

MINUTES
PEMBROKE ZONING BOARD OF ADJUSTMENT

January 25, 2016

Pending 1-27-2016

MEMBERS PRESENT: William Bonney, Chair; Bruce Kudrick, Vice Chair; Tom Hebert, Dana Carlucci, Paul Paradis

ALTERNATES PRESENT: Mark Johansen, William Faith, Mark Simard

EXCUSED:

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

Chairman Bonney called the meeting to order at 7:00 p.m. Chairman Bonney opened the public hearing at 7:01p.m.

There were 5 regular members and 3 alternate members present. Therefore, there was a full five-member board present for this hearing. Chairman Bonney 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.

Copies of tax cards and a Change of Use Plat dated December 2015 prepared by Richard D. Bartlett and Associates, 214 No. State Street, Concord NH were included in the agenda packet.

Case #16-01-Z

Applicant:	John's Wrecker Service PO Box 293 Concord, NH 03301
Property Owner(s):	D'Pergo Realty Investments LLC PO Box 293 Concord, NH 03301
Property Address:	107 Sheep Davis Road Pembroke, NH 03275 Tax Map (561) Lot (35) in the C-1 Commercial/Light Industrial and the AC Aquifer Conservation Zoning Districts

Case 16-01-Z a request has been made for a **Special Exception** under Article IV **Use Regulations §143-19 Table of use regulations Wholesale, Transportation, and Industrial #9**. The applicant, John's Wrecker Service P O Box 293, Concord, N. H. 03302 is requesting permission to store vehicles and related equipment at 107 Sheep Davis Road. A **Special Exception** is required for **open storage of equipment** in the C-I Zoning District. The property is owned by D'Pergo Realty Investments, LLC, P O Box 293 Concord, N. H. 03302. The property is located at 107 Sheep Davis Road Map (561) Lot (35) in the C-1 Commercial / Light Industrial and the AC Aquifer Conservation Zoning Districts. Mr. Everett Hodge confirmed that all abutters were notified.

Case 16-02-Z a request has been made for a **Special Exception** under Article IV **Use Regulations §143-19 Table of use regulations Retail and service #11**. The applicant, John's Wrecker Service P O Box 293, Concord, N. H. 03302, is requesting permission to repair automobiles at 107 Sheep Davis Road. A **Special Exception** is required for **repair of automobiles** in the C-I Zoning District. The property is owned by D'Pergo Realty Investments, LLC, P O Box 293 Concord, N. H. 03302. The property is located

at 107 Sheep Davis Road Map (561) Lot (35) in the C-1 Commercial / Light Industrial and the AC Aquifer Conservation Zoning Districts.

Case 16-03-Z a request has been made for a **Special Exception** under Article IX **Overlay Districts** §143-68 **Aquifer Conservation (AC) District F**. The applicant, John's Wrecker Service P O Box 293, Concord, N. H. 03302, Inc. is requesting permission to repair automobiles in the **Aquifer Conservation (AC) District**. **Automotive service and repair shops** in the **Aquifer Conservation (AC) District** are a permitted use with a **Special Exception**. The property is owned by D'Pergo Realty Investments, LLC, P O Box 293 Concord, N. H. 03302. The property is located at 107 Sheep Davis Road Map (561) Lot (35) in the C-1 Commercial / Light Industrial and the AC Aquifer Conservation Zoning Districts.

Chairman Bonney asked that a letter dated January 22, 2016 to the Pembroke Zoning Board of Adjustment from Matthew Gagne, Superintendent, Pembroke Water Works be read into the record. Pembroke Water Works had discussions about the impact of the proposed uses by John's Wrecker Service, particularly the outside parking of vehicles, inside the Route 3 Wellhead protection area. Any potential contaminant that enters the Route 106 well would also influence one or both of the Route 3 wells. Pembroke Water Works recommended that the applicant pay for a Hydrogeologist to do a study and make recommendations for this use and to also notify City of Concord to allow any input, since the area is in close proximity to the Concord wells also.

Chairman Bonney read into the record a section of RSA 672:3. Because the proposed use affects both the Town of Pembroke and the City of Concord, this proposal meets the definition of a development of regional impact. Notice of hearing and copies of plans must be provided by certified mail to the regional planning commission as well as the City of Concord.

MOTION: Bruce Kudrick moved to determine that the proposed change of use requested by John's Wrecker Service for Special Exceptions 16-01-Z, 16-02-Z and 16-03-Z, per RSA 36:54, was a Development of Regional Impact for the following reasons:

1. The location of the proposed use is within Concord's and Pembroke's Wellhead protection area.
 2. The location is located in the AC Aquifer Conservation District which could affect Concord's and Pembroke's water supply.
- Dana Carlucci seconded.

VOTE: DANA - YES TOM - YES BRUCE - YES
 PAUL - YES BILL - YES

AMENDMENT: Bruce Kudrick moved to add: Therefore, the applicant must work with the Pembroke Water Works to hire a Hydrogeologist to determine how the use will affect the aquifer and report back to Pembroke Water Works, the Town of Pembroke Zoning Board of Adjustment, the City of Concord, and the applicant. Dana Carlucci seconded.

VOTE: DANA - YES TOM - YES BRUCE - YES
 PAUL - YES BILL - YES
 AMENDMENT TO MOTION IS APPROVED ON A 5-0 VOTE.

PROPOSAL INCLUDING CASE #16-01-Z, 16-02-Z AND 16-03-Z IS DETERMINED A DEVELOPMENT OF REGIONAL IMPACT. APPLICANT WILL RETAIN A HYDROGEOLOGIST

TO COMPLETE A STUDY OF POTENTIAL IMPACT TO WELLHEAD AREA AND SUBMIT COPIES OF REPORT TO TOWN OF PEMBROKE AND CITY OF CONCORD ON A 5-0 VOTE.

Chairman Bonney stated that the hearing will be continued to February 22, 2016 to provide time for a hydrogeologist to perform a study and define the potential impact to Pembroke drinking water.

Mark Sargent, of Richard D. Bartlett and Associates, presenting for applicant John's Wrecker Service, asked for clarification on the scope, cost and time frame for the hydrogeologist report that is being required. How extensive should the study be? What will it cost? How long will it take for the Hydrogeologist to complete and prepare the report?

Chris Culbertson, Pembroke Water Works, responded that the study should be based on the scenario of worst case impact from the proposed uses. Because stratified soils treat the water that is provided for drinking, the study and report should err on the side of caution and provide recommendations to protect the quality of the drinking water. Chris Culbertson noted that Pembroke and the City of Concord have jointly used the same hydrogeologist for several years. Matt Gagne, Superintendent, Pembroke Water Works has reached out to City of Concord. The applicant and Mark Sargent, along with representatives of Pembroke Water Works and City of Concord should meet to discuss a fair and equitable scope that will satisfy the concerns.

Chairman Bonney summarized that the applicant will work with Pembroke Water Works and the City of Concord. Notifications will be made per the RSA on development of regional impact. The Zoning Board of Adjustment does not want to inhibit business from moving into Pembroke. However, our drinking water is fabulous and we want to keep it that way. The public hearing is continued until the next ZBA meeting on February 22, 2016 to allow time for the study and report to be completed.

MINUTES OF PREVIOUS MEETINGS

MOTION: Tom Hebert moved to approve the minutes of November 25, 2015 as amended. Bruce Kudrick seconded.

VOTE: DANA - YES TOM - YES BRUCE - YES
PAUL - YES BILL - YES

MINUTES OF NOVEMBER 25, 2015 APPROVED AS AMENDED ON A 5-0 VOTE.

OTHER

Electronic message sign concern – Tom Hebert noted that he had observed an electronic message sign in Pembroke scrolling many times a day. The Code Enforcement Officer has addressed and resolved this matter.

NEXT MEETING

Date of next ZBA meeting – Everett Hodge noted the next ZBA meeting would be on **Monday, February 22, 2016 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 7:35 p.m.

Respectfully submitted,
Susan P. Gifford
Recording Secretary