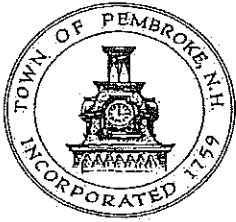


DAVID



TOWN OF PEMBROKE

Town Hall ~ 311 Pembroke Street, Pembroke, New Hampshire 03275 Tel: 603-485-4747

Pembroke Planning Board Work Session Agenda June 12, 2018 7:00 PM Pembroke Town Hall

Attendance

Old Business

1. Open Space Development Ordinance - Section 143-78: Open Space Requirements with Ammy Heiser, Conservation Commission Chair
2. Electronic Packets
3. Change of Use Procedure

New Business

4. Special Use Permit
5. Waivers and N/A Items

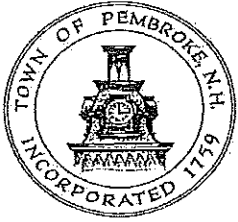
Minutes: May 22, 2018

Miscellaneous

1. Correspondence
2. Committee Reports
3. Other Business
4. Planner Items
5. Construction Escrow
6. Board Member Items
7. Audience Items

Any time after 9:30 p.m. the Board will entertain a motion to continue the current application or current Board discussion to the next business meeting if it is determined it cannot be concluded by 10 p.m. After 10 p.m., only important miscellaneous agenda items will be discussed. Any remaining items will be placed on the agenda for the next regular Planning Board meeting. Information pertaining to any item on the agenda is available for public review by contacting the Planning Office at the Town Hall during normal business hours or by calling 485-4747 ext. 210





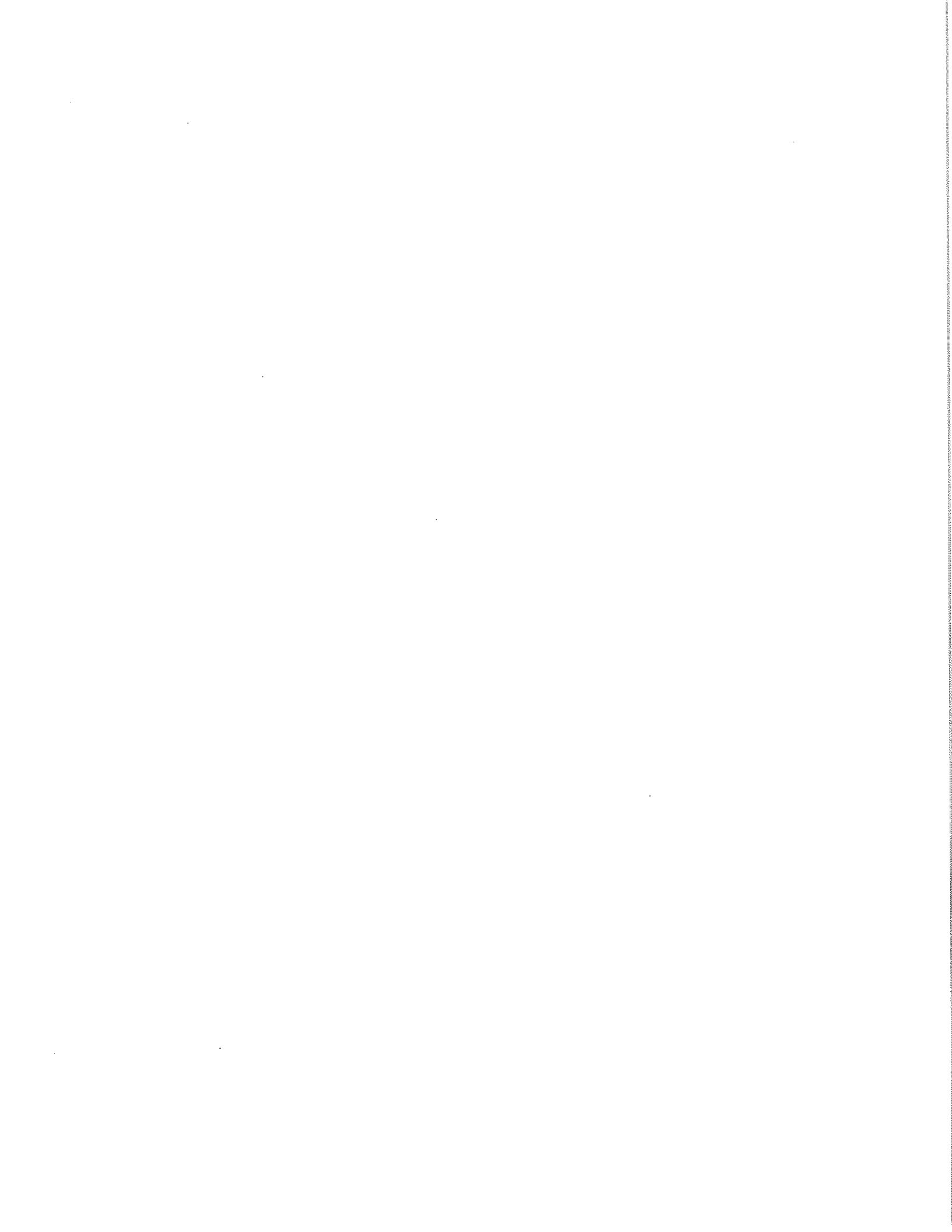
TOWN OF PEMBROKE

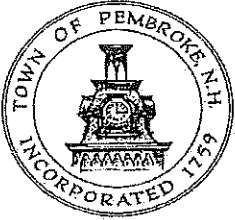
Town Hall ~ 311 Pembroke Street, Pembroke, New Hampshire 03275 Tel: 603-485-4747

To: Planning Board
From: Carolyn Cronin, Town Planner
Date: June 7, 2018
Re: Packet Information

Please bring your memos regarding Open Space Development Ordinance and Site Plan Threshold from the last work session meeting.

Thank you.





TOWN OF PEMBROKE

Town Hall ~ 311 Pembroke Street, Pembroke, New Hampshire 03275 Tel: 603-485-4747

To: Planning Board
From: Carolyn Cronin, Town Planner
Date: June 7, 2018
Re: Special Use Permits and Waiver Requests

In an effort to guide applicants to the appropriate paperwork and processes, I'd like to discuss Special Use Permits for Overlay Districts and Waiver Requests to gauge what the Board would like to review related to Planning applications. There have been some instances in which I and/or the applicant has had questions about when Special Use Permits are warranted. Also questions have arisen about the Waiver Request Checklist Application in regard to items deemed "not applicable". A discussion of these items with the Board will help me to point applicants in the right direction and streamline the planning process for all.

Special Use Permits

In the instance of the Pembroke Sand & Gravel scale house, the applicant applied for a Special Use Permit for the Wetlands Protection District. Part of the large property is located in the district, but the project area was located well outside of it to the extent that impacts from construction would not reasonably affect the wetlands.

The Zoning Ordinance reads that a Special Use Permit is triggered when a use not expressly allowed in the overlay district is proposed.

Does the Board want to see Special Use Permits in any case where the overlay district is located on the property? Or only in instances in which the project area or use is located within the overlay?

The same question would apply to the Aquifer Conservation overlay district. Whereas the Zoning Ordinance states that a "use" in the district triggers a Special Use Permit and not "activity" or "work."

Waiver Requests

Waiver requests before the Board are unique in that the Board requests waivers from items that are "not applicable."

The Checklist and Waiver Request Checklist Applications are designed to be all encompassing so that the checklists can be used for any Site Plan or Subdivision application without the need to have multiple application forms for all the different types of projects that may appear before the Board. This results in many checklist items that are not applicable to an application.

For instance, the Major Site Plan Checklist includes items for multi-family housing, areas to be set aside for parks and open space, and roadway profiles and cross-sections. While these items are listed to cover development of a new apartment complex, they rarely apply to commercial development that comes in under the Major Site Plan application. Typically, in these instances, an applicant would mark the item as "N/A," in addition to checking off items to be shown on the plan and requesting waivers from required items to not show on the plan.

Pembroke is unique in that it requires "N/A" items to request a waiver, on the basis that the item appears in the checklist, but is not to be included on the plan. The fact that "N/As" are not acceptable to the Board is something that applicants (engineers and surveyors that do work in many other towns) find confusing and unexpected. It results in staff chasing them down for extra waiver request paperwork in order to make a complete application. In that sense, Pembroke's waiver request process does not align with other cities' and towns' interpretation of waivers and non-applicable items. This also results in the Board granting long lists of waivers for relatively small projects, like redevelopments or additions where new construction requirements may not apply.

I would respectfully ask the Board to discuss and consider "N/A" waiver request items as a way to streamline the permitting process.

In addition, the Board may consider combining the Checklist Application and the Waiver Request Checklist Application into one checklist where the applicant can mark off which items to show and which to waive in one form. The Checklist Application and the Waiver Request Checklist Application are identical lists, but on one the applicant marks which items are shown and on the other they mark which items they request waivers from. We could significantly cut down on paper and time, if both were combined into one checklist.

I respectfully ask that the Board think about these issues for the upcoming Work Session meeting.

**Pembroke Planning Board
Meeting Minutes
(DRAFT)
May 22, 2018**

MEMBERS PRESENT: Alan Topliff, Chairman; Brian Seaworth, Vice Chairman; Kathy Cruson; Brent Edmonds; Richard Bean; Ann Bond, Selectman's Rep.

ALTERNATES PRESENT: Robert Bourque; Timothy Goldthwaite

EXCUSED: Larry Young, Sr.; Kellie Dyjak

STAFF PRESENT: Carolyn Cronin, Town Planner; Matt Monahan, Central NH Regional Planning Commission; Jocelyn Carlucci, Recording Secretary; David Jodoin, Town Administrator

Chairman Topliff called the meeting to order at 7:00 pm and asked Alternate Member Bourque to vote in place of Member Young.

Chairman Topliff asked that all comments and discussions during public hearing be as abbreviated as possible because of the full agenda.

Normally Chairman Topliff would read the agenda items in full, but in the interest of time, he stated that he would only read the major subdivision applications under old business and reference the Special Use Permits (SUP).

Old Business

1. **Special Use Permit Application SUP-AC #17-304, Timothy Peloquin, Promised Land Survey, LLC, acting as the applicant on behalf of Keystone Pembroke, LLC, 17 Bridge Street, Unit 103 Billerica, MA, owner of Tax Map 634 Lot 1, located at 31-39 Whittemore Road in the Medium Density (R1) Residential Zone, the Aquifer Conservation (AC) District, the Wetlands Protection (WP) District.** The applicant requests a Special Use Permit from Article 143-68.E, Aquifer Conservation District for construction roads, utilities, infrastructure, and building lots for a three (3) lot subdivision and an Open Space Development. A Special Use Permit is required for any activity taking place within the Aquifer Conservation (AC) District. This permit is associated with the Major Subdivision Plan Application #17-03. *Continued from April 24, 2018.*
2. **Special Use Permit Application, SUP-WP #17-305, Timothy Peloquin, Promised Land Survey, LLC, acting as the applicant on behalf of Keystone Pembroke, LLC, 17 Bridge Street, Unit 103 Billerica, MA, owner of Tax Map 634 Lot 1, located at 31-39 Whittemore Road in the Medium Density (R1) Residential Zone, the Aquifer Conservation (AC) District, the Wetlands Protection (WP) District.** The applicant requests a Special Use Permit from Article 143.72. D (2), Wetlands Protection District, which is required for the construction of streets, roads, and other access ways and utility rights-of-way, if essential to the productive use of adjoining land. This permit is associated with the Major Subdivision Plan Application #17-03. *Continued from April 24, 2018.*
3. **Special Use Permit Application, SUP-OSD #17-306, Timothy Peloquin, Promised Land Survey, LLC, acting as the applicant on behalf of Keystone**

Pembroke, LLC, 17 Bridge Street, Unit 103 Billerica, MA, owner of Tax Map 634 Lot 1, located at 31-39 Whittemore Road in the Medium Density (R1) Residential Zone, the Aquifer Conservation (AC) District, the Wetlands Protection (WP) District. The applicant requests a Special Use Permit per Article XVIII Special Use Permits and Article X Open Space Development for the design and construction of an Open Space Development (OSD) and for OSD Reduction in Specification Standards. This permit is associated with the Major Subdivision Plan Application #17-03. *Continued from April 24, 2018.*

- 4. Major Subdivision Plan #17-03, Timothy Peloquin, Promised Land Survey, LLC, acting as the applicant on behalf of Keystone Pembroke, LLC, 17 Bridge Street, Unit 103 Billerica, MA, owner of Tax Map 634 Lot 1, located at 31-39 Whittemore Road in the Medium Density (R1) Residential Zone, the Aquifer Conservation (AC) District, the Wetlands Protection (WP) District.** The applicant proposes to subdivide Map 634 Lot 1 into three (3) single family lots and construct an Open Space Development consisting of eighteen (18) 4-plex two-bedroom units for a total of 72 residential dwelling units. The total area of the lot is approximately 88.8 acres with 23.54 acres developed for residential use, approximately 31.99 acres reserved for future activity for the Pembroke Pines Golf Course, and 33.3 acres to be dedicated/deeded to the Town of Pembroke/Conservation Commission. *Continued from April 24, 2018.*

Present: Timothy Peloquin, Promised Land Survey, LLC; Robert MacCormack; Charles Cleary, Esquire

Ms. Cronin said that the conversation at the last meeting revolved around traffic mitigation from the new development. Options were discussed for the improvement of the intersection of Route 3 and Whittemore Road. At that time, the Applicant offered an exaction fee of \$30,000 in lieu of physical roadway improvements.

She also said that there were waiver requests submitted from the Subdivision Roadway Regulations -- from superelevation for the road and sidewalks on one side of the road rather than both sides.

Chairman Topliff said that, at the last meeting, the consensus of the Board was that Par Drive and Nadine Drive would connect with no gate or limitations to through traffic. The \$30,000 exaction fee was discussed and the majority of the Board felt that the offer was quite generous and that the Board did not need to identify a specific purpose for the money at that time. The Board has 6 years to recommend to the Board of Selectmen how the money is to be spent.

He also said that the Board discussed the superelevation of the road and the reduction of the sidewalk. There was no opposition to either topic.

Selectmen's Rep. Bond said that the Board of Selectmen asked the Police Department to research the legality of placing signs for "No Thru Traffic".

Mr. Jodoin said that Town Counsel said that once the road becomes a public road with public funds, speed signs were the only restriction that could be placed. There cannot be No Thru Traffic signs or Emergency Vehicles Only signs which is nearly impossible to defend in court.

Chairman Topliff reopened the public hearing at 7:06 pm on Old Business Agenda Items 1, 2, 3, and 4.

Mr. Peloquin said that he is hoping that the Board grants a conditional approval and the waivers for the road where superelevation is needed and the sidewalk on one side. There are no sidewalks on Whittemore Road or Nadine Drive at the present time. A sidewalk on one side would be good for the residents that occupy the area.

He said that the superelevation of the curb is restricted for drainage in one section where it works better for roadway purposes. It has been permitted by NH Department of Environmental Services (NHDES) and through the Alteration of Terrain (AOT) permit.

The SUP permits are for: (1) a wetland crossing which they received a NH Wetland Board Waiver, and (2) the aquifer which conditions were met through the Zoning Board.

Chairman Topliff said that it is up to the Applicant to decide if any of the roads in the project would be submitted to the Board of Selectmen to be taken over as Town roads. He asked if it was the Applicant's intention for all the roads to be Town roads or only some of them.

Mr. Peloquin said that the roads will all be built to Town standards and inspected as such. Eventually, once the final coat of pavement is laid, it will be submitted to the Board of Selectmen to be approved as Town roads.

Mr. Jodoin asked if all the roads were going to be submitted.

Mr. Peloquin said that Eagle's Way is only a driveway to two four-plex units, and would not be submitted to the Board of Selectmen. Birdie Circle along with Par Drive, which becomes Nadine Drive, would be public ways.

Mr. Jodoin asked what would happen with the trash pickup and plowing if a resident was living in one of the units while the others were being built and in the binder stage.

Mr. MacCormack said that he would take care of it until the road is accepted by the Town.

Mr. Jodoin asked if the road radius was good for the packer and the plows to get in and out of.

Mr. Peloquin said yes.

Selectmen's Rep. Bond said that a resident pointed out that there are no sidewalks on Nadine Drive, but since Nadine Drive will be improved, ADA would require a sidewalk. The Selectmen were not sure how far the sidewalk would have to go.

Mr. Jodoin said that he had no information on that. He did say that eventually, it would end up being a sidewalk to no where. His thought was that if there was an existing sidewalk which was being upgraded, the sidewalk would have to be improved to ADA standards. Since there has never been a sidewalk on Nadine Drive, ADA standards may not apply.

Alternate Member Bourque said that the Town Engineer agreed with the superelevation and sidewalk waivers.

Vice Chairman Seaworth said that the Roads Committee agree that sidewalks on both sides of the road are a burden for the Town. It is generally in excess of what residents need and twice as much maintenance for the Town to keep the sidewalks clear. Vice Chairman Seaworth said that where there is a speed concern, the superelevation waiver is a good idea.

The Board reviewed all suggested conditions of approval from Ms. Cronin.

Chairman Topliff asked if the current plans still show a gate.

Mr. Peloquin said yes, until such time as the Board directs them to remove it.

Chairman Topliff said that the Board previously discussed the \$30,000 exaction fee and the consensus was to accept the funds and not designate a use for it until later. He asked if the members would like to accept the exaction fee.

Ms. Cruson said that she appreciated the offer from the Applicant and thought that it was fair and reasonable.

Chairman Topliff, Vice Chairman Seaworth, Member Bean, and Alternate Members Bourque and Goldthwaite were in agreement to accept the fee.

Member Edmonds said that he was in favor of accepting the fee, but did not feel that it should be dedicated to any use at this time.

Selectmen's Rep. Bond said that the Board of Selectmen was concerned about the cost for upgrading Bow Lane for the additional cars. They also did not have any costs for water and sewer upgrades, therefore, as a Selectman she voted No.

Mr. Monahan and Ms. Cronin agreed with accepting the funds, but felt that it would be appropriate not to dedicate it to a use at this time.

The following condition of approval was added:

14. Prior to issuance of the first certificate of occupancy, an exaction fee in the amount of \$30,000, to be administered by the Town in accordance with RSA 674:21.V.(j), shall be submitted.

Mr. Jodoin requested that another condition be added:

15. The Applicant will provide the Town with a letter stating that they will be responsible for all street maintenance, street lights, snow plowing and trash removal until the road is accepted by the Board of Selectmen as a public way.

Mr. MacCormack said that they are presently speaking with the power company about underground vs. above-ground power lines.

Mr. Jodoin said that the street lights will be the Applicant's responsibility until such time as they are turned over to the Town and added to the Town's normal bill.

There being no further comments or questions from the Board or the public, Chairman Topliff closed the public hearing at 7:24 p.m. on Old Business Agenda Items 1, 2, 3, and 4.

MOTION: Member Edmonds moved to grant the waiver request from the Open Space Development Ordinance, Section 143-77.C.(1)(c) to waive the requirements of super-elevation and sidewalks on both sides. Seconded by Alternate Member Bourque.

VOTE: K. Cruson – Y R. Bean – Y B. Seaworth – Y
A. Topliff – Y A. Bond – Y R. Bourque – Y
B. Edmonds – Y

MOTION: MOTION TO GRANT THE WAIVER REQUEST FROM THE OPEN SPACE DEVELOPMENT ORDINANCE, SECTION 143-77.C.(1)(C) TO WAIVE THE REQUIREMENTS OF SUPERELEVATION AND SIDEWALKS ON BOTH SIDES PASSED ON A 7-0 VOTE.

MOTION: Vice Chairman Seaworth moved to accept the exaction fee in the amount of \$30,000 for the purpose of highway, drainage, water or sewer off-site improvement needs necessitated by the development in accordance with RSA 674:21.V.(j), 2017-2018 Edition. Seconded by Alternate Member Bourque.

VOTE: K. Cruson – Y R. Bean – Y B. Seaworth – Y
A. Topliff – Y A. Bond – Y R. Bourque – Y
B. Edmonds – Y

MOTION: MOTION TO ACCEPT THE EXACTION FEE IN THE AMOUNT OF \$30,000 FOR THE PURPOSE OF HIGHWAY, DRAINAGE, WATER OR SEWER OFF-SITE IMPROVEMENT NEEDS NECESSITATED BY THE DEVELOPMENT IN ACCORDANCE WITH RSA 674:21.V.(J), 2017-2018 EDITION PASSED ON A 7-0 VOTE.

MOTION: Alternate Member Bourque moved to approve Special Use Permit Case #17-304-SUP-AC, #17-305-SUP-WP, and #17-306-SP-OSD conditionally until Major Subdivision Plan #17-03 has received final approval, at which time the Special Use Permits become final for as long as the Case is approved. If at any time the Case is revoked or final approval is not received, the Special Use Permits become invalid.

VOTE: K. Cruson – Y R. Bean – Y B. Seaworth – Y
A. Topliff – Y A. Bond – Y R. Bourque – Y
B. Edmonds – Y

MOTION TO APPROVE SPECIAL USE PERMIT CASE #17-304-SUP-AC, #17-305-SUP-WP, AND #17-306-SP-OSD CONDITIONALLY UNTIL MAJOR SUBDIVISION PLAN #17-03 HAS RECEIVED FINAL APPROVAL, AT WHICH TIME THE SPECIAL USE PERMITS BECOME FINAL FOR AS LONG AS THE CASE IS APPROVED. IF AT ANY TIME THE CASE IS REVOKED OR FINAL APPROVAL IS NOT RECEIVED, THE SPECIAL USE PERMITS BECOME INVALID PASSED ON A 7-0 VOTE.

Alternate Member Bourque moved to approve Major Subdivision Application Case #17-03 subject to the following conditions:

1. Prior to signature, all waivers and conditions shall be listed on the plan.
2. Prior to signature, the plans shall be revised to remove all reference to "gated access" at Par Drive and Nadine Road.
3. Prior to signature, the plans shall be revised to include the NHDES Approval numbers.
4. Prior to recording, the original signatures of all property owners shall be provided on the final plat.
5. Prior to recording, Town Counsel shall review the draft conservation deed for the 33 acres of conservation land to be deeded to the Town.
6. Prior to recording, Town Counsel shall review the draft condominium documents.
7. Prior to recording, all engineering review fees to be paid in full.
8. Phase I is to include the 33 units with sewer approval. If no other sewer approvals are granted, the Applicant shall return to the Planning Board for review if a community septic system is proposed.
9. The Applicant shall provide \$2,800 to the Town to be held in escrow for the purpose of site monitoring and inspections of the proposed roadway by the Town's consulting engineer.
10. Driveway permits for the proposed lots are required.
11. The plan will not be considered as receiving final approval until all applicable conditions of approval are met.
12. Applicant is notified through this notice that no site work shall begin and building permits will not be issued until the final plan is signed and recorded, the Notice of Decision is recorded, and a Pre-construction meeting is held with the Town.
13. Pre-construction and construction requirements and procedures, including provisions for surety, shall comply with the Town of Pembroke Subdivision Regulations.

14. Prior to issuance of the first certificate of occupancy, an exaction fee in the amount of \$30,000, to be administered by the Town in accordance with RSA 674:21.V.(j), shall be submitted.
15. The Applicant shall provide the Town with a letter stating that they will be responsible for all street maintenance, street lights, snow plowing, and trash removal until the road is accepted by the Board of Selectmen.

Seconded by Vice Chairman Seaworth.

VOTE: K. Cruson – Y R. Bean – Y B. Seaworth – Y
 A. Topliff – Y A. Bond – Y R. Bourque – Y
 B. Edmonds – Y

MOTION TO APPROVE MAJOR SUBDIVISION APPLICATION CASE #17-03 SUBJECT TO THE FOLLOWING CONDITIONS:

1. **PRIOR TO SIGNATURE, ALL WAIVERS AND CONDITIONS SHALL BE LISTED ON THE PLAN.**
2. **PRIOR TO SIGNATURE, THE PLANS SHALL BE REVISED TO REMOVE ALL REFERENCE TO "GATED ACCESS" AT PAR DRIVE AND NADINE ROAD.**
3. **PRIOR TO SIGNATURE, THE PLANS SHALL BE REVISED TO INCLUDE THE NHDES APPROVAL NUMBERS.**
4. **PRIOR TO RECORDING, THE ORIGINAL SIGNATURES OF ALL PROPERTY OWNERS SHALL BE PROVIDED ON THE FINAL PLAT.**
5. **PRIOR TO RECORDING, TOWN COUNSEL SHALL REVIEW THE DRAFT CONSERVATION DEED FOR THE 33 ACRES OF CONSERVATION LAND TO BE DEEDED TO THE TOWN.**
6. **PRIOR TO RECORDING, TOWN COUNSEL SHALL REVIEW THE DRAFT CONDOMINIUM DOCUMENTS.**
7. **PRIOR TO RECORDING, ALL ENGINEERING REVIEW FEES TO BE PAID IN FULL.**
8. **PHASE I IS TO INCLUDE THE 33 UNITS WITH SEWER APPROVAL. IF NO OTHER SEWER APPROVALS ARE GRANTED, THE APPLICANT SHALL RETURN TO THE PLANNING BOARD FOR REVIEW IF A COMMUNITY SEPTIC SYSTEM IS PROPOSED.**
9. **THE APPLICANT SHALL PROVIDE \$2,800 TO THE TOWN TO BE HELD IN ESCROW FOR THE PURPOSE OF SITE MONITORING AND INSPECTIONS OF THE PROPOSED ROADWAY BY THE TOWN'S CONSULTING ENGINEER.**
10. **DRIVEWAY PERMITS FOR THE PROPOSED LOTS ARE REQUIRED.**
11. **THE PLAN WILL NOT BE CONSIDERED AS RECEIVING FINAL APPROVAL UNTIL ALL APPLICABLE CONDITIONS OF APPROVAL ARE MET.**
12. **APPLICANT IS NOTIFIED THROUGH THIS NOTICE THAT NO SITE WORK SHALL BEGIN AND BUILDING PERMITS WILL NOT BE ISSUED UNTIL THE FINAL PLAN IS SIGNED AND RECORDED, THE NOTICE OF DECISION IS RECORDED, AND A PRE-CONSTRUCTION MEETING IS HELD WITH THE TOWN.**

13. **PRE-CONSTRUCTION AND CONSTRUCTION REQUIREMENTS AND PROCEDURES, INCLUDING PROVISIONS FOR SURETY, SHALL COMPLY WITH THE TOWN OF PEMBROKE SUBDIVISION REGULATIONS.**
14. **PRIOR TO ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY, AN EXACTION FEE IN THE AMOUNT OF \$30,000, TO BE ADMINISTERED BY THE TOWN IN ACCORDANCE WITH RSA 674:21.V.(J), SHALL BE SUBMITTED.**
15. **THE APPLICANT SHALL PROVIDE THE TOWN WITH A LETTER STATING THAT THEY WILL BE RESPONSIBLE FOR ALL STREET MAINTENANCE, STREET LIGHTS, SNOW PLOWING, AND TRASH REMOVAL UNTIL THE ROAD IS ACCEPTED BY THE BOARD OF SELECTMEN.**

PASSED ON A 7-0 VOTE.

Chairman Topliff spoke for the Board in extending his appreciation of the Applicant's professionalism and tenure during the application process. He said that it made life easier for everyone and looks forward to seeing the project come to fruition.

5. **Major Site Plan Application #18-102, Mark C. Sargent of Richard D Bartlett & Assoc, LLC, acting as agent on behalf of the property owner John Dapergolas, D'Pergo Realty Investments LLC, owner of Tax Map 561, Lot 35 located at 107 Sheep Davis Road in the Commercial Industrial (C1) Zone and the Aquifer Conservation (AC) District.**

The applicant, Mark C. Sargent, proposes a change of use of a portion of the site for the operation of Michaels Power Supply. Proposed is to lease the first and second floors of the 2 story wood building (2,760 square feet) and 6,488 square feet of the east end of the 2 story metal frame building. Offices will occupy the front building and the warehousing of equipment and wire will be had in the steel frame building. *Continued from April 24, 2018.*

6. **Special Use Permit Application, SUP-AC #18-303, Mark C. Sargent of Richard D Bartlett & Assoc, LLC, acting as agent on behalf of the property owner John Dapergolas, D'Pergo Realty Investments LLC, owner of Tax Map 561, Lot 35 located at 107 Sheep Davis Road in the Commercial Industrial (C1) Zone and the Aquifer Conservation (AC) District.**

The applicant, Mark C. Sargent, requests a Special Use Permit from Article 143-68.E for activity within the Aquifer Conservation District. This permit is associated with the Major Site Plan Application #18-102. *Continued from April 24, 2018.*

Present: Mark Sargent of Richard D. Bartlett & Associates LLC; John Dapergolas; Jason Cross of Michaels Power Supply.

Ms. Cronin said that this is an application for a Major Site Plan and SUP for the Aquifer Conservation District. The Site Plan is for a change of use on the property. A new tenant (Michaels Power Supply) will be going in which triggered a site plan review. Several waiver requests from the checklist were submitted and a few checklist items that were submitted could be appropriate for conditions of approval. Engineering had no comments

on this project because there were no physical changes proposed to the site. The following items were requested as waivers from the Site Plan checklist:

1. Part A. Item C for construction drawings.
2. Part A. Item G for exterior building height of proposed building.
3. Part A. Item L for multi-family requirements.
4. Part B. Item B.2 for property boundaries.
5. Part B. Item B.6 for proposed buildings.
6. Part B. Item B.7 for parks and public spaces.
7. Part B. Item B.11 for new street names.
8. Part B. Item B.16 for test pit locations.
9. Part B. Item B.19 for soil map on plan.
10. Part B. Item B.20 for legal descriptions of easement areas.
11. Part C. Item A for construction plans.
12. Part C. Item B for roadway profiles.
13. Part C. Item C for roadway cross-sections.
14. Part C. Item D for construction details.
15. Part C. Item E for erosion controls.
16. Part C. Item F for impact from site.

She said that all the waivers are not applicable for the application because they are proposing a change of use. Because of the odd shape and the size of the parcel, in order to show a focused area, the Applicant could not capture the entire parcel at a readable scale but was able to show the developed area of the parcel which is why Item B.B.2 for property boundaries was an appropriate waiver.

Ms. Cronin said that the items that were missing but appropriate for conditions of approval and a note on the plan are:

1. Item A.O: A note on the plan that the building plans will be reviewed by the Fire Chief/Town.
2. Item A.P: A note on the plan that the building plans will be reviewed by Sewer/Water.
3. NH Department of Transportation (NHDOT) driveway permit is needed.
4. A wetland scientist stamp to confirm that there are no wetlands.

Chairman Topliff asked for clarification on the project narrative that referenced hazardous materials: "Additional hazardous material to be stored on site beyond those already approved by the board. MSDS sheets for materials have been provided."

Ms. Cronin said that they provided a list of 14 chemicals to be stored on-site along with the MSDS sheets. The Board was given an abbreviated list of those items.

Chairman Topliff said that he was concerned because originally there were two approvals given: one for MBI and one for the original site plan. He did not feel that it was up to the Board or the Planning Department to research what was previously allowed but was happy

to see that a list was submitted and that Ms. Cronin was able to construct an abbreviated list for the Board's review.

Ms. Cronin said that the list before the Board is everything that is on-site at the present time.

Ms. Cronin said that she reviewed the application with Mr. Monahan and it seemed to meet the completeness requirements along with a few items that could be conditions of approval.

MOTION: Alternate Member Bourque moved to grant the waiver requests for checklist items: Part A - Items: C, G, and L; Part B - Items: B.(2), B.(6), B.(7), B.(11), B.(16), B.(19), and B.(20); Part C - Items: B, C, D, E, and F. Seconded by Member Bean.

VOTE: K. Cruson – Y R. Bean – Y B. Seaworth – Y
A. Topliff – Y A. Bond – Y R. Bourque – Y
B. Edmonds – Y

MOTION TO GRANT THE WAIVER REQUESTS FOR CHECKLIST ITEMS: PART A - ITEMS: C, G, AND L; PART B - ITEMS: B.(2), B.(6), B.(7), B.(11), B.(16), B.(19), AND B.(20); PART C- ITEMS: B, C, D, E, AND F PASSED ON A 7-0 VOTE.

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

VOTE: K. Cruson – Y R. Bean – Y B. Seaworth – Y
A. Topliff – Y A. Bond – Y R. Bourque – Y
B. Edmonds – Y

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

Chairman Topliff opened the public hearing at 7:42 pm on Old Business Agenda Items 5, and 6.

Mr. Sargent said that the site is located at 107 Sheep Davis Road with a total area of 11 acres and 162.72 ft. of frontage along Route 106. The front two buildings have municipal water and sewer. Previously approved uses on the site are: Self-Reflection Salon in the front building. John's Wrecker Service and MBI in the second building. The site has 103 paved parking spaces located throughout the property. They are proposing an additional use of Michaels Power Supply, an electrical contractor from Brownsville, Wisconsin with locations throughout the country. Michaels Power Supply proposes to lease the first and second floor of the front office building (2,760 sq. ft.) and 6,488 sq. ft. of storage space in the rear metal-framed building. The office will have 6 employees and will be open from Monday to Friday from 7:00 a.m. to 5:00 pm. The warehouse portion will be open 6 days a week.

Jason Cross, Regional Manager of Michaels Power Supply, said that it is a family-owned business based out of Wisconsin but operates all over the United States. They have yard space in Hudson, NH. They presently have 6 employees in an office in Londonderry, NH that accommodates 3 employees.

Mr. Cross said that they would like to park their equipment inside during the winter. They have a maintenance contract with Eversource and National Grid to perform storm restoration projects. They have an HSC Department. He is aware that Sheep Davis Road is above the aquifer and is environmentally sensitive. They have a department that performs training and also monitors those type of activities. Their equipment is new. They have one mechanic that travels throughout the State performing equipment repairs. 99% of the repairs are done in the field where the equipment stays the majority of the time. At times the equipment is returned to the yard on weekends or parked at a garage overnight.

With regard to material storage, Mr. Cross said that there will be very little. All their material is kept in Hudson. The site is primarily office space and for parking equipment that is stored between projects. Most of their material will be out in the field. They perform maintenance and storm restoration.

Mr. Sargent said that, based on the square footage, they need a total of 61 parking spaces. They have 103 spaces. They applied for a NHDOT driveway permit a few months ago.

He said that there is a small wetlands area located on the property. As in the past, they will have the plan stamped by a Wetland Scientist prior to final approval.

Mr. Sargent also said that Mr. Dapergolas has spoken with the Fire Chief and will be working with him and the Police Department on a numbering system for the units.

Mr. Cross said that the hazardous material consists of Simple Green, Windex, WD-40, all in small quantities. The only gas and oil stored on site will be whatever is in the equipment's tanks. They do not store fuel on site.

Mr. Cross also said that, sometimes if they are working in a remote location, they will have self-contained, dual-containment systems, but the employees typically fuel-up at gas stations.

Mr. Sargent said that the building has concrete floors with no drains.

Mr. Dapergolas said that he has floor wash and spill containment capabilities that accommodate his fleet and the building which they made sure was to the satisfaction of the Pembroke Water Works.

Chairman Topliff asked if Mr. Dapergolas would consider accommodating the spill containment capabilities based on the additional fuels in Michaels Power Supply vehicles. Mr. Dapergolas said yes.

Mr. Cross said that each of their vehicles has a spill-kit. When working with Eversource and National Grid, they have to report every spill. As little as a drop is considered a spill in the right-of-ways. They have environmental monitor consultants that monitor everything that Michaels' does, so Mr. Cross said that it behooves them to stay diligent about maintaining their equipment so they do not have leaks. Depending on the state, each spill has to be reported to the State. They do everything possible to avoid that.

Mr. Cross said that there will be 10 pickup trucks, 5 buckets, 4 cranes, and a couple of diggers.

Alternate Member Bourque asked if they would be doing maintenance on the site.

Mr. Cross said that most of the vehicles are brought to Freightliner in Londonderry and they also rent a lot of their equipment. They have a service company in Hooksett and Nashua where they have the equipment serviced.

The remainder of the service is done in the right-of-way. In Concord, they use a diesel shop for oil changes.

Mr. Cross said that they do not store any poles or cross arms on site. All poles or cross arms being replaced steel are placed in a dumpster in Hudson and disposed of by Waste Management or Pinard Waste.

Vice Chairman Seaworth asked if the Town has had experience with the reports for the monitoring wells.

Mr. Jodoin said that that is usually handled by Pembroke Water Works.

Ms. Cronin referred to the letter from Pembroke Water Works dated April 12, 2018 which states that "The last inspection done by Emery and Garrett Groundwater was done in April of 2017."

Mr. Jodoin said that a copy of the report was sent to the Planning Department.

The Board discussed conditions of approval and added the following to the proposed list:

6. Storage of any of the chemicals listed on site would not exceed 5 gallons per item at any point in time.

7. That the Special Use Permit Application Notice of Decision and Site Plan Notice of Decision are recorded at the Merrimack County Registry of Deeds.

Since there were no further questions or comments from the Board or the public, Chairman Topliff closed the public hearing at 8:04 pm on Old Business Agenda Items 5 and 6. If consideration of the application is not concluded this evening, the public hearing will be

continued and not re-noticed. Anyone interested in this application should watch for future notices on the Town's website.

MOTION: Alternate Member Bourque moved to conditionally approve Special Use Permit Case #18-303-SUP-AC until Major Site Plan Application #18-102 has received final approval, at which time this Special Use Permit becomes final for as long as the Case is approved. If at any time the Case is revoked or final approval is not received, this Special Use Permit becomes invalid. Seconded by Vice Chairman Seaworth.

VOTE: K. Cruson – Y R. Bean – Y B. Seaworth – Y
A. Topliff – Y A. Bond – Y R. Bourque – Y
B. Edmonds – Y

MOTION TO CONDITIONALLY APPROVE SPECIAL USE PERMIT CASE #18-303-SUP-AC UNTIL MAJOR SITE PLAN APPLICATION #18-102 HAS RECEIVED FINAL APPROVAL, AT WHICH TIME THIS SPECIAL USE PERMIT BECOMES FINAL FOR AS LONG AS THE CASE IS APPROVED. IF AT ANY TIME THE CASE IS REVOKED OR FINAL APPROVAL IS NOT RECEIVED, THIS SPECIAL USE PERMIT BECOMES INVALID PASSED ON 7-0 VOTE.

MOTION: Alternate Member Bourque moved to approve Major Site Plan Application #18-102 with the following conditions:

1. NHDOT Driveway Permit received.
2. Wetland scientist stamp and signature need to be on the final plan set.
3. A plan note stating that the building plans will be reviewed by the Fire Chief/Town shall be provided.
4. A plan note stating that the building plans will be reviewed by the Sewer and Water Departments shall be provided.
5. Any proposed sign package shall be submitted to the Building Inspector.
6. Storage of any of the chemicals listed on site would not exceed 5 gallons per item at any point in time.
7. That the Special Use Permit Application Notice of Decision and Site Plan Notice of Decision are recorded at the Merrimack County Registry of Deeds.

Seconded by Vice Chairman Seaworth.

VOTE: K. Cruson – Y R. Bean – Y B. Seaworth – Y
A. Topliff – Y A. Bond – Y R. Bourque – Y
B. Edmonds – Y

MOTION TO APPROVE MAJOR SITE PLAN APPLICATION #18-102 WITH THE FOLLOWING CONDITIONS:

1. NHDOT DRIVEWAY PERMIT RECEIVED.
2. WETLAND SCIENTIST STAMP AND SIGNATURE NEED TO BE ON THE FINAL PLAN SET.

3. A PLAN NOTE STATING THAT THE BUILDING PLANS WILL BE REVIEWED BY THE FIRE CHIEF/TOWN SHALL BE PROVIDED.
4. A PLAN NOTE STATING THAT THE BUILDING PLANS WILL BE REVIEWED BY THE SEWER AND WATER DEPARTMENTS SHALL BE PROVIDED.
5. ANY PROPOSED SIGN PACKAGE SHALL BE SUBMITTED TO THE BUILDING INSPECTOR.
6. STORAGE OF ANY OF THE CHEMICALS LISTED ON SITE WOULD NOT EXCEED 5 GALLONS PER ITEM AT ANY POINT IN TIME.
7. THAT THE SPECIAL USE PERMIT APPLICATION NOTICE OF DECISION AND SITE PLAN NOTICE OF DECISION ARE RECORDED AT THE MERRIMACK COUNTY REGISTRY OF DEEDS.

PASSED ON A 7-0 VOTE.

New Business

1. **Notice of Voluntary Merger of Pre-Existing Lots, Silver Hill Development Corporation c/o Frank Merrill, owner of Tax Map 559, Lots 12 & 12-1 located at 774-778 & 773-777 Silver Hills Drive.**

The property owner seeks a voluntary lot merger pursuant to RSA 674:39-a.

Present: Tim Bernier of T. F. Bernier, Inc.

Ms. Cronin said that the two properties are owned by Silver Hills Development. Per RSA 674:31A, if the two lots are in common ownership, they can be combined into one lot.

Chairman Topliff said that typically the Board takes a voice vote allowing the Chair or Vice Chair to sign the request.

MOTION: VICE CHAIRMAN SEAWORTH MOVED TO APPROVE THE VOLUNTARY LOT MERGER. SECONDED BY ALTERNATE MEMBER BOURQUE. UNANIMOUSLY APPROVED.

2. **Special Use Permit Application SUP-AC #18-304, Timothy Bernier, T. F. Bernier, Inc., acting as applicant on behalf of Silver Hill Development Corporation c/o Frank Merrill, owner of Tax Map 559, Lot 12 (after merger with Lot 12-1) located at 774 Silver Hills Drive in the Rural/Agricultural (R3) Residential Zone, the Aquifer Conservation (AC) District, and the Wetlands Protection (WP) District.**

The Applicant requests a Special Use Permit from Article 143-68.E., Aquifer Conservation District for relocation of the scale, scale house and shed as well as associated improvements including a new parking area, septic and well, and culverts. A Special Use Permit is required for any activity taking place within the Aquifer Conservation (AC) District. This permit is associated with Major Site Plan Application #18-103.

3. **Special Use Permit Application SUP-WP #18-306, Timothy Bernier, T. F. Bernier, Inc., acting as applicant on behalf of Silver Hill Development Corporation c/o Frank Merrill, owner of Tax Map 559, Lot 12 (after merger with Lot 12-1) located at 774 Silver Hills Drive in the Rural/Agricultural (R3) Residential Zone, the Aquifer Conservation (AC) District, and the Wetlands Protection (WP) District.**

The applicant requests a Special Use Permit from Article 143.72. D (1), Wetlands Protection District, which is required for the erection of a structure. This permit is associated with Major Site Plan Application #18-103.

4. **Major Site Plan Application #18-103, Timothy Bernier, T. F. Bernier, Inc., acting as applicant on behalf of Silver Hill Development Corporation c/o Frank Merrill, owner of Tax Map 559, Lot 12 (after merger with Lot 12-1) located at 774 Silver Hills Drive in the Rural/Agricultural (R3) Residential Zone, the Aquifer Conservation (AC) District, and the Wetlands Protection (WP) District.**

The Applicant proposes to relocate the scale, scale house and shed and construct associated improvements including a new parking area, septic and well, and culverts. This permit is associated with Special Use Permit Application #18-304.

Ms. Cronin said that the two Special Use Permits are associated with the Major Site Plan Application for Pembroke Sand and Gravel to move their scale house. The lot merger just acted on was necessary for this project because the project area would have straddled the lot line between the two parcels. Now that the lots have been merged, the project meets the dimensional-zoning requirements. Several waiver requests were submitted. The Board must decide if this project meets the criteria for a Development of Regional Impact.

The project is located in Concord's wellhead area. The Applicant notified the City of Concord to see if they had any concerns with the project. They responded that they had no concerns related to the project.

They also met with Mary Pinkham Langer about the gravel operation on the site. She said that parcel #12-1 is not covered under the grandfathering rights for excavation on Lot 12. If future grave operations are proposed, the Applicant would have to go through the permitting process for the new portion of the site.

The Board discussed the proposed waiver requests.

MOTION: Vice Chairman Seaworth moved to grant the waiver requests for checklist items: Part A - Items: D, L, and N; Part B - Items: B.(7), B.(11), B.(18), and B.(20); Part C - Items: B and C. Seconded by Alternate Member Bourque.

VOTE: K. Cruson – Y R. Bean – Y B. Seaworth – Y
A. Topliff – Y A. Bond – Y R. Bourque – Y
B. Edmonds – Y

MOTION TO GRANT THE WAIVER REQUESTS FOR CHECKLIST ITEMS: PART A - ITEMS: D, L, AND N; PART B - ITEMS: B.(7), B.(11), B.(18), AND B.(20); PART C - ITEMS: B AND C PASSED ON A 7-0 VOTE.

Chairman Topliff asked the Board if this project would meet the criteria for a Development of Regional Impact. The consensus was that there was no significant regional impact.

MOTION: ALTERNATE MEMBER BOURQUE MOVED TO NOT CONSIDER THIS A DEVELOPMENT OF REGIONAL IMPACT. SECONDED BY MEMBER EDMONDS. UNANIMOUSLY APPROVED.

MOTION: Alternate Member Bourque moved to accept the application as complete. Seconded by Member Cruson.

VOTE: K. Cruson – Y R. Bean – Y B. Seaworth – Y
 A. Topliff – Y A. Bond – Y R. Bourque – Y
 B. Edmonds – Y

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

Chairman Topliff opened the public hearing at 8:22 pm on New Business Agenda Items 2, 3, and 4.

Mr. Bernier said that the property is .99 acres after the merger. Elmwood Development and Silver Hills Development were two separate entities with one gravel permit. At this time, a portion of Lot 12-1 is not grandfathered but a portion of the property was part of Elmwood/Silver Hills Development.

The present scale house is temporary and is in the middle of the future extension of Silver Hills Drive. Silver Hills Drive will not be extended until the gravel operation is over. The existing entrance to the pit is in the middle of New England Flower Farm. The existing scale house will be moved from New England Flower Farm to the Merrill property.

Mr. Bernier said that Silver Hills Drive is a Town road. There is an agreement between the Town and Silver Hills Development that Silver Hills Development will maintain Silver Hills Drive until there is significant development on it to warrant the Town taking it over. He said that there is a recorded legal agreement.

Mr. Jodoin said that his understanding was that the Road was not accepted by the Town. The Board would accept it once all the paving and development was done. He also said that he did not know where the Town stood on the bond.

Ms. Cronin said that the Town is still holding an \$80,000 bond until the final top coat is done and final acceptance.

Mr. Bernier said that the Applicant is taking the existing scale house and moving it. The scale house is a trailer which will have the wheels put back on it to move it. The scale has a concrete foundation. There is also a shed for paperwork and other material.

He said that they are putting in a well, a State-approved septic system, and a 500-gallon propane tank for heat. They are also going to define a visitor parking area to control flow in and out of the pit.

Mr. Bernier said that AOT said that the Applicant will not need a permit. In this development, all sites require an AOT permit because of the way that the original development was designed when it was approved. The Applicant incorporated potential future development in the road drainage system. By doing that, every development that occurs in Silver Hills Development requires an AOT permit. It is an amendment to the approved permit. The Applicant checked with AOT to see if they required a permit and they replied in an e-mail that the Applicant does not need a permit because it is temporary, it is relatively small, it is existing, and it is merely being moved.

Mr. Bernier continued to say that the Town Engineer reviewed it and wanted to confirm that the existing drainage facilities were capable of supporting this. He explained that they have a large retention basin that meets all of the modern AOT requirements to support future development. Mr. Bernier provided all the drainage calculations along with adjustments for this change and they received a letter stating that they are more than able to handle the stormwater runoff.

The only storage on site will be the propane tank.

Nothing is being proposed in the wetlands but there is wetland on the 99-acre parcel. The proposal has no impact to the wetland protection area. The only reason that they are asking for the Special Use Permit is because there are wetlands on the 99-acre parcel.

Mr. Bernier said that if the Special Use Permit is recorded, he was concerned that it would be confusing because the project has no impact on the Wetland Protection District. He felt that it would be clearer if it was not recorded as a wetland permit.

Ms. Cronin referred to the May 21, 2018 letter from KV Partners LLC indicating that they have reviewed the drainage calculations and have no issues with the project.

The Board reviewed the proposed conditions of approval and added the following conditions:

12. Note on the plan stating that the project area is not within the Wetland Protection District though other portions of the parcel are.
In accordance with Pembroke's regulations, SUP-WP #18-306 was requested and granted on May 22, 2018.

15. Receipt of State septic system design approval.

There being no further comments or questions from the Board or the public on New Business Agenda Items 2, 3 and 4, Chairman Topliff closed the public hearing at 8:48 pm.

MOTION: Alternate Member Bourque moved to approve the Special Use Permit Case #18-304-SUP-AC conditionally until Major Site Plan Application #18-103 has received final approval, at which time this Special Use Permit becomes final for as long as the Case is approved. If at any time the Case is revoked or final approval is not received, this Special Use Permit becomes invalid. Seconded by Vice Chairman Seaworth.

VOTE: K. Cruson – Y R. Bean – Y B. Seaworth – Y
A. Topliff – Y A. Bond – Y R. Bourque – Y
B. Edmonds – Y

MOTION TO APPROVE THE SPECIAL USE PERMIT CASE #18-304-SUP-AC CONDITIONALLY UNTIL MAJOR SITE PLAN APPLICATION #18-103 HAS RECEIVED FINAL APPROVAL, AT WHICH TIME THIS SPECIAL USE PERMIT BECOMES FINAL FOR AS LONG AS THE CASE IS APPROVED. IF AT ANY TIME THE CASE IS REVOKED OR FINAL APPROVAL IS NOT RECEIVED, THIS SPECIAL USE PERMIT BECOMES INVALID PASSED ON A 7-0 VOTE.

MOTION: Member Cruson moved to approve the Special Use Permit Case #18-306-SUP-WP conditionally until Major Site Plan Application #18-103 has received final approval, at which time this Special Use Permit becomes final for as long as the Case is approved. If at any time the Case is revoked or final approval is not received, this Special Use Permit becomes invalid. Seconded by Alternate Member Bourque.

VOTE: K. Cruson – Y R. Bean – Y B. Seaworth – Y
A. Topliff – Y A. Bond – Y R. Bourque – Y
B. Edmonds – Y

MOTION TO APPROVE THE SPECIAL USE PERMIT CASE #18-306-SUP-WP CONDITIONALLY UNTIL MAJOR SITE PLAN APPLICATION #18-103 HAS RECEIVED FINAL APPROVAL, AT WHICH TIME THIS SPECIAL USE PERMIT BECOMES FINAL FOR AS LONG AS THE CASE IS APPROVED. IF AT ANY TIME THE CASE IS REVOKED OR FINAL APPROVAL IS NOT RECEIVED, THIS SPECIAL USE PERMIT BECOMES INVALID PASSED ON A 7-0 VOTE.

MOTION: Alternate Member Bourque moved to approve the Major Site Plan Application Case #18-103 with the following conditions:

1. The Checklist waivers that were granted shall be listed on the plan as to which waivers were granted with the date granted.
2. Recording of lot merger.
3. Note on the plan stating that the project area is not within the Floodplain Development District, though other portions of the parcel are.

4. Note on the plan stating that the project area is not within the Shore Land Protection District, though other portions of the parcel are.
5. A letter from Pembroke Water Works (PWW) regarding the Aquifer Conservation District is received and the Applicant complies with all PWW recommendations.
6. A note on Sheet 2 stating that an excavation permit is required for the new portion of Lot 12 (formerly Map 559, Lot 12-1) if excavation operations are to occur on site.
7. A plan note stating that the building plans will be reviewed by the Fire Chief and Building Inspector.
8. A plan note stating that the building plans will be reviewed for utility needs such as water, sewer, gas, electricity, etc., with the responsible agency.
9. Wetland scientist stamp to be added to the Existing Conditions sheet.
10. Applicant is notified through this notice that no site work shall begin and town demolition and building permits will not be issued until the final plan is signed and the Notice of Decision is recorded.
11. The site plan will not be considered as receiving final approval until all applicable conditions of approval are met.
12. Note on the plan stating that the project area is not within the Wetland Protection District though other portions of the parcel are. In accordance with Pembroke's regulations, SUP-WP #18-306 was requested and granted on May 22, 2018.
13. Provide the original signatures of all property owners on the final plat.
14. The property owner shall use best management practices, as described by NHDES, to control dust on the site and roadway.
15. Receipt of State septic system design approval.

VOTE: K. Cruson – Y R. Bean – Y B. Seaworth – Y
 A. Topliff – Y A. Bond – Y R. Bourque – Y
 B. Edmonds – Y

MOTION TO APPROVE THE MAJOR SITE PLAN APPLICATION CASE #18-103 WITH THE FOLLOWING CONDITIONS:

1. **THE CHECKLIST WAIVERS THAT WERE GRANTED SHALL BE LISTED ON THE PLAN AS TO WHICH WAIVERS WERE GRANTED WITH THE DATE GRANTED.**
2. **RECORDING OF LOT MERGER.**
3. **NOTE ON THE PLAN STATING THAT THE PROJECT AREA IS NOT WITHIN THE FLOODPLAIN DEVELOPMENT DISTRICT, THOUGH OTHER PORTIONS OF THE PARCEL ARE.**
4. **NOTE ON THE PLAN STATING THAT THE PROJECT AREA IS NOT WITHIN THE SHORE LAND PROTECTION DISTRICT, THOUGH OTHER PORTIONS OF THE PARCEL ARE.**
5. **A LETTER FROM PEMBROKE WATER WORKS (PWW) REGARDING THE AQUIFER CONSERVATION DISTRICT IS RECEIVED AND THE APPLICANT COMPLIES WITH ALL PWW RECOMMENDATIONS.**

6. A NOTE ON SHEET 2 STATING THAT AN EXCAVATION PERMIT IS REQUIRED FOR THE NEW PORTION OF LOT 12 (FORMERLY MAP 559, LOT 12-1) IF EXCAVATION OPERATIONS ARE TO OCCUR ON SITE.
 7. A PLAN NOTE STATING THAT THE BUILDING PLANS WILL BE REVIEWED BY THE FIRE CHIEF AND BUILDING INSPECTOR.
 8. A PLAN NOTE STATING THAT THE BUILDING PLANS WILL BE REVIEWED FOR UTILITY NEEDS SUCH AS WATER, SEWER, GAS, ELECTRICITY, ETC., WITH THE RESPONSIBLE AGENCY.
 9. WETLAND SCIENTIST STAMP TO BE ADDED TO THE EXISTING CONDITIONS SHEET.
 10. APPLICANT IS NOTIFIED THROUGH THIS NOTICE THAT NO SITE WORK SHALL BEGIN AND TOWN DEMOLITION AND BUILDING PERMITS WILL NOT BE ISSUED UNTIL THE FINAL PLAN IS SIGNED AND THE NOTICE OF DECISION IS RECORDED.
 11. THE SITE PLAN WILL NOT BE CONSIDERED AS RECEIVING FINAL APPROVAL UNTIL ALL APPLICABLE CONDITIONS OF APPROVAL ARE MET.
 12. NOTE ON THE PLAN STATING THAT THE PROJECT AREA IS NOT WITHIN THE WETLAND PROTECTION DISTRICT THOUGH OTHER PORTIONS OF THE PARCEL ARE. IN ACCORDANCE WITH PEMBROKE'S REGULATIONS, SUP-WP #18-306 WAS REQUESTED AND GRANTED ON MAY 22, 2018.
 13. PROVIDE THE ORIGINAL SIGNATURES OF ALL PROPERTY OWNERS ON THE FINAL PLAT.
 14. THE PROPERTY OWNER SHALL USE BEST MANAGEMENT PRACTICES, AS DESCRIBED BY NHDES, TO CONTROL DUST ON THE SITE AND ROADWAY.
 15. RECEIPT OF STATE SEPTIC SYSTEM DESIGN APPROVAL.
- PASSED ON A 7-0 VOTE.**

5. **Special Use Permit Application SUP-AC #18-305, Timothy Bernier, T. F. Bernier, Inc., acting as applicant on behalf of Silver Hill Development Corporation c/o Frank Merrill, owner of Tax Map 559, Lot 12-3 located at 787-799 Silver Hills Drive in the Rural/Agricultural (R3) Residential Zone and the Aquifer Conservation (AC) District.**

The Applicant requests a Special Use Permit from Article 143-68.E., Aquifer Conservation District to subdivide lot 12-3 into two lots. A Special Use Permit is required for any activity taking place within the Aquifer Conservation (AC) District. This permit is associated with Minor Subdivision Application #18-05.

6. **Minor Subdivision Application #18-05, Timothy Bernier, T. F. Bernier, Inc., acting as applicant on behalf of Silver Hill Development Corporation c/o Frank Merrill, owner of Map 559, Lot 12-3 located at 787-799 Silver Hills Drive in the Rural/Agricultural (R3) Residential Zone and the Aquifer Conservation (AC) District.**

The Applicant proposes to subdivide Map 559, Lot 12-3 into two lots. The proposed Lot 1 consists of 120,896 SF with 359.81 feet of frontage on Silver Hills Drive and

312.61 feet of frontage on North Pembroke Road. The proposed Lot 2 consists of 101,228 SF with 307.14 feet of frontage on Silver Hills Drive.

Present: Tim Bernier of TF Bernier, Inc.

Ms. Cronin said that this is a minor subdivision on Silver Hills Drive with an associated Special Use Permit for the Aquifer Conservation District. It is an existing undeveloped lot which they are proposing to subdivide into 2 lots. The proposed lots meet all dimensional requirements of zoning. Town Engineer had no comments other than to make sure that the Town was still holding a bond on the road. She said that the Town holds a bond in the amount of \$83,215 on Silver Hills Drive until the road is completed and accepted by the Town.

The Board reviewed the waiver requests.

Ms. Cronin said that if a new use came before the Board on either lot, the Applicant would have to create a site plan. She also said that the City of Concord's Water Department commented that, in the future, when a use comes in for those sites, they would like to review it at that time.

MOTION: Alternate Member Bourque moved to grant the waiver requests for checklist items: Part A - Items: C, H, K, L, R, S, and W. Seconded by Vice Chairman Seaworth.

VOTE: K. Cruson – Y R. Bean – Y B. Seaworth – Y
A. Topliff – Y A. Bond – Y R. Bourque – Y
B. Edmonds – Y

MOTION TO GRANT THE WAIVER REQUESTS FOR CHECKLIST ITEMS: PART A - ITEMS: C, H, K, L, R, S, AND W PASSED ON A 7-0 VOTE.

Chairman Topliff said that he asked Ms. Cronin to confirm that they are not creating a non-conforming lot because Lot 2's frontage will be on Silver Hills Drive which is a Class V road and not a Town road.

Ms. Cronin said that, as far as determining adequate frontage, the RSA criteria that this circumstance would meet is "that the street is shown on a plat approved by the Planning Board", therefore, the intention is that the roadway was designed to Town specifications, RSA 674:41.I.(b).(2).

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

VOTE: K. Cruson – Y R. Bean – Y B. Seaworth – Y
A. Topliff – Y A. Bond – Y R. Bourque – Y
B. Edmonds – Y

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

Chairman Topliff opened the public hearing on New Business Agenda Items 5 and 6 at 8:59 pm.

Mr. Bernier said that this is a 5-acre lot which the Applicant would like to divide into 2 lots. Silver Hills Development is marketing the lots and found that the lots were more marketable in a 2-acre format. The lots are being marketed for commercial purposes. The Technical Review Committee and the City of Concord made it clear that when the lots are developed, they would like the opportunity to weigh-in on it.

The Applicant has received State subdivision approval. They have septic and wells.

Mr. Bernier said that the Special Use Permit is for activity in the Aquifer Conservation District.

The Board discussed the proposed conditions of approval and added the following:

- 4. Note on the plan that the Pembroke Planning Board has determined that this application is not a Development of Regional Impact.

There being no further questions or comments from the Board or the public, Chairman Topliff closed the public hearing on New Business Agenda Items 5 and 6 at 9:09 pm.

MOTION: Alternate Member Bourque moved to approve the Special Use Permit Case #18-305-SUP-AC conditionally until Minor Subdivision Application #18-05 has received final approval, at which time this Special Use Permit becomes final for as long as the Case is approved. If at any time the Case is revoked or final approval is not received, this Special Use Permit becomes invalid. Seconded by Vice Chairman Seaworth.

VOTE: K. Cruson – Y R. Bean – Y B. Seaworth – Y
 A. Topliff – Y A. Bond – Y R. Bourque – Y
 B. Edmonds – Y

MOTION TO APPROVE THE SPECIAL USE PERMIT CASE #18-305-SUP-AC CONDITIONALLY UNTIL MINOR SUBDIVISION APPLICATION #18-05 HAS RECEIVED FINAL APPROVAL, AT WHICH TIME THIS SPECIAL USE PERMIT BECOMES FINAL FOR AS LONG AS THE CASE IS APPROVED. IF AT ANY TIME THE CASE IS REVOKED OR FINAL APPROVAL IS NOT RECEIVED, THIS SPECIAL USE PERMIT BECOMES INVALID PASSED ON A 7-0 VOTE.

MOTION: Alternate Member Bourque moved to approve the Minor Subdivision Application #18-05 with the following conditions:

- 1. All waivers shall be listed on the plan, including the date granted.
- 2. Wetland scientist stamp to be added to Sheet 1.

3. A letter from Pembroke Water Works (PWW) regarding the Aquifer Conservation District is received and the Applicant complies with all PWW recommendations.
 4. Note on the plan that the Pembroke Planning Board has determined that this application is not a Development of Regional Impact.
 5. Provide the original signatures of all property owners on the final plat.
- Seconded by Vice Chairman Seaworth.

VOTE: K. Cruson – Y R. Bean – Y B. Seaworth – Y
 A. Topliff – Y A. Bond – Y R. Bourque – Y
 B. Edmonds – Y

MOTION TO APPROVE THE MINOR SUBDIVISION APPLICATION #18-05 WITH THE FOLLOWING CONDITIONS:

1. ALL WAIVERS SHALL BE LISTED ON THE PLAN, INCLUDING THE DATE GRANTED.
 2. WETLAND SCIENTIST STAMP TO BE ADDED TO SHEET 1.
 3. A LETTER FROM PEMBROKE WATER WORKS (PWW) REGARDING THE AQUIFER CONSERVATION DISTRICT IS RECEIVED AND THE APPLICANT COMPLIES WITH ALL PWW RECOMMENDATIONS.
 4. NOTE ON THE PLAN THAT THE PEMBROKE PLANNING BOARD HAS DETERMINED THAT THIS APPLICATION IS NOT A DEVELOPMENT OF REGIONAL IMPACT.
 5. PROVIDE THE ORIGINAL SIGNATURES OF ALL PROPERTY OWNERS ON THE FINAL PLAT.
- PASSED ON A 7-0 VOTE.

Chairman Topliff recessed the meeting at 9:15 pm.

Chairman Topliff continued the meeting at 9:20 pm.

Continuance

1. Major Subdivision Application, Subdivision #16-06, Pembroke Meadows, LLC and DHB Homes, LLC. (c/o Bob Meissner), on Tax Maps 264, 266, and 567, Lots: 4 and 7, 25-4 and 26, and 1 respectively located at 282 Pembroke Street, in the Medium Density-Residential (R1) Zone, Architectural Design (AD) District, the Wetlands Protection (WP) District, and the Aquifer Conservation (AC) District, and. The applicant Patrick R. Colburn, P.E. of Keach-Nordstrom Associates, Inc., on behalf of the property owner Pembroke Meadows, LLC and DHB Homes, LLC (Bob Meissner) is proposing a major subdivision that includes: the consolidation/merger of five existing lots of record, totaling approximately 125 acres of land, and re-subdivide the consolidated lots in order to create 110 new residential building lots, connection to municipal water and sewer systems, and the construction of approximately 10,800 linear feet of new roadway. Applicant requests a 120-day extension.

2. **Special Use Permit Application, SUP-WP #16-308, Pembroke Meadows, LLC and DHB Homes, LLC. (c/o Bob Meissner), on Tax Maps 264, 266, and 567, Lots: 4 and 7, 25-4 and 26, and 1 respectively located at 282 Pembroke Street, in the Medium Density-Residential (R1) Zone, Architectural Design (AD) District, the Wetlands Protection (WP) District, and the Aquifer Conservation (AC) District.** The applicant Patrick R. Colburn, P.E. of Keach-Nordstrom Associates, Inc., on behalf of the property owner Pembroke Meadows, LLC and DHB Homes, LLC (Bob Meissner), requests a Special Use Permit from Article 143.72. D (2), Wetlands Protection District, which is required for the construction of streets, roads, and other access ways and utility rights-of-way, if essential to the productive use of adjoining land. This permit is associated with the Major Subdivision Plan application #16-06. Applicant requests a 120-day extension.

3. **Special Use Permit Application SUP-AC #16-309, Pembroke Meadows, LLC and DHB Homes, LLC. (c/o Bob Meissner), on Tax Maps 264, 266, and 567, Lots: 4 and 7, 25-4 and 26, and 1 respectively located at 282 Pembroke Street, in the Medium Density-Residential (R1) Zone, Architectural Design (AD) District, the Wetlands Protection (WP) District, and the Aquifer Conservation (AC) District.** The applicant Patrick R. Colburn, P.E. of Keach-Nordstrom Associates, Inc., on behalf of the property owner Pembroke Meadows, LLC and DHB Homes, LLC (Bob Meissner), requests a Special Use Permit from Article 143-68.E, Aquifer Conservation District for construction roads, utilities, infrastructure, and building lots for a 110-lot subdivision. A Special Use Permit is required for any activity taking place within the Aquifer Conservation (AC) District. This permit is associated with the Major Subdivision Plan. Applicant requests a 120-day extension.

Chairman Topliff said that in March, the Board voted to grant a 120-day extension to Pembroke Meadows. Normally the 120-day extension would begin on the date of the vote (March 27, 2018). The applicant's intention was that the 120-day extension begin May 22, 2018 and extend to September 19, 2018.

MOTION: MEMBER BEAN MOVED TO MAKE THE 120-DAY EXTENSION REQUEST EFFECTIVE MAY 22, 2018. SECONDED BY VICE CHAIRMAN SEAWORTH. UNANIMOUSLY APPROVED.

Alternate Member Bourque said that the Board felt that this could be the last extension that would be granted. He said that it would be courteous to notify the Applicant about that possibility and that they may have to reapply if they wanted to go beyond September 19, 2018.

Vice Chairman Seaworth said that the Board could instruct the Planner to tell the Applicant that the Board would not look favorably on further extensions.

Minutes April 24, 2018 & May 8, 2018

MOTION: ALTERNATE MEMBER BOURQUE MOVED TO APPROVE THE APRIL 24, 2018 MEETING MINUTES AS AMENDED. SECONDED BY VICE CHAIRMAN SEAWORTH. UNANIMOUSLY APPROVED.

MOTION: ALTERNATE MEMBER BOURQUE MOVED TO APPROVE THE MAY 8, 2018 MEETING MINUTES AS AMENDED. SECONDED BY VICE CHAIRMAN SEAWORTH. APPROVED WITH ONE ABSTENTION – MEMBER BEAN.

Miscellaneous

1. Committee Reports

Conservation Commission: Member Edmonds said that he invited Ammy Heiser to meet with the Board to talk about open space. She said that she would be very happy to be a part of that discussion and to notify her of the date.

He also said that the Commission is still pursuing the Poirier property. All have agreed on a price but the problem is that the area of Center Hill Road that is above what the Town owns is a private road which does not meet Town standards. For the Town to accept the property with the road, the road would have to be brought to Town standards unless the Board of Selectmen voted to accept the property as is.

Tri-Town Ambulance: Alternate Member Bourque said that they have been going over income budget items and the 2019 budget.

Village/Hill School Space Needs Committee: Alternate Member Bourque said that the Committee was presenting their findings to the School Board tonight.

Board of Selectmen: Selectmen's Rep. Bond said that the meetings will go live next month. She said that Mr. Jodoin reviewed how to shut off the recorder for nonpublic sessions. She also said that the Board is concerned about Bow Lane.

Ms. Cronin said that the Master Plan Economic Development and Master Plan Transportation committees met. The Transportation group discussed an alternative to reroute the rail-to-trail through the Village until a pedestrian bridge is constructed over the river to connect Allenstown and Pembroke.

MOTION: Alternate Member Bourque moved to adjourn the meeting. Seconded by Vice Chairman Seaworth. Unanimously approved.

The meeting was adjourned at 9:53 p.m.

Respectfully submitted,
Jocelyn Carlucci, Recording Secretary

