

MINUTES
PEMBROKE ZONING BOARD OF ADJUSTMENT
December 19, 2017 DRAFT pending 12-22-17

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

ALTERNATES PRESENT: Ann Bond

EXCUSED:

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

Chairman Kudrick called the meeting to order at 7:00 p.m. Ann Bond was designated as a voting member of the Zoning Board of Adjustment for the hearing tonight.

Chairman Kudrick asked Ann Bond to move up from an Alternate ZBA member to a full Zoning Board of Adjustment member for the future. Ann Bond agreed, and the proper paperwork will be completed.

Case #17-10-Z

Applicant:	Goffstown Horizon Properties, LLC 153 Horizon Drive Goffstown, NH 03045
Property Owner(s):	Goffstown Horizon Properties, LLC 153 Horizon Drive Goffstown, NH 03045
Property Address:	331 North Pembroke Road Pembroke, NH 03275 Tax Map (937) Lot (1-1), in the R-3D Rural Agricultural-Residential Zoning District.

Case 17-10-Z A request has been made for a **Variance** under **Article V Dimensional and Density Regulations**, §143-21 **Table of Dimensional and Density Regulations note #14**. Goffstown Horizon Properties, LLC, 153 Horizon Drive, Goffstown, N. H. 03045, is requesting a **Variance** to reduce the required 56,000 square feet of contiguous buildable area to 50,000 square feet on lot 1-1. The property is located at 331 North Pembroke Road, Map (937) Lot (1-1) in the R-3D Rural Agricultural-Residential Zoning District.

The clerk took the roll call and all members were present. Everett Hodge noted that one abutter, Mr. John Provost, whose address was presented as 339 North Pembroke Road by the applicant, did not receive certified notice of the proposed hearing until December 14, 2017. Mr. Provost talked to Everett Hodge on the telephone and was verbally advised of the hearing. Mr. Provost signed at the post office for a certified notice addressed to "John Provost, 14 Fullam Circle, Allentown NH 03275" on December 14, 5 days before the hearing not 10 days before the scheduled hearing as required. There was a sale of property in November. Everett Hodge explained that the Town of Pembroke notified abutters to the best of its ability. Mr. Provost is present at tonight's meeting. In order to be properly notified, the hearing should be continued to Monday, January 29, 2018, the next ZBA meeting.

Mr. Provost is in favor of moving forward on the hearing. Joe Wichert, working with Dan Dion of Goffstown Horizon Properties, LLC explained that Mr. Provost purchased the property at 339 No Pembroke Road on November 22, 2017. Mr. Wichert pulled the deeds on December 1, 2017 and

mistakenly used that address for Mr. John Provost. Mr. Provost has installed a mailbox but was not living in Pembroke at the time of the mailing. Mr. Wichert apologized for any confusion. Chairman Kudrick stated that the Town of Pembroke sends out abutter notice to the addresses provided by the applicant and usually prints labels from the database. Mr. Wichert does not want to go through the entire presentation, only to have an appeal for inadequate notice be filed and require another presentation. Mr. Provost and all residents would have a 30 day statutory appeal period for any decision made by the Board. However, Mr. Provost does not want to give up his right to appeal for inadequate notice.

To make sure the presentation is given with adequate notice; Everett Hodge noted that the hearing would have to be continued to a date certain. Mr. Wichert asked to clarify that the relief the applicant is seeking is not a reduction of the buildable contiguous area from 56,000 square feet to 50,000 square feet. They are seeking a new lot of 50,000 square feet to locate the proposed house.

Chairman Kudrick stated that the case was stated correctly in the notice. Mr. Wichert stated that we are not trying to deny anyone's right to appeal.

MOTION: Tom Hebert moved to continue the public hearing for Case #17-10-Z, a request for a **Variance under Article V Dimensional and Density Regulations, §143-21 Table of Dimensional and Density Regulations note #14** to reduce the required 56,000 square feet of contiguous buildable area to 50,000 square feet on lot 1-1, at the request of the applicant, to **MONDAY, JANUARY 29, 2018.**

Dana Carlucci seconded.

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

MOTION TO CONTINUE PUBLIC HEARING TO JANUARY 29, 2018 PASSED ON A 5-0 VOTE.

Chairman Kudrick noted that the continued hearing would not be renoticed to abutters. Interested parties should check the Zoning Board of Adjustment minutes and agendas online for more information. We want to be sure all appropriate procedures are followed.

Chairman Kudrick called a brief recess at 7:15 p.m. and called the meeting back into order at 7:20 p.m.

OLD BUSINESS

Technical Review Committee – Dana Carlucci noted that he would like to see Technical Review Committee (TRC) offered to any applicant before any board. Open discussion with Town department heads could save the applicant significant engineering and other costs. Some information discussed at TRC could also be helpful to ZBA members when considering a case. Case in point is the gate at Pembroke Pines. The police are not in favor of any kind of gate due to safety and response concerns. The ZBA had set a condition that a gate is implemented, based on abutter's safety concerns.

Everett Hodge clarified that TRC is offered to all applicants before they go to Planning Board. TRC is held the first Wednesday of each month and delays an application for one month because submission deadlines would not be met if changes were made as a result of the discussions. Pembroke has always scheduled applicants to go to Planning Board before ZBA. Ann Bond stated that she was present at the Planning Board meeting when Pembroke Pines plan was presented. The plan presented was significantly different than the plan shown to ZBA earlier. The applicant's intention to have no gate, number of houses and lot density had changed.

The ZBA noted that a lot of town roads have only one way in and one way out. Everett Hodge explained that a new ordinance of the Board of Selectmen took effect August 1, 2016, entitled Chapter 82 Fire Suppression. Under this chapter, any new house located over 200 feet from an open town road or Class V road must install a residential sprinkler system. The Fire Chief based this number on the length of road his trucks could travel and maintain an adequate stream of water. Everett noted that length of road is not under the purview of the Zoning Board of Adjustment. Everett will provide of copy of Chapter 82 to the ZBA for informational purposes.

Chairman Kudrick noted that when a plan changes drastically, the developer has to come back to the ZBA. Everett Hodge noted that Pembroke Pines is waiting on a judicial decision in Concord NH and will then come back to ZBA with revised plans.

NEW BUSINESS

Letter for Town Meeting Report 2018 – The ZBA would like to add “fill three alternate Zoning Board of Adjustment positions” rather than two positions to the report.

MINUTES OF PREVIOUS MEETINGS

MOTION: Dana Carlucci moved to approve the minutes of September 25, 2017 as amended. Paul Paradis seconded.

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

MINUTES OF SEPTEMBER 25, 2017 APPROVED AS AMENDED ON A 5-0 VOTE.

NEXT MEETING

Date of next ZBA meeting – Chairman Kudrick noted the next ZBA meeting would be on **Monday, January 29, 2018 at 7:00 p.m.**

ADJOURN **Motion:** Tom Hebert moved to adjourn. Ann Bond seconded. Vote was unanimous in favor of motion. Meeting adjourned at 7:36 p.m.

Respectfully submitted,
Susan P. Gifford
Recording Secretary