the applicants could get the addition to be 15 feet from the property line in the rear, same as in the front. The house and garage is an existing non-conforming use. If the accessory dwelling unit could be located in a different manner, it may be less non-conforming. William Faith addressed access by emergency services. Ambulance would pull into the driveway. Other emergency vehicles could drive on the easterly side of the house to access the back. Tom Hebert noted that a ladder truck could reach up an over the house if necessary. Chairman Kudrick noted that the actual house and part of the garage is in the setback as well. Many properties in the area are in this situation. Tom Hebert stated it would be best for construction purposes to keep the addition in a straight line, even if it encroaches two feet more in the rear of the addition, due to the slope of the land. The applicant is trying to make the situation better. There are limited options on the property. Chairman Kudrick noted that the applicant spoke with abutters and no one came to the meeting with objections.

- 1) The variance will not be contrary to the public interest. This is already an existing non-conforming lot. Tom Hebert noted that allowing an addition for elderly parents would encourage property owners to stay in Pembroke and improve their property. Approved 5-0 vote.
- 2) The spirit of the ordinance is observed. William Faith liked the statement that the applicant's parents helped people all their lives and now it's time for the son to help out his mother. Approved 5-0 vote.

- 3) Substantial justice is done. The addition allows elderly parents to be cared for by family. Approved 5-0 vote.
- 4) Property values are not diminished. No testimony that property values would be diminished was provided. If anything, property values should rise because of addition. Approved 5-0 vote.
- 5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. The applicant's hardship is the ordinance that was put in effect after the home was built, and the requirement that in-law dwellings must be attached to the main structure. Approved 5-0 vote.

**MOTION:** Tom Hebert moved to APPROVE **Case 17-03-Z**, a request for a **Variance** under **Article V Dimensional and Density Regulations**, §143-21 **Table of Dimensional and Density Regulations**. The applicant, Keith Donovan and Amy Sarette, 447 Buck Street, Pembroke, NH is requesting a **Variance** to construct an **Accessory Dwelling Unit (ADU)** 13.4 feet from the side property boundary. A **Variance** is required because the required set back in the R-3B Zoning District is 25 feet. The property is owned by Keith Donovan and Amy Sarette. The property is located at 447 Buck Street, Map (941) Lot (24) in the R-3B Rural / Agricultural-Residential and the AC Aquifer Conservation Zoning Districts.

with the following conditions:

1. Must follow the submitted plot plan.
2. Must follow all State and Town regulations

Dana Carlucci seconded.

**VOTE:** BILL - YES TOM - YES BRUCE - YES  
DANA- YES MARK - YES

**MOTION TO APPROVE VARIANCE WITH CONDITIONS PASSED ON A 5-0 VOTE.**

**Case #17-04-Z**

Applicant: Keith Donovan and Amy Sarette  
447 Buck Street  
Pembroke, NH 03275

Property Owner(s): Keith Donovan and Amy Sarette  
447 Buck Street  
Pembroke, NH 03275

Agent(s): Jeffrey Green  
Land Surveying Services  
416 Bumfagon Road  
Loudon, NH 03307

Property Address: 447 Buck Street  
Pembroke, NH 03275  
Tax Map (941) Lot (24) in the R-3B Rural / Agricultural-Residential and  
the AC Aquifer Conservation Zoning Districts.

**Case 17-04-Z** a request has been made for a **Special Exception** under Article IV Use Regulations §143-18-1 **Accessory Dwelling Units**. The applicant, Keith Donovan and Amy Sarette is requesting permission to add a 720 square foot **Accessory Dwelling Unit (ADU)** to the rear of an existing garage. A **Special Exception** is required for an **ADU** in the R-3B Zoning District. The property is owned by Keith Donovan and Amy Sarette. The property is located at 447 Buck Street Map (941) Lot (24) in the R-3B Rural / Agricultural-Residential and the AC Aquifer Conservation Zoning Districts.

Chairman Kudrick opened the public hearing at 7:40 p.m. There were 4 regular members and 1 alternate member present. Therefore, there was a full five-member board present for this hearing. Chairman Kudrick explained the rules of the hearing. Anyone who wishes to speak will give their name, address and interest in the case. All questions are directed to me, the Chair.

Plot Plan for Map 941, Lot 24, prepared by Jeffrey Green Land Surveying services, tax map and assessing card were included in the agenda packet. A Special Exception for a major home occupation, powder coating business, was denied on this property Case #05-02-Z on March 10, 2005. A Variance was approved in Case #03-09-Z for a shed 5 feet from the property line. A Variance was denied in Case 03-09-Z for expansion of a non-conforming structure by addition of a 12' x 24' attached carport. Both variances were for a former property owner. Current owners have lived at 447 Buck Street for 3 years.

A letter from Sam and Oksana Drye, 449 Buck Street, was read into the record stating that they have no objection to Keith Donovan's proposed addition.

Keith Donovan addressed the Special Exception criteria:

**Detailed description of proposal:** Applicant's intention is to build an in-law dwelling (Accessory Dwelling Unit) off the back of the garage. The unit will be 12' x 36' or 720 square feet and will be one level. The applicant will take down part of the existing room and deck in the construction of the unit.

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

This dwelling unit will be for elderly parents and should improve other people's property value in the area.

**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.** The use will not affect the area. The proposed dwelling unit will use the existing driveway and will not obstruct any of the neighbor's views.

**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.**

This is the only area on the property that we can put the addition that complies with codes.

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

This dwelling is for my elderly parents to live in.

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

No. This dwelling will use the existing driveway. There will be no changes to access the property.

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

The living quarters will be constructed by licensed contractors.

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

Letters will be mailed to abutters.

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

The site is on public water supply and has septic in place. Licensed contractors will make provisions for appropriate capacity.

**If the proposed use is for multi-family dwellings, will it be served by the Town water system and by the Town sewerage system? N/A**

Keith Donovan stated that the addition will have 3 entry ways. To build the 12' x 36' addition, he is removing approximately half of the existing deck. Keith Donovan talked to four abutters and no one had any objections to his proposed addition.

Chairman Kudrick asked if there were Board member questions. William Faith noted that the size requested of 720 square feet meets the requirement of new State law. Dana Carlucci noted that according to the new State law an accessory dwelling unit does not have to be occupied by a relative. Discussion of whether the unit could ever be listed as a single family/duplex on the tax card. Pembroke has definition and requirements for "in-law apartment". Everett Hodge noted that the State law has not yet gone into effect, and State of NH legislature is already discussing several possible changes. None have passed as yet. Everett Hodge recommended waiting to make any definition or tax card changes until the legislature figures out the final version.

Dana Carlucci summarized the case. This is **Case 17-04-Z**, a request for a **Special Exception** under Article IV Use Regulations §143-18-1 **Accessory Dwelling Units**. The applicant, Keith Donovan and Amy Sarette is requesting permission to add a 720 square foot **Accessory Dwelling Unit (ADU)** to the rear of an existing garage. A **Special Exception** is required for an **ADU** in the R-3B Zoning District. The property is owned by Keith Donovan and Amy Sarette. The property is located at 447 Buck Street Map (941) Lot (24) in the R-3B Rural / Agricultural-Residential and the AC Aquifer Conservation Zoning Districts. The addition will be using the existing driveway which has parking space for 4 vehicles. The property owner can get a car down either side of his house. The one story addition is for elderly parents to live in and receive assistance from family. Applicant talked to four neighbors and none had objections.

There being no further comment, Chairman Kudrick closed the public hearing at 7:50 p.m. Chairman Kudrick stated that the board would deliberate and likely make a decision tonight. The public may stay but may not speak.

**Deliberations:** Chairman Kudrick reviewed the Special Exception criteria. The proposed addition is attached to the rear of the existing garage. It will not be seen from the street. Tom Hebert noted that a seamless transition was planned for the construction of the addition. Applicant is tearing up about half of the existing deck to build the addition. It was noted property values may go up with the addition. There is no undue traffic. Just one vehicle is being added and will use the existing driveway. Tom Hebert noted there is also a sand parking space on the side of the property if a different relative lived in the unit and needed a separate parking space. A new circuit breaker box will be installed in the unit. The septic design is for a 3 bedroom house, and the existing house only has two bedrooms, so it is adequate. No valid objections were received from abutters.

**MOTION:** Tom Hebert moved to APPROVE **Case 17-04-Z**, a request for a **Special Exception** under Article IV Use Regulations §143-18-1 **Accessory Dwelling Units**. The applicant, Keith Donovan and Amy Sarette is requesting permission to add a 720 square foot **Accessory Dwelling Unit (ADU)** to the rear of an existing garage. A **Special Exception** is required for an **ADU** in the R-3B Zoning District. The property is owned by Keith Donovan and Amy Sarette. The property is located at 447 Buck Street Map (941) Lot (24) in the R-3B Rural / Agricultural-Residential and the AC Aquifer Conservation Zoning Districts with the following conditions:

1. Must follow the submitted floor plan and Plot plan.
2. Must follow all State and Town regulations
3. Must obtain an AC Compliance Checklist from the CEO. Must complete the AC Compliance Checklist with all department signatures and must submit the completed AC Compliance Checklist with the Building Permit Application.
4. One of the units must be owner occupied.

William Faith seconded.

**VOTE:** BILL - YES TOM – YES BRUCE – YES  
DANA- YES MARK - YES

**MOTION TO APPROVE SPECIAL EXCEPTION WITH CONDITIONS PASSED ON A 5-0 VOTE.**

**Case #17-05-Z**

Applicant: Fredrick Vega  
360 Pembroke Street  
Pembroke, NH 03275

Property Owner(s): Fredrick Vega  
360 Pembroke Street  
Pembroke, NH 03275

Agent(s): Architectural Link  
40 Sheep Davis Road  
Pembroke, NH 03275

Property Address: 360 Pembroke Street  
Pembroke, NH 03275  
Tax Map (565) Lot (56) in the R-1 Medium Density-Residential Zoning District and the AC Architectural Design District.

**Case 17-05-Z** A request has been made for a **Special Exception** under **Article IV Use Regulations, §143-19 Table of Use Regulations #3**. The applicant, Frederick Vega 360 Pembroke Street, Pembroke, NH 03275 is requesting a **Special Exception** to add a 4<sup>th</sup> unit to an existing 3 unit dwelling. A **Special Exception** is required under §143-19 **Table of Use Regulations #3** in the R-1 Zoning District for multi-family dwellings. The property is owned by. Frederick Vega, 360 Pembroke Street, Pembroke, NH 03275. The property is located at 360 Pembroke Street Map (565) Lot (56) in the R-1 Medium Density-Residential Zoning District and the AC Architectural Design District.

The clerk took the roll call and all members were present. Chairman Kudrick opened the public hearing at 8:05 p.m. There were 4 regular members and 1 alternate member present. Therefore, there was a full five-member board present for this hearing. Chairman Kudrick explained the rules of the hearing.

Anyone who wishes to speak will give their name, address and interest in the case. All questions are directed to me, the Chair.

Proposed Barn Floor Plan for Map 565, Lot 56, prepared on 3/24/2017 by Architectural Link, 40 Sheep Davis Road, Pembroke, NH; tax map and assessing cards were included in the agenda packet. A Special Exception to allow an existing two-family home to be converted to a three-family home at 360 Pembroke Street was approved in Case #99-05-Z on April 14, 1999.

Cindy Lewis, Architectural Link, 40 Sheep Davis Road, addressed the Special Exception criteria:

**Detailed description of proposal:** Applicant's intention is to convert existing two bedrooms, living room and dining area on south side of barn to a separate apartment. A bathroom and kitchen will be added into existing dining area so the occupant does not have to walk through the barn apartment to use the bath and kitchen in the main house. Attached plan shows existing and proposed layout. An 8' by 12' deck will be added on the south side. The only change to the exterior is replacing a door on south elevation and addition of a small deck. There are 8 parking spaces and one garage space.

There are currently three units – the main house, a second middle section and an existing apartment at the back of the barn. A Special Exception for the conversion from a two family structure to a three family structure at 360 Pembroke Street was approved April 14, 1999 Case 99-05-Z.

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

The property owner's son will live in the apartment and not have to go into main house for bathroom or kitchen.

**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.** The use will not affect the area. The existing house and barn are large, and this addition allows it to continue as residential use. Currently four generations live at this address.

**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.**

It is currently a multi-family residence with 8 parking spaces and 1 garage space. No additional parking spaces are needed.

**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 change in the exterior look of the property to neighbors.

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

No additional traffic will be generated, as this is currently being used as part of one unit.

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

Plenty of parking exists. A bathroom and kitchen are being added.

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



The foot print of the structure is not increasing. There are no additional bedrooms.

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

The site is currently connected to town water and sewer.

**If the proposed use is for multi-family dwellings, will it be served by the Town water system and by the Town sewerage system?** N/A

Chairman Kudrick asked if there were Board member questions.

Dana Carlucci summarized the case. This is **Case 17-05-Z**, a request for a **Special Exception** under **Article IV Use Regulations**, §143-19 **Table of Use Regulations #3**. Cindy Lewis, Architectural Ling, presented the plan. The applicant, Frederick Vega 360 Pembroke Street, Pembroke, NH 03275 was present. A Special Exception to allow an existing two-family home to be converted to a three-family home at 360 Pembroke Street was approved in Case #99-05-Z on April 14, 1999.

Applicant's intention is to convert existing two bedrooms, living room and dining area on south side of barn to a separate apartment. A bathroom and kitchen will be added into existing dining area so the occupant does not have to walk through the barn apartment to use the bath and kitchen in the main house. Applicant is requesting a **Special Exception** to add a 4<sup>th</sup> unit to an existing 3 unit dwelling

A **Special Exception** is required under §143-19 **Table of Use Regulations #3** in the R-1 Zoning District for multi-family dwellings. The property is owned by Frederick Vega, 360 Pembroke Street, Pembroke, NH 03275. The property is located at 360 Pembroke Street Map (565) Lot (56) in the R-1 Medium Density-Residential Zoning District and the AC Architectural Design District. Applicant's intention is to convert existing two bedrooms, living room and dining area on south side of barn to a separate apartment. A bathroom and kitchen will be added into existing dining area so the occupant does not have to walk through the barn apartment to use the bath and kitchen in the main house.

There being no further comment, Chairman Kudrick closed the public hearing at 8:15 pm. Chairman Kudrick stated that the board would deliberate and likely make a decision tonight. The public may stay but may not speak.

**Deliberations:** Chairman Kudrick led a review of the Special Exception criteria.

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

Dana Carlucci stated that Master Plan Section 11-33 encourages higher population density along Pembroke Street from Suncook Village to Whittemore Road.

**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.** The use will not affect the area. Tom Hebert stated that there is a basement under the farm house. The existing house and barn are large, and the same people will be living in the structure. The addition allows it to continue as residential use. Currently four generations live at this address.

**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.**

It is currently a multi-family residence with 8 parking spaces and 1 garage space. No additional parking spaces are needed. The footprint remains the same and there is no encroachment.

**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 change in the exterior of the property. There is no evidence property values would be negatively impacted.

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

No additional traffic will be generated, as this area is currently being used as part of one unit.

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

Plenty of parking exists. A bathroom and kitchen are being added.

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

The foot print of the structure is not increasing. There are no additional bedrooms.

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

The site is currently connected to town water and sewer.

**If the proposed use is for multi-family dwellings, will it be served by the Town water system and by the Town sewerage system? N/A**

The ZBA discussed that plans for multi-family housing above three units must go to Planning Board Site review after ZBA.

**MOTION:** Tom Hebert moved to APPROVE **Case 17-05-Z**, a request for a **Special Exception** under **Article IV Use Regulations**, §143-19 **Table of Use Regulations #3**. Case in point presented by Fred Vega and associate Cindy Lewis, is requesting a **Special Exception** to add a 4<sup>th</sup> unit to an existing 3 unit dwelling. A **Special Exception** is required under §143-19 **Table of Use Regulations #3** in the R-1 Zoning District for multi-family dwellings. The property is owned by Frederick Vega, 360 Pembroke Street, Pembroke, NH 03275. The property is located at 360 Pembroke Street Map (565) Lot (56) in the R-1 Medium Density-Residential Zoning District and the AC Architectural Design District.

The **Special Exception** is approved with the following conditions:

1. Must follow all State and Town regulations
2. Must obtain approvals from water and sewer departments.
3. Must follow the submitted floor plan and Plot plan.

Dana Carlucci seconded.

**VOTE:** BILL - YES TOM – YES BRUCE – YES  
DANA- YES MARK - YES

**MOTION TO APPROVE SPECIAL EXCEPTION WITH CONDITIONS PASSED ON A 5-0 VOTE.**

### **OTHER**

**Church sign appeal** – Pending in federal court, Boston MA. Judge was sick on last scheduled date, and appellant is requesting mediation. Legal expenses for this case are covered 75% by Primex.

**NEW BUSINESS**

**Appeal on Keystone multi-family proposal** – The Town of Pembroke was served a Notice of Hearing at Merrimack Superior Court to be held August 10, 2017. Everett Hodge noted that this appeal was filed April 10, 2017 and will be handled by Town Counsel. Items #92 and #93 refer to Conflict of Interest. William Faith stated he pays membership fees at Pembroke Pines Golf Club and told owner, Mr. MacCormack, that he appreciated the improvements to the golf course. Every board member was given a copy of the RSA pertaining to conflict of interest and determined they had no problem serving. If a person has a direct personal interest in a case, or would be disqualified as a juror on the same action, that person would recuse himself/herself. Dana Carlucci stated it is up to each individual to determine if they can separate any personal interest from the case at hand. No board member determined that he/she benefits from this proposal in way, shape or form.

**MINUTES OF PREVIOUS MEETINGS**

**MOTION:** Tom Hebert moved to approve the minutes of April 10, 2017 as amended. William Faith seconded.

**VOTE:**            BILL - YES            TOM – YES            BRUCE – YES  
                      DANA- YES            MARK - YES

MINUTES OF APRIL 10, 2016 APPROVED AS AMENDED ON A 5-0 VOTE.

**NEXT MEETING**

**Date of next ZBA meeting** – Chairman Kudrick noted the next ZBA meeting would be on **Monday, May 8, 2017 at 7:00 p.m.**

**Annual elections** will be held at the May 8, 2017 meeting.

**ADJOURN** **Motion:** Tom Hebert moved to adjourn. Mark Simard seconded. Vote was unanimous in favor of motion. Meeting adjourned at 8:38 p.m.

Respectfully submitted,  
Susan P. Gifford  
Recording Secretary