

PEMBROKE ZONING BOARD OF APPEALS

MEETING MINUTES AUGUST 5, 2019

BOARD MEMBERS PRESENT: Rick Casavant, Chairman; Christine Griffin, Vice Chairman; James Gallagher, Clerk;

SCHEDULED APPOINTMENT: DISCUSSION WITH DEVELOPER'S REPRESENTATIVE ABOUT PARKING, AND POSSIBLE DECISION TO CHANGE NUMBER OF PARKING SPACES ALLOWED BY PREVIOUS VARIANCE, CASE #40-18 URGENT CARE FACILITY AT 296 OLD OAK STREET

Mr. Casavant opens the meeting and invites the representative, Attorney Larry Mayo, to explain what change the petitioner is seeking from the original decision.

Attorney Mayo and Ted Mullen are present as the applicants/representatives from D&C Real Estate Trust. There are no abutters present.

Attorney Mayo briefly describes the application that was before the board in December 2018 which included a parking variance that was granted for 175 spaces as opposed to the required 209 spaces. Tonight, they are requesting an amendment to the original requested and granted parking space variance to be lowered to 171 spaces, reducing the amount by four spaces. The reduction is needed because of the existing loading dock needing reconfiguration; the Planning board also requested two additional dumpsters on site which eliminates a few parking spots.

Attorney Mayo shows the board an updated plan with the loading dock and the dumpsters to illustrate where the spots are being lost. The Planning board approved the minor modification to the site plan. Mr. Casavant asks what Pembroke's parking ratio is to retail. Attorney Mayo states that it is a high ratio, and during peak times there would only be 14-16% of the lot being utilized.

Mr. Casavant clarifies if the applicant is looking to amend the original decision, procedurally. Attorney Mayo advises a vote to amend that specific variance that was granted in 2018. The board members are okay with the change.

Ms. Griffin makes a motion to amend paragraph five of the December 14, 2018 zoning board of appeals decision on case #40-18. Paragraph five will be amended to read to strike the 175 parking spaces, replacing that number with 171; a reduction of four spaces in total. The board finds that this is a minor change to the decision that was rendered in December. Mr. Gallagher seconds the motion, all members vote unanimously in favor.

PUBLIC HEARING FOR SPECIAL PERMIT CASE #20-19 AT 3 SHORTLEAF CIRCLE TO CONSTRUCT A GARAGE TO AN EXISTING SINGLE FAMILY DWELLING

Mr. Casavant opens the public hearing requesting a special permit to construct an addition to a single family dwelling. He invites the petitioner up to explain the request.

Mr. Darrick Mello and John McKay are present as the applicant and the builder. Mr. Mello explains to the board what he would like to do.

Mr. Mello would like to construct a one car garage on his property. The issue is that the structure would be five feet from the property line as opposed to the twenty feet that is required. There is a leaching field on that side of the property and it is a non-buildable lot.

Mr. Gallagher asks if it is a community leaching area; Mr. Mello confirms it is and there are four houses in the community. It will be a concrete foundation with a slab. Mr. Gallagher is concerned about how close the existing chimney on the house will be when pulling into the garage. Mr. Mello confirms it will be close but it is a working fireplace on the other side so it has to stay.

Mr. Gallagher asks about the height of the proposed garage. Mr. Mello confirms it would be the one car garage with a master suite above it but that it would stay in line with the current height of the home. There is discussion about the home becoming a four bedroom as it is currently a three bedroom home. Mr. Mello states that one of the current bedrooms would become part of an expanded pantry and an office, so it would no longer be a bedroom.

Mr. Gallagher asks if the applicant has gone before the Board of Health; Mr. Mello confirms that they did not seem to have an issue. Ms. Griffin states that these plans are the most logical given the lot and that there are neighbors on the other side. Ms. Griffin would be inclined to grant the permit because nothing will ever be on that side of the home, otherwise it would not be allowable.

Mr. Casavant would like updated drawings as well as comment from health agent Lisa Cullity. A motion is made to continue the hearing to August 19, 2019 at 7:20 p.m.

DISCUSSION WITH DEVELOPER'S REPRESENTATIVE ABOUT FOUR BEDROOM HOUSE AT COPPERWOOD 40B PROJECT LOCATED OFF BIRCH STREET

Mr. Casavant opens the discussion with Copperwood representative Eoghan Kelley; Mr. Paul Brogna of Seacoast Engineering is also present to advise the board.

Mr. Kelley explains to the board that they left off last time still deciding whether or not the builder could offer a four bedroom option to buyers and that the board had requested input from engineer Paul Brogna before moving forward with a decision. Mr. Kelley and Mr. Brogna did exchange back and forth with some questions that Mr. Brogna had.

Mr. Brogna reviewed the plans from 2015 as well as the decision from 2016, and there were no drawings showing more than three bedrooms. Mr. Brogna would like to know how many lots would be proposed to have the four bedroom homes; will any of these be marketed as affordable; what kind of lot would they be placed on (size, upland, wetland); foundation size; financial changes. Mr. Brogna asks Mr. Kelley if he has a sketch of which lots may be marketed for four bedroom homes.

Mr. Kelley states that these units are market driven; mostly two and three bedrooms but they do have potential buyers inquire about four bedroom units. House styles would not be changing; specific lots are not chosen but typically they would go on the larger lots. The footprints would not be increasing due to lot sizes; Mr. Kelley will have the attorney accompany him for the next meeting for language in the original decision. He also states that some lots can handle four bedroom septic systems and some cannot but that would still need to go in front of the Board of Health.

Mr. Kelley reiterates the interest in the four bedroom units. Mr. Brogna asks about the location of the proposed affordable units; Mr. Kelley states those locations are still the same. Mr. Brogna is concerned

about the sizes of the lots not being specific to accommodating the four bedroom homes as opposed to the three bedroom homes. Mr. Kelley states that everything would be submitted to Merrill so that a house that couldn't fit on a lot would not be able to be built on said lot.

Mr. Brogna would like a concept plan for what lots would fit the four bedroom homes. The board is in agreement with Mr. Brogna's recommendation of seeing plans for proposed four bedroom lots. Mr. Kelley estimates between three to four lots left that could not handle a four bedroom home, but there are lots that they would not build a four bedroom home on because there would be a small backyard. Mr. Casavant would like Mr. Kelley to speak with his engineer and present a number to the board for four bedrooms.

Ms. Griffin makes a motion to continue the discussion to August 19, 2019.

PUBLIC HEARING FOR SPECIAL PERMIT CASE #01-19 AT 171 MATTAKEESETT STREET FOR SPECIAL PERMIT AND/OR VARIANCE TO BUILD THREE 7,000 SQUARE FOOT BUILDINGS

Mr. Casavant re-opened the public hearing for the requested special permit case #01-19 at 171 Mattakeesett Street, for constructing three 7,000 square foot buildings.

Darren Grady from Grady Consulting and Kevin Welch are present as the applicants. Carol Mont of 48 Wintergreen Farm Road is present as an abutter. Matthew Heins, Planning assistant is also present. Mr. George Verry of the building department is present.

Mr. Grady summarizes what had happened through previous meetings; all past issues have been addressed. Mr. Verry confirms that everything has been resolved.

Mr. Gallagher is concerned about storm water runoff from the new buildings. There is discussion between Mr. Gallagher, Mr. Grady and Mr. Welch about the storm water runoff from the property. Mr. Grady and Mr. Welch assure Mr. Gallagher and the board that the proposed set up for run off is much better than the current one, so it is an improvement. Mr. Grady and Mr. Welch confirm they are within all DEP regulations as well.

Mr. Casavant asks what has changed on the updated plan; Mr. Grady stated they were asked to add more boat storage spaces so the new plan reflects those. Mr. Casavant asks if there are any abutters; Ms. Mont is present. She asks about floor drains; Mr. Grady states that there will not be storm drains in the new buildings. Ms. Mont also asks about the reduction of buffer, but that is before the Planning board currently. Mr. Grady shows the board and Ms. Mont, the buffer lines on the updated plan and what is being requested to be waived in front of Planning.

Mr. Casavant asks if there would be a buffer that Mr. Gallagher would think would be a good idea to add, as he was present for a site walk. Mr. Gallagher and Mr. Welch discuss a berm that already exists. Mr. Gallagher said it is pretty dense in the area being referenced.

Mr. Gallagher confirms that there is space for a fire truck to get to the buildings; Mr. Welch states that the fire department required access to three sides so that is what the plans reflect. Mr. Casavant asks for Mr. Heins input from Planning.

Mr. Heins, from a zoning point of view, states that it is a complicated application and that it may only be allowed as an expansion of a pre-existing non-conforming use because of the zones that the property is

in. He does not believe a use variance cannot be given in this district; and the applicant must be extremely cautious about what kind of uses are going to be in the buildings.

Mr. Casavant asks what kind of tenants the applicant is anticipating. Mr. Welch has received some interest from a plumbing contractor, electrical contractor and a HVAC company to use the buildings for storage of supplies. Mr. Casavant asks if the potential tenants plan to work inside the buildings or just use them for storage. Mr. Welch said he would need clarification from the potential tenants. Mr. Heins adds that the allowed uses are extremely stringent in this area.

Ms. Griffin runs through quickly, the uses that are prohibited and the board would not allow in these buildings. Mr. Gallagher inquires about parking; Mr. Grady states there is a total of 103 spaces but there is no relief sought for parking.

Mr. Casavant states that if allowed, the buildings would be restricted to storage only. No work would be allowed to take place in the buildings. Ms. Mont states that the Planning board stated what was not allowed. Ms. Griffin goes through the bylaw of what is allowed to clarify for Ms. Mont. Mr. Casavant wants to look more closely at the use restrictions; he requests that Mr. Welch present to the board what specific uses he will allow for businesses who want to rent the spaces. Mr. Casavant is concerned with noise, odors, hours of operation, access, etc.

Mr. Casavant would like to continue the hearing, have Mr. Welch present the uses, and then make a decision at the next meeting. Ms. Griffin makes a motion to continue to August 19, 2019 at 7:30 p.m. All board members in favor.

ADMINISTRATIVE ACTION: VOTE TO APPROVE PREVIOUS MEETING MINUTES

Ms. Griffin made a motion to approve the meeting minutes of February 13, 2019; April 10, 2019; May 8, 2019; June 12, 2019; July 15, 2019; and July 24, 2019. Mr. Gallagher seconded the motion, and all Board members voted unanimously to approve.

The meeting is adjourned at 8:30 pm.