

**Pembroke Planning Board
Minutes of Meeting
(Approved)
Tuesday, June 24, 2008**

MEMBERS PRESENT: Robert Bourque, Chairman; Alan Topliff, Vice Chairman; Kevin Krebs; Kathy Cruson; Todd Terrien; Cindy Lewis, Selectmen's Representative

ALTERNATE PRESENT: Brian Seaworth

EXCUSED: Mark Zydel

STAFF PRESENT: Stephanie Alexander, Interim Planner and Jocelyn Carlucci, Recording Secretary

Chairman Bourque opened the meeting at 7:00 p.m. Alternate Member Seaworth will vote in Member Zydel's absence.

Guest Selectmen Comments

1. Fred Kline - CTAP Impact Fee Workshop

Mr. Kline reported that Pembroke received authorization to contact Bruce Mayberry to schedule a CTAP Impact Fee workshop. He encouraged the Board to create a list of specific impact fees to be reviewed. One the workshop date and time has been established, Mr. Kline asked that the Board inform him so that he can share the information with CTAP.

Mr. Kline is still working on the discretionary grant for open space and growth management.

Mr. Kline was nominated to the executive counsel of the Central New Hampshire Regional Planning Commission (CNHRPC). He met George Campbell, the new DOT commissioner. CNHRPC's next meeting is September 11, 2008 and the topic will be Senate Bill 342, Workforce Housing.

Old Business

2. Major Subdivision Approval Status. Pembroke 600. Case #04-13. Map 634, Lot 47 located in the Soucook River Development District, Aquifer Conservation District, Shoreland Protection District, Floodplain Development District, Architectural Design/Home Business District, and Wetlands Protection District at 600 Pembroke Street on US Route 3 and NH 106. The Planning Board extension of the subdivision approval for Pembroke 600 expires on June 24, 2008 and the Sewer Commission extension of the permit approval for capacity expires on June 20, 2008.

Chairman Bourque said that Pembroke 600 filed an extension with the Pembroke Sewer Commission on June 20, 2008 and that there will be no decision from the Commission until their July meeting.

Donald Gartrell, Esquire representing Pembroke 600 Corp. said that on March 25, 2008, the Applicant was informed that the New Hampshire Department of Transportation (NH DOT) approved the deeds for the exchange of access to the limited access right-of-way (ROW) to the intersection of Rt. 106/Rt 3 which was approved by Governor and Council on December 11, 2007. Mr. Gartrell said that the Applicant's task was to give up two access points on Rt. 3 in exchange for a town road that would intersect with the intersection of Rts. 3/106. He explained that the Applicant anticipated that the schedule presented at the last Planning Board meeting would be achievable. Given that the Sewer Commission said that the Applicant had to do construction on the site by June 20, 2008, before final approvals, the Applicant would have begun construction at its own risk since approvals are necessary before beginning construction.

Attorney Gartrell said that the next complication that the Applicant encountered was that the new Commissioner of Highways did not sign the deed exchange until May 7, 2008, therefore Applicant lost all the time from March 25 2008 to May 7, 2008. Unfortunately, by spring, the engineers were very busy and, the Applicant was not able to have all the engineering done based on the final approved access plan. Applicant has drafted the description of the deed of ROW which would give the Town road to the Town of Pembroke and another ROW which would be combined a portion of the D'agnese-Keeler property adjacent to the Applicant's land. The description must be approved by NHDOT before it can be placed in a deed to the Town and many of the utilities will be within that deed. He said that part of the site would be developed as a Town road because it is a requirement by the State that a Town road intersect the intersection. Applicant's engineers have been looking at conditions and comments by the Board and Departments and are working on getting it to the point where the final plans can be prepared.

Mr. Gartrell emphasized that the review process, such as with NHDOT, is out of their control. Both engineering firms involved in the project estimate a minimum of 3-4 weeks of work before the project can move to the next process.

Mr. Gartrell said that on May 7, 2008 the engineers were given instructions to work on the plan, but since it was 6 weeks later than originally anticipated, they had their own time commitments.

The Applicant asked for a 90-day extension in order to get the design work completed and approved.

Mr. Gartrell said that the Applicant's engineers have reviewed the amount of sewer capacity which the project is tying up for Pembroke. It has been determined that the standards by which the sewer capacity quantities were based, originated from requirements of 30 years ago. Mr. Gartrells said that with water conservation requirements and equipment, the engineers determined that the Applicant needs approximately 18,000 gallons, not 35,000 gallons. The Applicant would like to ask the Sewer Commission to consider giving the Applicant the same period of time to complete the engineering and to release the remaining sewer capacity to other applicants. The Applicant feels that they will not need the allotted 35,000 gallons of sewer capacity. He also said that the Applicant must get the sewer construction on a timetable so the Applicant can get all approvals prior to construction.

Chairman Bourque read aloud the "Pembroke Planning Board Summary of Outstanding Review & Comment Items" dated June 24, 2008." Applicant was given a copy of the Summary.

Selectmen's Rep. Lewis noted that it was very clear that the Applicant had to submit everything by June 10, 2008. Member Terrien said that the Applicant has continuously asked for extensions but not communicated with the Board as requested and agreed to.

Vice Chairman Topliff said that having a response to each of the conditions of approval by July 8, 2008 would be appropriate along with the list of what the plans are for proceeding and bringing each item to completion. He also recommended that the Applicant be required to submit bi-weekly status reports noting what actions have been taken, and what their progress has or has not been. He noted that in the past, the Board has not been given progress reports until the deadline is near. Because there has been such a lack of information provided to the Board, he does not feel that the Applicant has made a sincere effort to bring this project to conclusion.

Vice Chairman Topliff suggested giving a 90-day extension with the condition that a bi-weekly report (on each 2nd Tuesday after July 8, 2008) be submitted, noting the project's progress and problems impeding each item. If the Applicant does not perform the conditions, the Board will have grounds to deny the application.

Selectmen's Rep. Lewis suggested giving a 1-month extension with bi-weekly updates, otherwise it will be denied.

Ms. Alexander suggested that the Board continue the meeting to the next meeting requiring that the Board receive the three suggested letters noted in the Summary before issuing the extension and also make the bi-weekly reports by the Applicant a condition. Member Cruson agreed.

Chairman Bourque said that he would prefer a report from the Applicant on the 2nd Tuesday of each month (July 8, August 12, September 9) and agreed with the 30-day extension with the condition of submitting the required reports. The Board concurred.

Chairman Bourque opened the public hearing at 7:24 p.m.

Harold Thompson, Sewer Commissioner, asked that a letter from the Applicant be submitted to the Sewer Commission regarding the recalculation of their sewer capacity needs of 18,000 gallons. Mr. Thompson said that the Commission feels that the Applicant may not need the 35,000 gallons presently held. He said that the sewer was originally based on acreage and, given the wetlands, power lines, and gas lines, it may have been over-calculated. If a letter was received by the Sewer Commission within the next 14 days, the Sewer Commission may look favorably on the extension and holding 18,000 gallons on their property.

Chairman Bourque asked that the Planning Board receive a copy of the letter to the Sewer Commission if one is submitted.

There being no further comments, the public hearing was closed at 7:25 p.m.

MOTION: Vice Chairman Topliff moved to continue the public hearing until the July 22, 2008 Planning Board meeting and that a letter be sent to Pembroke 600 delineating all the items listed on the Pembroke Planning Board Summary of Outstanding Review & Comment Items for Applications at the June 24, 2008 Meeting and specific action items expected by July 8, 2008. Seconded by Member Cruson.

VOTE:	Robert B. – Y	Alan T. – Y	Todd T. – N	Cindy L. - N
	Kevin K. – Y	Kathy C. – Y	Brian S. – Y	

MOTION TO CONTINUE THE PUBLIC HEARING UNTIL THE JULY 22, 2008 PLANNING BOARD MEETING AND THAT A LETTER BE SENT TO PEMBROKE 600 DELINEATING ALL THE ITEMS LISTED ON THE PEMBROKE PLANNING BOARD SUMMARY OF OUTSTANDING REVIEW & COMMENT ITEMS FOR APPLICATIONS AT THE JUNE 24, 2008 MEETING AND SPECIFIC ACTION ITEMS EXPECTED BY JULY 8, 2008 PASSED ON A 5-2 VOTE.

3. Minor Site Plan Extension. Amoskeag Rowing Club. Case #06-103. Map VW, Lot 188-1 located in the Medium Density Residential (R1), Aquifer Conservation (AC) District Overlay, Shoreland Protection (SP) District Overlay, Wetland Protection (WP) District Overlay, and Floodplain Development (FD) District Overlay. The applicant, Amoskeag Rowing Club Inc., requests an extension to the conditionally approved Special Use Permit and Major Site Plan Application which was previously extended on November 27, 2007 to June 30, 2008.

James Raymond representing the Amoskeag Rowing Club stated that the Applicant applied to the Department of Environmental Services (DES) for a resubmittal of a previously approved dock plan and, on April 7, 2008 DES requested additional information with regard to the wetland permit. Applicant's

engineers are presently working on it. Mr. Raymond said that the Applicant applied with DES well over one year ago and, although they were told that the State was slow in processing applications, they were surprised that they are now requesting reengineered plans. Issues raised by DES regarding the Shoreland Protection Act were addressed.

Chairman Bourque noted an undated letter prepared by the Amoskeag Rowing Club to Mr. Dale R. Keirstead, DES Shoreland Inspector which was received by the Board on June 20, 2008. Mr. Raymond said that the letter was written approximately two weeks ago and that they have had discussions with DES since that time regarding the encroachment on the shoreline. To his knowledge, DES was satisfied with their response. He said that until DES reviews the plans, there is nothing that can be done on the land. The main issue is DES's request for an engineered study on the dock which will involve waterfront mapping. Based on the engineer's findings, the docks will be redesigned.

Mr. Raymond said that Concord has submitted a site plan application to the City of Concord to create their own facility. If Concord moves, the applicant may downsize or delay their plans. The Applicant requests an extension to resolve the dock issue with DES and the Concord participation issue. Although the Gas Company wants to see a final plan, until the Applicant solves the dock issue, a final plan cannot be given to the Gas Company. Mr. Raymond said that he cannot assure the Board that the design will be acceptable to DES, but in 6 months, they will know if Concord will have their own facility.

Selectmen's Rep. Lewis said that the Rowing Club has spoken to many Pembroke entities about the site such as the Soccer League, Old Home Day Committee, and none of the possible uses of that site have been approved. She is concerned about what has been going on in comparison to what the Planning Board has before them.

The Applicant has performed some ground leveling for parking at Memorial Field. Mr. Raymond said that when the Soccer League approached the Applicant, they asked if they could use the property flat part of the site for practice on a short-term basis. The Applicant met with the Soccer League on Saturday and discovered that they wanted a more long-term plan with the hopes of building permanent soccer fields. The applicant does not want to commit their land to a long-term plan.

Selectmen's Rep. Lewis also said that previous plans were to create parking and now it seems as if the parking will not be built. Mr. Raymond said that they are not going to build the parking first because it is too expensive. They will merely park on the grass for the Regatta as they have been doing.

Chairman Bourque recalled that the Applicant had not submitted an application to DES in November. Mr. Raymond said that his understanding is that the application was submitted but lacked information and was resubmitted in November.

Chairman Bourque reiterated that the Applicant will continue with dock engineering in order to provide information to DES, and, depending on Concord's approval, the Applicant may reduce the size of the site and reduce or eliminate the dock. Mr. Raymond agreed.

Chairman Bourque said that the Board could stipulate that this will be the last extension given since it will be two years since the application was submitted.

Mr. Raymond said that he has a copy of the Pembroke Planning Board Summary of Outstanding Review Comment Items for Applications at the June 24, 2008 Meeting. Chairman Bourque read the Summary aloud.

Ms. Alexander said that if the Board chose to require the Summary items to be provided to the Board, she suggested that the applicant provide the items prior to the Board granting the extension.

Vice Chairman Topliff asked that the Applicant provide the Board with a copy of DES' letter that preceded the undated letter which the Board received on June 20, 2008 and a copy of DES' response.

MOTION: Vice Chairman Topliff moved to continue the public hearing to July 22, 2008. The Applicant will submit the details as requested in the Pembroke Planning Board Summary of Outstanding Review & Comment Items for Applications at the June 24, 2008 Meeting by July 8, 2008. The Board will determine at the July 22, 2008 meeting whether to grant an extension. A letter will be prepared by the Planning Board to the Applicant stating that the Applicant may not complete or do anything on the site that has not been previously approved by the Planning Board. Seconded by Selectmen's Rep. Lewis.

VOTE: Robert B. – Y Alan T. – Y Todd T. – N Cindy L. - Y
Kevin K. – Y Kathy C. – Y Brian S. – Y

MOTION TO CONTINUE THE PUBLIC HEARING TO JULY 22, 2008. THE APPLICANT WILL SUBMIT THE DETAILS AS REQUESTED IN THE PEMBROKE PLANNING BOARD SUMMARY OF OUTSTANDING REVIEW & COMMENT ITEMS FOR APPLICATIONS AT THE JUNE 24, 2008 MEETING BY JULY 8, 2008. THE BOARD WILL DETERMINE AT THE JULY 22, 2008 MEETING WHETHER TO GRANT AN EXTENSION. A LETTER WILL BE PREPARED BY THE PLANNING BOARD TO THE APPLICANT STATING THAT THE APPLICANT MAY NOT COMPLETE OR DO ANYTHING ON THE SITE THAT HAS NOT BEEN PREVIOUSLY APPROVED BY THE PLANNING BOARD PASSED ON A 6-1 VOTE.

4. Major Site Plan Application. Grace Capital Church. Case #08-103. Map 634, Lot 41-1 located in the Limited Office (LO), Soucook River Development (SRD), and Aquifer Conservation (AC) Overlay Districts at 542 Pembroke Street. The applicant, McFarland-Johnson, Inc., on behalf of owners Four Square Gospel of California, is proposing to build an 18,128 s.f. addition to the existing Grace Capital Church. The building addition would include adding 537 seats to the main sanctuary, offices, a gym, and multi-purpose classrooms. The expansion would include adding 157 parking spaces with a new access driveway.

Michael Kerivan of McFarland Johnson stated that the plans have been changed since the last time they appeared before the Board. It was discovered, after the revised plans were submitted to the Board, that the Applicant needed additional room for a retention pond. Pastor Peter Bonanno spoke with Associated Grocers of New England (AGNE) regarding the easement area, and based on those discussions and the construction and maintenance costs, it was decided that the parking lot will no longer be porous pavement but regular pavement.

The Applicant would like to request an extension in order to revise the plans and meet the July 8, 2008 deadline. Mr. Kerivan said that the traffic count was performed and copies will be given to the Board at the time of the submission. The ITE numbers that the Applicant used showed 383 peak hour trips. The largest traffic count by the Applicant showed 322 peak hour trips.

Mr. Kerivan said he received a copy of the Pembroke Planning Board Summary of Outstanding Review & Comment Items for Applications at the June 24, 2008 meeting.

Chairman Bourque clarified that the sign issue contained two parts: (1) an illuminated sign permit was never issued for the sign next to Rt. 3; (2) an illuminated sign permit was never issued for the dove and

cross symbol on the building and it should be noted on the plan. Pastor Bonanno said he would resubmit new permits for the illuminated signs.

Mr. Kerivan said that last month there was discussion of making the septic design application and permit a condition of approval for one of the future phases. The first phase is merely the parking lot construction and the sewer hookup will be part of another phase performed within the next two to four years.

Ms. Alexander noted that if the septic design application and permit are made a condition of approval, the Board cannot sign off on the mylars for the Applicant to begin construction.

Chairman Bourque instructed Ms. Alexander to check the regulations to see if phasing is necessary on one mylar or if it can be on two consecutive mylars.

Selectmen’s Rep. Lewis said that one evening she observed that a good number of people park, at the head of the parking lot located in front of the church for a quick exit which reinforced her opinion that the proposed parking design should be re-evaluated.

Pastor Bonanno said that on Sunday mornings, the Church has parking attendants on duty which encourage people to park in other less congested areas. He feels that the proposed parking pattern is less dangerous.

MOTION: Chairman Bourque moved to continue the public hearing for Grace Capital Church until the July 22, 2008 meeting. Seconded by Member Terrien.

VOTE: Robert B. – Y Alan T. – Y Todd T. – Y Cindy L. - Y
Kevin K. – Y Kathy C. – Y Brian S. – Y

MOTION TO CONTINUE THE PUBLIC HEARING FOR GRACE CAPITAL CHURCH UNTIL THE JULY 22, 2008 MEETING PASSED ON A 7-0 VOTE.

Vice Chairman Topliff stated to the Applicant that if he is not prepared for the July 22, 2008 meeting, the Applicant has the responsibility of requesting an extension to the August meeting.

New Business

5. Minor Subdivision Application. Silver Hill Development/NE Flower Farm. Case #08-04. Map 559, Lots 12 and 14 located in the Rural/Agricultural Residential (R3), Aquifer Conservation (AC) District Overlay, Wetland Protection (WP) District Overlay, Shoreland Protection (SP) District Overlay, and Floodplain Development (FD) District Overlay at 796-826 and 830 North Pembroke Road. The applicant, T.F. Bernier Inc., on behalf of owners Silver Hill Development Corp. and New England Flower Farms, LLC, is proposing a lot line adjustment to adjust Lot 12 from 99.2 acres to 91.8 acres and to adjust Lot 14 from 17.0 acres to 24.4 acres.

Tim Bernier of T. F. Bernier, Inc. stated that the Applicant is proposing a lot line adjustment in order to acquire 7.38 acres from the finished sandpit of Pembroke Sand’s Lot 14. Lot 12 will have over 1,000 ft. of frontage and Lot 14 will have over 800’ of frontage.

Jeffrey Huntington, owner of New England Flower Farms, LLC was present.

Chairman Bourque noted that on the Town of Pembroke CNHRPC Subdivision Application Review dated June 9, 2008, page 1, under “Acres” should read “Lot 12 is 99.2 -> 91.8 ac”, and “Lot 14 is 17.0 -> 24.4 ac.”

Mr. Bernier noted that there are two wetland systems on the 100 acres known as French's Brook and the Soucook River.

Ms. Alexander pointed out that the review before the Board is superseded by the outstanding issues list because many of the issues have been completed. Mr. Bernier said that all the lot line adjustment issues have been taken care of.

Mr. Bernier said that presently there is a common access point on the Silver Hill Development Corp's property. When the lot line adjustment is concluded, the common access will be on New England Flower Farm property. Pembroke Sand will have a temporary deeded easement to share the access. This will be an agreement between the parties.

Chairman Bourque read aloud the response provided by Mr. Bernier in his June 11, 2008 letter to Ms. Alexander regarding the Conservation Commission's concern for wetlands and topography waivers.

Carol Bertsimas, Vice Chairman of the Conservation Commission said she was not aware of Mr. Bernier's response and asked if there would be any activities that would change or affect the wetland area? Mr. Bernier said that the reclamation plan for the gravel pit has a large buffer and will not affect the wetland area. The final grading has changed but is based on the reclamation plan. Ms. Bertsimas said that she was satisfied with the response and has no other issues at this time.

MOTION: Vice Chairman Topliff moved to accept the four waivers noted as Nos. 6, 7, 8, and 9 on the Pembroke Planning Board Summary of Outstanding Review & Comment Items for Applications at the June 24, 2008 Meeting: (6) Waiver request for bearings and distances on the remainder of Lot 12; (7) Waiver request for topography and soils on the subject parcels; (8) Waiver request for wetlands, monuments, ledges, boulders, wooded areas, and slopes greater than 15% on the subject parcels; and (9) Waiver request for sewer and water lines, culverts, and catch basins on the subject parcels. Seconded by Member Crusson.

VOTE:	Robert B. – Y	Alan T. – Y	Todd T. – Y	Cindy L. - Y
	Kevin K. – Y	Kathy C. – Y	Brian S. – Y	

MOTION TO ACCEPT THE FOUR WAIVERS NOTED AS NOS. 6, 7, 8, AND 9 ON THE PEMBROKE PLANNING BOARD SUMMARY OF OUTSTANDING REVIEW & COMMENT ITEMS FOR APPLICATIONS AT THE JUNE 24, 2008 MEETING: (6) WAIVER REQUEST FOR BEARINGS AND DISTANCES ON THE REMAINDER OF LOT 12; (7) WAIVER REQUEST FOR TOPOGRAPHY AND SOILS ON THE SUBJECT PARCELS; (8) WAIVER REQUEST FOR WETLANDS, MONUMENTS, LEDGES, BOULDERS, WOODED AREAS, AND SLOPES GREATER THAN 15% ON THE SUBJECT PARCELS; AND (9) WAIVER REQUEST FOR SEWER AND WATER LINES, CULVERTS, AND CATCH BASINS ON THE SUBJECT PARCELS PASSED ON A 7-0 VOTE.

Mr. Bernier noted that the only change from the June 10 plan was a data table correction to correct a typographical error.

MOTION: Vice Chairman Topliff moved to accept the application as complete. Seconded by Chairman Bourque.

VOTE:	Robert B. – Y	Alan T. – Y	Todd T. – Y	Cindy L. - Y
	Kevin K. – Y	Kathy C. – Y	Brian S. – Y	

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

Chairman Bourque opened the public hearing at 8:30 p.m.

There being no comments, Chairman Bourque closed the public hearing at 8:31 p.m.

Ms. Alexander expressed a concern with No. 3 of the Pembroke Planning Board Summary of Outstanding Review & Comment Items for Applications at the June 24, 2008 Meeting. She asked if there was a concern with Lot 14 not having a gravel excavation permit since part of Lot 12 will become part of Lot 14? Mr. Bernier said that there is still material on the 7.38 acres that has not been completely excavated to the reclamation plan. New England Flower Farm is purchasing the lot with the understanding that Pembroke Sand will be able to remove the material in accordance with the existing permits. Since 1998, there have been three other times that land has been purchased from Pembroke Sand by New England Flower Farm and there has always been a small amount of material that has needed to be excavated to the reclamation plan, but for timing purposes, it has always made sense to start early and get all the permits in place. Mr. Bernier said that the permit runs with the land and when the permits are updated, they will note that the political boundaries have changed and the yardage of material remaining on the site.

Mr. Huntington said that the Purchase and Sale Agreement stipulates that all the remaining gravel will be off the land by the end of the year which will be prior to the permit renewal.

Ms. Alexander will speak with the assessor to see if there will be any issues with the Town.

Mr. Huntington said that, in the past, it has worked without having to do all that and it has taken much longer to remove all the gravel from the properties that were purchased in the past.

Ms. Alexander stated that No. 4 of the Summary regarding the NH Heritage Inventory is not an issue. No. 10 of the Summary states that the Data Table listed a “gravel excavation land” as “open space” and asked if the Board concurred with that or if they felt that gravel excavation was “developed area”? The Board concluded that it is “disturbed land” rather than “developed land” and that it will eventually revert to open space once it has been reclaimed, therefore no further action is required.

MOTION: Chairman Bourque moved to grant the lot line adjustment with the following conditions: (1) Provide language for the temporary access easement into Lot 14 for satisfactory review and approval by Town Counsel; (2) Obtain a letter from the Tax Assessor stating whether remaining gravel can be excavated without an additional permit after the lot line adjustment has been made. Seconded by Vice Chairman Topliff.

VOTE: Robert B. – Y Alan T. – Y Todd T. – Y Cindy L. - Y
Kevin K. – Y Kathy C. – Y Brian S. – Y

MOTION TO GRANT THE LOT LINE ADJUSTMENT WITH THE FOLLOWING CONDITIONS: (1) PROVIDE LANGUAGE FOR THE TEMPORARY ACCESS EASEMENT INTO LOT 14 FOR SATISFACTORY REVIEW AND APPROVAL BY TOWN COUNSEL; (2) OBTAIN A LETTER FROM THE TAX ASSESSOR STATING WHETHER REMAINING GRAVEL CAN BE EXCAVATED WITHOUT AN ADDITIONAL PERMIT AFTER THE LOT LINE ADJUSTMENT HAS BEEN MADE PASSED ON A 7-0 VOTE.

6. Minor Site Plan Application. Pleasant View Gardens. Case #08-105. Map 559, Lot 14 located in the Rural/Agricultural Residential (R3), Aquifer Conservation (AC) District Overlay, Wetland Protection

(WP) District Overlay, Shoreland Protection (SP) District Overlay, and Floodplain Development (FD) District Overlay at 796-826 and 830 North Pembroke Road. The applicant, T.F. Bernier Inc., on behalf of owner New England Flower Farms, LLC, is proposing to build a 6,660 sf. temporary greenhouse, a 4,225 sf. wood chip boiler building, and a 9,000 sf. wood chip storage bin on the site of the existing operations of Pleasant View Gardens. A gravel access driveway will also be constructed.

Tim Bernier explained that Pleasant View Gardens presently uses oil for the purpose of heating the greenhouses and is planning to convert to woodchips using a woodchip-fired boiler. There will be a new building to house the woodchip boiler as well as a wood chip storage building that will consist of a roof and open sides and an exterior water storage tank. They are also proposing a small temporary Quonset-style greenhouse which is an expansion of an existing use. The existing scale house will be used as access to the woodchip boiler area. Pavement will be extended and a small reconstruction of pavement behind the boiler building is proposed. There will be two stacks on the boiler room building which can house two boilers and will be built in two phases. They are working on the state permit for the stack which will determine the stack height. Once the permit is received, they will send a copy to the Board.

The Applicant is proposing two variances from the Zoning Board of Adjustment: (1) for a water storage tank height of 49' and (2) for a boiler building roof peak height of 37'.

The Applicant is providing the Water Works with a list of fertilizers and has requested that the Applicant adhere to Best Management Practices in accordance to Env-Wq 401 (formerly Env-Ws 421).

Mr. Bernier stated that the only exterior lighting on the building will be two lights over existing pass doors. No new lighting will be constructed.

The Applicant is also requesting a waiver for the drainage study.

Mr. Huntington stated said that early indications estimate that the boiler stack will be approximately 55' high based on 1-1/2 times the height of surrounding structures. He said that DES indicated that it will take approximately 120 days to receive the stack approval. It was submitted on Friday, June 20, 2008.

Mr. Huntington said that the ash will be used as fertilizer at their Loudon and Pembroke properties.

Mr. Bernier said that an existing contained oil tank which was placed on a previous site plan appears on this plan. There will be no new oil storage tanks proposed.

Mr. Huntington said that the delivery of woodchips will be during the day. In the winter, he may have up to three tractor trailer loads per week.

MOTION: Selectmen's Rep. Lewis moved to waive the drainage study (203-41.C.5.b). Seconded by Chairman Bourque.

VOTE: Robert B. – Y Alan T. – Y Todd T. – Y Cindy L. - Y
Kevin K. – Y Kathy C. – Y Brian S. – Y

MOTION TO WAIVE THE DRAINAGE STUDY (203-41.C.5.B) PASSED ON A 7-0 VOTE.

MOTION: Chairman Bourque moved to accept the plan as complete for review. Seconded by Member Krebs.

VOTE: Robert B. – Y Alan T. – Y Todd T. – Y Cindy L. - Y

MOTION TO ACCEPT THE PLAN AS COMPLETE FOR REVIEW PASSED ON A 7-0 VOTE.

Chairman Bourque opened the public hearing at 9:00 p.m.

James Walker of Concord said that his main concern is that the woodchips be used solely for firing the boiler and not be allowed to create a woodchip processing business. He said that the fumes are hazardous to a person's health. He is also concerned that the winds will carry the woodchip smell to the valley and affect the residents along Borough Road if the chips are processed. He would also like the Board to limit the amount of woodchips that can be stored on the property. Mr. Huntington said that the storage building will be used strictly for wood chip storing and it will hold approximately one month of storage. Mr. Bernier said that they will not be processing chips, merely storing them.

Laura Scott of 10 Mill Falls commended the Applicant on switching from oil to woodchips which will reduce stack emission. She also felt that removing the oil burner was better for the aquifer and flood plain districts.

Mr. Huntington said that they will not be removing the oil boiler. It will be used as a backup. Also, Mr. Huntington said that he will not be generating power off the boiler.

Ms. Bertsimas, Vice Chairman of the Conservation Commission asked if there was a strategic plan to control the use of the fertilizer and to avoid leaching into the ground or river? Mr. Bernier said that the fertilizers are not regulated but pesticides are. The Applicant is licensed and uses Best Management Practices.

Mr. Bernier clarified that the roof runoff will run through treatment soils before being discharged. The pavement is located in a lower area and works as a shallow retention area. It requires maintenance but works quite well for this site. Therefore, they duplicated the same philosophy in three other areas.

There being no further comments, Chairman Bourque closed the public session at 9:15 p.m.

Ms. Alexander noted that a Special Use Permit has been submitted to the Board for activity over the aquifer and was approved by the Health Officer. She suggested that the Board approve the Special Use Permit.

Ms. Alexander noted that the site plan was submitted as a minor site plan. The calculations for expansion included the buildings, which are just under the 10% criteria for a minor site plan, but the new gravel and pavement were not included. The Board concluded that it was still a minor site plan.

Reviewing the Pembroke Planning Board Summary of Outstanding Review & Comment Items for Applications at the June 24, 2008 Meeting, Ms. Alexander noted that Nos. 5 and 6 could be conditions of approval. No. 10 relating to total pervious and impervious space was fine, open space was noted as 27%. The buildable area was noted on the lot line adjustment and Mr. Bernier agreed to note it on the site plan. No. 13 regarding adding the square footage of the existing greenhouse dimensions is not cited individually. It is in the table.

Selectmen's Rep. Lewis noted her concern that for future reference, it would be best to list the site plan on Sheet 1 and Sheet 2 to clarify that the Sheet 1 is not thought of as merely the lot line adjustment. She would like to see the two sheets tied together. Mr. Bernier said he will change to a 3-sheet set and create a third plan to make sure that the information is included.

Member Terrien said that he would like to see no processing of woodchips as a condition of approval.

Mr. Bernier agreed to note No. 12 regarding displaying the existing and proposed outdoor lighting on the plan.

Chairman Bourque reviewed the following conditions of approval as listed in the Pembroke Planning Board Summary of Outstanding Review & Comment Items for Applications at the June 24, 2008 Meeting: Nos. 5, 6, 7, 9, 10 (change from Env-Ws 421 to Env-WQ401, and include the buildable area only), 11, 12 (special use permit should be approved in conjunction with this approval), and 13 (outdoor lighting). A No. 14 will be added to include the lot line adjustment plan within this plan set, and No. 15 will be to added to include language that no processing of woodchips will be allowed.

After a brief discussion, the Applicant and the Board agreed to review the status of this case at the July 22, 2008 meeting in hopes of eliminating such a long list of conditions.

MOTION: Selectmen's Rep. Lewis moved to continue the hearing to July 22, 2008. Seconded by Chairman Bourque.

VOTE: Robert B. – Y Alan T. – Y Todd T. – Y Cindy L. - Y
 Kevin K. – Y Kathy C. – Y Brian S. – Y

MOTION TO CONTINUE THE HEARING TO JULY 22, 2008 PASSED ON A 7-0 VOTE.

MOTION: Chairman Bourque moved to approve the Special Use Permit for the Health Officer's signature. Seconded by Vice Chairman Topliff.

VOTE: Robert B. – Y Alan T. – Y Todd T. – Y Cindy L. - Y
 Kevin K. – Y Kathy C. – Y Brian S. – Y

MOTION TO APPROVE THE SPECIAL USE PERMIT FOR THE HEALTH OFFICER'S SIGNATURE PASSED ON A 7-0 VOTE.

Minutes

7. Review and Approve Meeting Minutes of June 10, 2008

MOTION: Member Terrien moved to approve the June 10, 2008 meeting minutes as submitted. Seconded by Alternate Member Seaworth.

VOTE: Robert B. – Y Alan T. – Y Todd T. – Y Cindy L. - Y
 Kevin K. – Y Kathy C. – Y Brian S. – Y

MOTION TO APPROVE THE JUNE 10, 2008 MEETING MINUTES AS SUBMITTED PASSED ON A 7-0 VOTE.

Vice Chairman Topliff will speak with Geoff Ruggles, Town Administrator regarding specifics on the Capital Improvement Committee.

Miscellaneous

8. Correspondence

Ms. Alexander read aloud the notice pertaining to the gate at White Sands.

Ms. Alexander received a letter from the Office of Energy and Planning asking that the Board complete their Municipal Land Use Regulation Data Base Survey and to send hardcopy regulations of anything that has changed. She will ask Geoff to help her complete the Survey.

Ms. Alexander said that she has not received any information regarding the Bow Zoning Board of Adjustment's decision regarding PSNH's smoke stack, scrubbers, etc.

9. Committee Reports - Nothing reported.

10. Other Business

Member Krebs said that he would like to see Grace Capital Church highlight and note all the changes on the plans to make it easier for the Board to review. Chairman Bourque asked Ms. Alexander to send a letter to Grace Capital Church asking them to document all the changes.

Ms. Alexander reviewed the Agenda for the next work session. Chairman Bourque said that Mr. Ruggles had a list of specific questions for the applicants.

Selectmen's Rep. Lewis asked that there be a general note on the next work session Agenda as to whether Pembroke 600 or Amoskeag Rowing submitted anything to the Board.

Ms. Alexander reviewed the agenda for July 22, 2008 consisting of the return of Pembroke 600, Amoskeag Rowing, Grace Capital Church, and Pembroke Flower and Garden. There will also be a minor subdivision plan on the agenda along with a site plan from Community Services Link, an adult daycare facility on Rt. 106. They were not aware that a site plan was required to be submitted to the Planning Board after they received their 2007 Zoning Board variances. Selectmen's Rep. Lewis said that they were given a building permit and inspections have been done.

Chairman Bourque suggested that the Zoning Board of Adjustment be told to tell applicants to return to the Planning Board after the Zoning Board has issued a decision.

Ms. Alexander said that the communication deficiencies will be rectified now that they have come to light.

Adjournment

MOTION: Member Terrien moved to adjourn. Seconded by Chairman Bourque.

The vote was unanimous in favor of the Motion.

The meeting adjourned at 9:45 p.m.

Respectfully submitted,
Jocelyn D. Carlucci, Recording Secretary