

**Pembroke Planning Board  
Meeting Minutes  
May 23, 2023**

Approved June 13, 2023

**MEMBERS PRESENT:** Brian Seaworth, Chairman; Robert Bourque, Vice Chairman; Rick Frederickson, Selectmen's Rep; Kathy Cruson, Kevin Foss, Clint Hanson, Brent Edmonds

**ALTERNATES PRESENT:** Bryan Christiansen

**MEMBERS EXCUSED:**

**STAFF PRESENT:** Carolyn Cronin, Town Planner; Susan Gifford, Recording Secretary

Chairman Seaworth called the meeting to order at 6:30 pm. Seven members and one alternate member were present.

**New Business**

- 1. Minor Site Plan Application #23-101, Jessica Stevenson, 3 Glass Street, LLC, owner of Tax Map VE, Lot 175 located at 3 Glass St. in the Central Business (B2) Zone, the Aquifer Conservation (AC) District, the Suncook Business (SB) District, and the MS4 District.**

The Applicant proposes to redevelop the existing building into a mixed use of retail, café, and self-storage space.

➤ **Special Use Permit Application SUP-AC #23-304**

The Applicant requests a Special Use Permit in accordance with Article 143-68.E., Aquifer Conservation District, for mixed use over the aquifer.

Planner Cronin reported that the applicant proposes to redevelop the existing American Legion hall building. The proposed change in use is from a private membership club to a combination of café, retail, takeout food service, and self-storage. The lot is a pre-existing non-conforming grandfathered lot. A Special Use Permit is required for the aquifer. The Health Officer and Pembroke Water Works have no concerns. The applicant requests a waiver from MSDS since there are no tenants secured. Based on the proposed uses, the number of parking spaces required is estimated at 15 spaces (5 for retail, 3 for storage, and 7 for café). The café number is an estimate because unlike retail and storage use, which is based on square footage, café parking is calculated by number of seats. The Applicant provided a revised café floor plan to demonstrate how much seating could reasonably be accommodated in the space while staying within the life safety occupancy numbers. The Applicant submitted a request to waive the on-site parking requirements in accordance with Zoning §143-48.A. The applicant has demonstrated that public parking is available within 500 feet of the property.

The following waiver requests have been submitted by the Applicant: Part A. General Information, items B. Building expansion, C. Driveway locations, F. Landscaping, and M. MSDS. A Technical Review Committee (TRC) meeting was held on May 9, 2023. Sewer capacity, life safety, and parking were discussed. The Town Engineer has no concerns as there is no impact to stormwater or roads. The Conservation Commission reviewed the plan at their May 8<sup>th</sup> meeting and had no concerns.

The checklist waiver requests appear to be appropriate as they are not applicable to the project. No building addition is proposed (A.B.). The property has no driveway and no landscaping (A.C. and A.F.). MSDS are unavailable because it may vary depending on who occupies the space (A.M.). Water Works has no concerns about the MSDS waiver.

Vice Chairman Bourque suggested that when tenants move in, they provide MSDS information sheets as a condition of approval.

**MOTION:** Vice Chairman Bourque moved to grant the waiver requests for checklist items Part A. Items B, C, F, and M as requested by the applicant. Seconded by Member Hanson.

**VOTE:** B. Seaworth – Y R. Frederickson – Y K. Foss - Y  
B. Edmonds - Y R. Bourque – Y K. Cruson – Y  
C. Hanson - Y

**MOTION TO GRANT THE WAIVER REQUESTS AS LISTED ABOVE PASSED ON A 7-0 VOTE.**

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

**VOTE:** B. Seaworth – Y R. Frederickson – Y K. Foss - Y  
B. Edmonds - Y R. Bourque – Y K. Cruson – Y  
C. Hanson - Y

**MOTION TO ACCEPT THE APPLICATION AS COMPLETE PASSED ON A 7-0 VOTE.**

At 6:37 p.m. Chairman Seaworth opened the public hearing on Minor Site Plan application #23-101 and SUP-AC-#23-304. If this business item is not resolved tonight, the application and the public hearing will be continued without being renoticed. Information will be on the town website for a future agenda item. Please address your comments to the board, and state your name and street address for the record.

Anne Ketterer, project architect, provided a summary of the proposed renovation project. The building has been vacant for about a decade. Jessica Stevenson, 3 Glass Street, LLC, is the property owner. The building is currently one large space. The property owner's vision is for a small retail coffee shop, wine bar, ice cream parlor or similar food service tenant, but we cannot market that space until it is completely renovated. The owner is excited to make the space more attractive to Pembroke residents. The building currently has no insulation. We are planning to install inviting storefront windows. The lower level of the building has street access. The lower level would provide access for handicapped individuals. There is an increased need for small self-storage units since the mill building condominiums were built. Self-storage units is an acceptable use in the B2 District. We plan to open up an existing window area that is now covered over and blocked off. Our conversations have been about the ongoing changes and how we can become part of the fabric of the village and not an eyesore. I am happy to answer any questions.

Member Cruson asked if the building is attached to the adjacent building, and if any remediation is needed. Ms. Ketterer stated that only one minor structural modification is

planned. The owner is moving the stairs. No permanent connection to the adjacent building is wanted. Vice Chairman Bourque noted that at the TRC meeting, Paulette Malo indicated that there was not enough sewer gallonage to locate a café there right now. Ms. Ketterer stated that life safety occupancy codes allow 49 people in the space, but we are restricting the number of seats in the café to 25 seats.

Ms. Ketterer showed a seating area for the possible café and a mockup of the office area. There would also be a point of sale station for the café. Sewer gallonage requirements would be less if the size of seating area was restricted to twenty five guests. Vice Chairman Bourque noted that the building was constructed in 1903, and that he would recommend testing for asbestos and lead as both were common in construction at that time. Ms. Ketterer stated we are aware there is a good probability of asbestos and lead paint in the building. We are removing all the current plumbing with its very old pipes and installing all new plumbing. We have engaged two different testing entities, and we are seeking advice and quotes from them.

Chairman Seaworth noted this is a change of use from a membership club, with no tenants identified at this time. Is the application flexible enough to cover the intended uses? The project engineer stated that the applicant is flexible. We are seeking approval for a café, two retail spaces, and self-storage use in the basement. We are going out of our way to create two distinct small retail spaces. We will continue to be transparent with our plan. We will not go rogue.

Planner Cronin stated that this is a good question. I had discussions with a prospective tenant about a barber shop/hair salon use. There are many uses specific to the B2 area, but the plan would only be approved for the uses presented. Personal services like hair salon might trigger a minor site plan.

Ms. Ketterer requested more discussion on options for tenants. I would have assumed that a hairdresser would be retail. Chairman Seaworth stated that the board will consider the parking requirement waiver later, but the municipal parking garage is close enough to the site to qualify as "parking within 500 feet." There is also some on street parking. Planner Cronin stated that in this district, the Planning Board can grant a waiver to parking requirements. The municipal parking lot is 160 feet from 3 Glass Street LLC property. Chairman Seaworth noted that at TRC, it was noted that parking is a town issue, not a Planning Board issue. Vice Chairman Bourque asked if the Planning Board could compile a list of acceptable retail uses as tenants so that the applicant/owner does not have to come back to Planning Board for each tenant.

Rebecca Lecain, 19 Mills Falls Road, stated she lives behind this property and finds downtown interesting. I heard that there are no issues with the triangular park, and discussions have addressed most of my concerns. Chairman Seaworth stated that the flag holders and gun monument both belong to the town.

Matt Allgeyer, owner of the adjacent brick building, asked if the 3 Glass Street building is required to have a sprinkler system. The Allgeyers will try to be good neighbors. Does the engineer have a cost estimate for the project? What will the impact on parking and hours of operation be?

Ms. Ketterer stated she does not know specific parking requirements or hours of operation, because it would depend on each tenant. In response to the question of whether two egresses are provided on each floor, there will be an entire door to each retail place on Glass Street. The basement level with a small storage use will have two egresses. All the space will be fully compliant with zoning and life safety code requirements.

Mr. Allgeyer, adjacent building owner, stated he is in favor of bringing more people to the downtown area. Residential units are being considered at the clock tower building, and those residents would use local businesses. Mr. Allgeyer suggested that the town should build a parking garage, rather than the municipal lot. A garage has been a topic of discussion in the past. Overall, this proposal is welcome news.

Gerry Fleury, 21 Kimball Street, clarified that Lot 175 is not part of 3 Glass Street. Will the proposal have any effect on that area? A lot of residents put effort into that monument. Ms. Ketterer stated we do not own Lot 175. The monument is owned by the town and no impact is proposed. We will be maintaining the sidewalk from the park to the client's building. Gerry Fleury stated that the 3 Glass Street building has been vacant for a long time. This development is positive for Pembroke.

Chairman Seaworth suggested that Planner Cronin review the proposed conditions of approval. Planner Cronin noted that sewer approval is required for each commercial unit as tenants request to occupy the space. This condition gives the property owner flexibility in selecting tenants.

Member Foss asked if this was for initial occupancy, or each time a tenant turns over in the rental space. Planner Cronin stated that this is for initial occupancy. As each new tenant moves in, they must contact the Sewer Commission as part of the occupancy permit process. At that time, sewer capacity needs would be reviewed. Chairman Seaworth noted that for commercial entities located in the Aquifer Conservation district, MSDS information sheets must be provided for all chemicals used and stored. Vice Chairman Bourque noted that MSDS sheets for chemicals are not required for products that tenants use less than 5 gallons of a single year.

Planner Cronin noted that under the table of uses, retail and professional businesses and services, such as a chiropractor, lawyer, or hairdresser, are permitted uses and might be appropriate tenants in this space. A restaurant could also be a tenant but would have different parking requirements. Member Foss noted that a convenience store, carrying food, pharmacy, dry goods, home goods and limited variety store items would be allowed in this retail space. Vice Chairman Bourque noted that drop off /pickup areas for FED EX and UPS are becoming popular. Member Foss added that Amazon lockers provide a QR or other code for the recipient to access the box. Planner Cronin noted that a drop off/pickup service could be an accessory to another business that is located there, or could be a professional service on its own.

Member Cruson noted that logistics are based on the type of use. There are five times as many daily vehicle trips if mailing services customers and routine deliveries to area businesses are included in the calculation. Planner Cronin noted that any change in the village triggers review by Planning department staff.

Vice Chairman Bourque asked can we dedicate one or two parking spaces in front of 3 Glass Street with signage as "10 minute only, delivery and pickup"? Selectmen's Rep Frederickson noted that the town has done this for other businesses in the village but parking is so limited in the village that we hate to see one spot taken away.

Planner Cronin noted that there are many other more intensive uses permitted in the B2 zoning district, including movie theatres and schools, which this property isn't really designed for. Board members would like to see a condition added with language that "this plan is approved for the following permitted uses: retail, professional services, storage, and restaurant." The intent is that the property owner can lease to any tenant proposing these uses without returning to the Planning Board.

Planner Cronin reviewed the ten suggested conditions of approval. Chairman Seaworth noted that the owner has the discretion to apply for future change of use.

Ms. Ketterer stated that she is very happy with that list, as all the smaller local businesses able to afford the rent as tenants are on the list of allowable uses.

There being no further input Chairman Seaworth closed the public hearing at 7:32 p.m. for tonight. Chairman Seaworth noted that if this application is not completed tonight, the application and its public hearing will be continued to a future meeting and not renoticed.

**MOTION:** Vice Chairman Bourque moved to approve made a motion to approve Special Use Permit SUP-AC #23-304 conditionally until Minor Site Plan #23-101 has received final approval, at which time the Special Use Permit becomes final for as long as the plan is approved. If at any time the plan is revoked or final approval is not received, the Special Use Permit becomes invalid.

Member Cruson seconded.

**VOTE:**            B. Seaworth – Y                      R. Frederickson – Y K. Foss – Y  
                      B. Edmonds - Y                    R. Bourque – Y                      K. Cruson – Y  
                      C. Hanson - Y

**MOTION TO APPROVE SUP-AC #23-304 WITH CONDITIONS PASSED ON A 7-0 VOTE.**

**MOTION:** Vice Chairman Bourque moved to grant a waiver from the Zoning Ordinance, in accordance with Section 143-48.A., to waive all required parking spaces. Member Hanson seconded.

**VOTE:**            B. Seaworth – Y                      K. Foss – Y R. Frederickson - Y  
                      B. Edmonds - Y                    R. Bourque – Y                      K. Cruson – Y  
                      C. Hanson - Y

**MOTION TO GRANT A WAIVER FROM THE ZONING ORDINANCE IN ACCORDANCE WITH SECTION 143-48.A PASSED ON A 7-0 VOTE.**

**MOTION:** Vice Chairman Bourque moved to approve Minor Site Plan Application #23-101 with the following conditions:

1. All waivers and the date granted shall be listed on the plan.
2. All conditions of approval shall be listed on the plan.
3. The original signatures of all property owners shall be provided on the final plan.
4. The Site Plan Review and Special Use Permit Notices of Decision are to be recorded at the Merrimack County Registry of Deeds and recording fees paid to Town of Pembroke.
5. Building plans to be reviewed by the Building Inspector and Fire Chief.
6. The Applicant shall work with the Fire Department to resolve any life safety and access issues.
7. Sewer approval is required for each commercial unit. The Applicant shall work with the Sewer Department to provide any requested information or fees for each commercial unit as tenants request to occupy the space. Prior to occupancy of each commercial unit, sewer approval for that unit must be obtained.
8. The site plan will not be considered as receiving final approval until all conditions of approval are met.
9. Prior to occupancy of each commercial unit, MSDS shall be provided from the occupying tenant to the Planning Department.
10. This plan is approved for the following permitted uses: retail, professional and business offices and services, restaurants, and storage. Any tenant proposing these uses need not return to the Planning Board for a change in use.

Seconded by Member Cruson.

**VOTE:** B. Seaworth – Y R. Frederickson – Y K. Foss – Y  
B. Edmonds - Y R. Bourque – Y K. Cruson – Y  
C. Hanson - Y

**MOTION TO APPROVE MINOR SUBDIVISION APPLICATION #23-101 WITH CONDITIONS PASSED ON A 7-0 VOTE.**

Chairman Seaworth noted that everyone is looking forward to seeing improvements in that corner of town.

### **Minutes**

May 9, 2023

**MOTION:** Member Hanson moved to approve the May 9, 2023 minutes as presented. Vice Chairman Bourque seconded.

**VOTE:** B. Seaworth – Y R. Frederickson- Y K. Foss - Y  
R. Bourque - Y C. Hanson - Y K. Cruson- Y  
B. Edmonds - Y

**MOTION TO APPROVE MAY 23, 2023 MINUTES AS PRESENTED PASSED ON A 7-0 VOTE.**

### **Miscellaneous**

1. Correspondence – Planner Cronin reported that the Planning Board received a copy of one approved NH DOT driveway permit to repave at 324 Pembroke Street.

2. Committee Reports – Conservation Commission - Member Edmonds reported that Conservation Commission met with Five Rivers Conservation Trust regarding planned purchase of one or two easements on several Buck Street farms. Five Rivers Conservation Trust is looking for participation from Conservation Commission in the purchase. Board of Selectmen -Selectmen's Rep Frederickson stated that the Board of Selectmen met and approved a small contractor to build dugouts at Memorial Field. The energy committee presentation has been moved to June 7, 2023 as the committee wants to present to a full board. Selectmen's Rep Frederickson requested that the committee provide a target timeline for the energy project at that time. The NH PUC just approved the opt out plan between Eversource and Town of Pembroke. Pembroke is scheduled in the second wave of towns. The energy committee would like to see a final agreement with Pembroke by December 2023, with the electric supplier billing starting in 2024. Vice Chairman Bourque stated that notice to residents should go out certified mail. Chairman Seaworth noted that a resident can opt out of the new electric supply at any time. Vice Chairman Bourque stated that is not the way to do business. Selectmen's Rep clarified that Eversource continues to send out the bill for delivery and passes on the power supply charges. Alternate Planning Board Member Christiansen asked what changed in state law to allow projects like this to go forward? Chairman Seaworth stated that residents can bring up concerns to the energy committee. The Town voted to approve the plan. Selectmen's Rep Frederickson stated that the board is taking steps toward the plan along the way. Come to the June 7, 2023 energy commission presentation at Board of Selectmen meeting.
3. Other Business - none
4. Planner Items - none
5. Board Member Items - Vice Chairman Bourque reported that the Zoning Board of Adjustment met last night and discussed Accessory Dwelling Units (ADU). The Chair gave documents to the Code Enforcement Officer to pass along to the Town Planner. The ZBA would like to see an expanded definition of "Accessory Dwelling Unit" and eliminate the requirement for a Special Exception for an ADU. The ZBA members would like to have a joint meeting scheduled with the Planning Board to discuss future zoning changes for next year's town meeting. Chairman Seaworth suggested that the Planning Board discuss the written documents provided by ZBA at a work session and schedule a joint meeting after that discussion. Chairman Seaworth stated that ZBA members should feel free to tell Planning Board what needs to be changed to make the work of the ZBA easier. Vice Chairman Bourque suggested that message about coming forward with tweaks to zoning ordinance that are needed should be given at a joint meeting of Planning Board and ZBA members.
6. Audience Items -none

**MOTION:** Vice Chairman Bourque moved to adjourn the meeting. Seconded by Member Hanson. Without objection the meeting was adjourned at 8:00 p.m.

Respectfully submitted, Susan Gifford, Recording Secretary