

**Pembroke Planning Board
Minutes of Meeting
(Adopted)
Tuesday, October 27, 2009**

MEMBERS PRESENT: Robert Bourque, Chairman; Cindy Lewis, Selectmen's Representative; Kathy Cruson; Kevin Krebs; Brian Seaworth

ALTERNATES PRESENT: Larry Young, Sr.; Jeff White; Ron Nowe

EXCUSED: Alan Topliff, Vice Chairman; Mark Zydel

STAFF PRESENT: Stephanie Alexander, Interim Planner; David Jodoin, Town Administrator, and Susan Gifford, Recording Secretary

Chairman Bourque called the meeting to order at 7:00 p.m. He appointed Alternate Member Young to vote in place of Member Topliff and Member White to vote in place of Member Zydel. Chairman Bourque stated that new Public Hearing Opening and Continuation language would be used starting this evening.

Old Business

1. **Condominium Site Plan Revocation. Chickering Meadow. Case #03-104, #03-105, and #07-104.** Map 266, Lot 58-10-38 at 214C Cardigan Drive, Lots 58-11-57 and 58-11-60 at 226A and 226D Liberty Drive respectively, Lots 58-11-61 and 58-11-64 at 228A and 228D Liberty Drive respectively, Lots 58-11-65, 58-11-66, and 58-11-68 at 230A, 230B, and 230D Liberty Drive respectively, and Lots 58-11-69 and 58-11-70 at 232A and 232B Liberty Drive respectively in the Medium Density-Residential (R1) District. The Planning Board will consider revoking the condominium site plan approval granted on October 28, 2003 and its amendment on November 27, 2007 on the basis of non-completion of site improvements. *Application and public hearing continued from previous meeting. Deadline to complete open items on Phases 1 and 2 and items from Phase 3 not dependent on weather is October 27.*

A representative of Chickering Meadows was not present. The Board agreed to hear the next case and proceed with the Chickering Meadows case once a representative is present.

Present: Bob Pace, owner of Chickering Meadow Development, and Steven Chabot of Keach-Nordstrom Associates, Inc.

Mr. Pace provided an update on completion of site improvements in the last 30 days. Using the punch list updated September 22, 2009 Mr. Pace stated Tecumsah Drive property corner has been re-set, Kearsage Drive swale is not needed, ponding water behind 61-64 is resolved, all of the loam and seed is complete and vegetation may not be established until spring, and the catch basins #61 and #60 can be cleaned on Cardigan Drive. Metro Swift is returning to re-valve the sprinkler system noted. The Water Department will sign off that item once the valve is changed. Three or four test results from Phase III sewer reports are missing. Once they are located, or the tests redone, Sewer Commission will sign off. The fire hydrant will be raised one foot by early next week. The grading beyond swale 69-72 will be corrected in the spring. Catch Basins #80 and 81 need rocks removed from the bottom.

Motion: Mr. Bourque made a motion to open the public hearing on Chickering Meadow, Case

#03-104, 03-105, and 07-104 Non completion of site improvements at 8:45 p.m. Member Krebs seconded and the motion carried on voice vote.

James Bachelder stated that the last time he raised this issue was November 2007. Mr. Bachelder is concerned about the 15 feet of fill on the easterly side of the property. It runs the water north and it concentrates on his land. Mr. Chabot and Mr. Pace stated they met with Mr. Bachelder this month to see the area of concern. The earth berm behind 69-72 goes down close and water is diverted to his property. However, Mr. Pace stated that the area was undisturbed by development and the vegetation will bear that out. The area in question is by a stone wall 100 feet beyond the berm. Steve Chabot will review the situation and report back. Member Cruson asked if arrangements would be made to take a look at grading in the north and east sides of the units in the spring. Chairman Bourque stated the grading will be checked in the spring before sign off.

Motion: Mr. Bourque made a motion to close the public hearing on Chickering Meadow Site Plan Revocation at 8:50 p.m. for this evening, and to continue the public hearing to the next regular business meeting November 24, 2009. Member Young seconded. Vote was unanimous.

Action Item: Mr. Pace will provide an updated report of outstanding items that remain on Keach Nordstrom punch list.

Mr. Pace requested that the Planning Board consider conditional acceptance of Phase I and Phase II, and rescind the revocation.

Motion: Member Krebs moved to not proceed with the revocation of Chickering Meadows Case #03-104, #03-105 and #07-104 with the condition that the owner completes items 1 through 4 by November 24, 2009; otherwise a new revocation process will begin.

1. Owner must submit sign off from Pembroke Water Department.
2. Owner must submit sign off from Pembroke Sewer Commission.
3. Clean catch basin #61 in front of units 210D and 212A.
4. Clean catch basin #60 behind units 210D and 212A.

Selectmen's Rep Lewis seconded.

VOTE: Robert B. – Y Cindy L. – Y Brian S. – Y
 Kevin K. – Y Kathy C. – Y Jeff W. – Y Larry Y. – Y

MOTION PASSED WITH CONDITIONS ON A 7-0 VOTE

2. **Major Subdivision. LTC Properties. Case #09-02.** Map 565, Lot 193-3 at 245 Pembroke Hill Road in the Medium-Density Residential (R1) District and the Wetlands Protection (WP) Overlay District. The applicant, LTC Properties Inc, proposes a five-lot residential subdivision on 14.595 acres which includes a new road and a detention pond. 65-day extension expires this meeting. *Application and public hearing continued from previous meeting.*

Present : Jason Hill, EIT, Civil Engineer, Holden Engineering

Jason Hill posted a large plan which was the same as the landscaping plan in member packets. Mr. Hill provided an update on the status of the plan since the 9/25/09 Planning Board meeting. All of

the comments from Michael Vignale, PE, KV Partners, Inc. received to day have been responded to. Mr. Hill is firming up landscaping and screening on the plan. Letters of acceptance have been provided to the town from Pembroke Hill School regarding drainage maintenance, Water Department, Sewer Department, Fire Department regarding relocation of hydrant. Signatures of most abutters on the landscaping plans have been obtained. Final approval is pending on lighting. Mr. Hill addressed the remaining items as of 10/27/09. Revisions for the deed and easement are in draft form, and legal items are being reviewed by legal counsel. Stephanie Alexander asked about the proposed location of lighting. This is addressed in note 22 of the October 13, 2009 plans. Cindy Lewis asked about the sprinkler system. Mr. Hill confirmed that all homes will be sprinklered.

Discussion ensued on the reason for the proposed relocation of the fire hydrant. Abutters are concerned about moving the only water source available 125-150 feet down the hill. Mr. Hill stated that the Fire Department approved the move, and stated it would provide better water pressure and wider coverage. The original proposal was to add a second hydrant in the area, but the water line is unable to accommodate another hydrant. There is another hydrant located further up, across the lower end of Deerpath Lane. Selectmen's Representative Lewis brought up the concern that abutters home insurance premiums will go up, if they are located farther from a hydrant. Also, why move the hydrant closer to a development where all of the homes will be sprinkle The Highway Department is concerned about the maintenance obligation of the town if shrubs are planted in the right-of-way.

Mr. Hill stated that a smaller variety of shrub, 4-5 feet high with 5 foot spread, will be used instead of lilacs as visual screening, which would spread more and need maintenance. There is zero maintenance required of the town, as the shrubs will not encroach in the right-of-way. The developer could also eliminate shrubs from the right-of-way is the town desired.

Motion: Mr. Bourque made a motion to open the public hearing on Major Subdivision LTC Properties, Case #09-02 at 7:22 p.m. The motion is seconded and carried on voice vote .

John Morse, 247 Pembroke Hill Road, stated that he did not recall previous discussion about moving the fire hydrant. He does not see a reason to move the hydrant.

Michael Scorati, 255 Pembroke Hill Road, stated he is also concerned about the fire hydrant move, and its effect on the cost of home insurance.

Motion: Mr. Bourque made a motion to close the public hearing on LTC Properties Case #09-02 at 7:26 p.m. for this evening, and to continue the public hearing and the application to the next regular business meeting November 24, 2009. Selectmen's Rep Lewis seconded. Vote was unanimous.

Mr. Bourque asked Mr. Hill about the status of homeowners association documents, which Stephanie Alexander has not seen yet. Mr. Hill stated the documents have been in preparation for 3 months, and will be submitted prior to next month's Planning Board meeting. In response to

Member Lewis' questions, maintenance of drainage is addressed in the standard property deed, and will be in the homeowner's association documents.

Kathy Cuson asked about KB Partners comments on the drainage at the school. Historically, the school has had drainage problems and we must be very careful that this development does not add to their problems. Although Mr. Burnham wrote a letter dated 10/13/09 on SAU 50 letterhead accepting the drainage proposal if it reduced current peak flow, she would like this issue reviewed.

Selectmen's Rep Lewis would like to see research on whether insurance rates will go up if the hydrant is moved. She would like this information forwarded to Chief Paulsen, with the question is it alright to leave the hydrant where it is, since the new homes will have sprinkler systems. The original idea was to put in a second hydrant, but the water line is maxed out.

Action Item: Stephanie Alexander will send a letter to the Fire Chief explaining that the proposed new homes are sprinkle red and ask if the fire hydrant can remain in its present location.

Motion: Mr. Bourque moved that, based on the applicant's request for extension, the application and public hearing be continued to November 24, 2009. Motion seconded and approved unanimously.

3. **Major Subdivision. Silver Hills Business Park. Case #09-06.** Map 559, Lots 12 and 12-1 at 830 North Pembroke Road in the Rural/Agricultural Residential (R3) District, Aquifer Conservation (AC) Overlay District, Flood Development Overlay District (FD), Shoreland Protection Overlay District (SP), and Wetlands Protection (WP) Overlay District. The applicant, TF Bernier Inc, on behalf of owner Silver Hill Development Corporation, is proposing a five-lot subdivision on two lots totaling 116.1 acres which includes the construction of a new road to be dedicated to the Town. *Application accepted as complete. Extension to 10/27 meeting granted by Board at the last meeting. Application and public hearing continued from previous meeting.*

Present: Tim Bernier, TF Bernier Inc., owner Frank Merrill

Tim Bernier clarified that the traffic study performed included full development of Lot 12 and Lot 12-1 (Pembroke Sand and Gravel) in its calculations. The Town Engineer's comments received in the letter of 10/22/09 have all been addressed and a response will be submitted tomorrow. Everything outside of the right-of-way will be maintained by the homeowner's association. Easements will be deeded to the town. Future development of Lot 12 will have to go back for an alteration of terrain. The applicant is seeking a waiver of comment #8 regarding the drainage plan for the subdivision. The requirement to add 4-6 inches of topsoil to slow down the perc rate if it exceeds 10 inches per hour will not be very beneficial on an area with 20-30 feet of sand to the water table. The applicant will comply if the Town Engineer feels it is necessary, but Mr. Bernier would like to discuss this with Michael Vignale of KV Partners. Mr. Bernier has reviewed the City of Concord comments dated 10/22/09. He met with the Roads Commission and will submit driveway permits for each lot. FL Merrill proposes to put his facility on Lot 2. Only normal office space will be located inside the Aquifer Conservation district. Dennison Cabinets plans to locate on

Lot 3. The homeowner association documents will be submitted for Town Counsel comments. The paved turnaround will have 4 feet shoulders and will be built to town road standards. Bonding issues will be provided. State permits (wetlands and AOT) are expected within 2 weeks.

Motion: Mr. Bourque made a motion to open the public hearing on Major Subdivision, Silver Hills Business Park, Case #09-06 at 7:53 p.m.. The motion is seconded and carried on voice vote.

Mr. Bernier offered to meet with the City of Concord Planning Board regarding their comments of 10/22/09. The North Pembroke Bridge is co-owned by Pembroke and Concord, and is scheduled for repair in 2013. Mr. Bernier pointed out the Concord wellhead protection area on the plan. Mr. Bernier stated that in 1996, the City of Concord deactivated the Concord wells located in Pembroke. In an emergency request of DES in 2002, the City of Concord requested to turn the wells back on. Therefore, City of Concord is grandfathered and has no requirement to provide a wellhead protection plan. Although, EPA did prepare a preliminary wellhead protection plan called Phase One for the City of Concord, Concord does not have an Aquifer Conservation District as Pembroke does.

Motion: Mr. Bourque made a motion to close the public hearing on Silver Hills Business Park Case #09-06 at 8:07 p.m. for this evening, and to continue the public hearing and the application to the next regular business meeting November 24, 2009. Member Krebs seconded. Vote was unanimous.

4. Pembroke Crossing and The Meat House. Case #05-102, #06-105, and #07-103.

Board to discuss the change in the Pembroke Crossing signage from the approved plan and the installation of a greasetrap at The Meathouse.

Present: Alex Vailas, Pembroke Commercial Group, Inc., Manchester NH

Mr. Vailas stated that business partners Dick Anagnost and Frank Merrill were unable to be here for this discussion. Pembroke Commercial Group is still in negotiations with an anchor tenant. Current occupants - Meat House, Veanos, Dunkin Donuts and a future credit union tenant want a nicer, temporary sign. The anchor tenant may wish to occupy a larger percentage of the final sign. Two of the nicer temporary signs are proposed, one on Route 3 and one on Route 106. Once the anchor tenant is signed on, design will go forward for a final sign. Similar signs are used at Elliot Hospital, where Pembroke Commercial Group owns/manages a building. Regarding the processing of meat on site, Meat House is negotiating with Sysco for this service, and minimal food processing will be done on site. Meat House will live within the space they occupy. Mr. Vailas requested that the Planning Board allow him to speak with Town staff, either David Jodoin, Stephanie Alexander or Everett Hodge, when replacing fences or shrubbery on the approved plan instead of meeting with the Planning Board. Selectmen's Rep Cindy Lewis stated the issue with these changes is that no one from Meat House has come in to talk with anyone in Town Hall about some of the changes they implemented.

Further, despite repeated requests from town staff since 2007, Meat House has not installed a grease trap as required per the plan. Mr. Vailas stated that Meat House hired a facilitator for all their

locations. Pembroke Commercial Group owns their Bedford site as well. Pembroke Commercial Group is also unaware of some of the changes before they happen. Mr. Vailas stated that Meat House has hired a sewer maintenance company until they install a grease trap. Mr. Vailas will forward confirmation to the town when the grease trap is installed. They own the building the Meat House is in, and the Pump Station so they are equally concerned about the lack of a grease trap. Mr. Vailas will submit an installation date to Stephanie.

Regarding the 9/29/09 drawing of a 4 placard sign from Advantage Signs, it was discussed that the drawing is not to scale, and lacks any measurements to determine the proposed size of the sign. The request does not address replacing the signs that are already up, removal of banners and balloons, etc. David Jodoin checked in Everett Hodge's file, and his rendering of the sign does not include dimensions either. Mr. Vailas stated that Pembroke Commercial Group will live within the Pembroke sign ordinance as far as size. Board members questioned how long is temporary - one year, five years, ten years? Mr. Vailas stated he did not think it would be 10 years until a final sign design is drawn. When the final sign is proposed, the applicant will come back to the Planning Board. Because the proposed sign is nicer and more decorative than what is existing, Planning Board members suggested that Mr. Vailas provide the Building Inspector with the specifications of the sign. Selectmen's Rep Lewis stated that the proposed sign is not "temporary signage" per the Pembroke sign ordinance. The consensus of the Planning Board is that the proposed sign is an improvement, but we need to know the size. Mr. Vailas estimates each panel is 2' x 4', and the sign is non-illuminated.

Action Item: Stephanie Alexander will convey to Everett Hodge, Code Enforcement Officer,

- that the proposed sign per the 9/29/09 Advantage Sign drawing is acceptable with three panels for the existing tenants of Pembroke Crossing
- Two signs are allowed, one at Route 3 and one at Route 106
- The consensus of the Planning Board is in favor of the upgrade to the sign
- Meat House must provide the dimensions of the sign to the Code Enforcement Officer
- Any further changes will need to come back to the Planning Board

Action Item: Also, Pembroke Commercial Group and/or Meat House will submit the date of grease trap installation to Stephanie Alexander.

5. **Nicole's Greenhouse. Case #09-103.** Board to discuss work being done on site without a signed and registered site plan and tree removal mitigation.

Present: Lisa Mills

Lisa Mills provided mylars for signature, letter from Pembroke Water Department, permits, receipt for payment of town engineering fee, copy of Intent to Cut signed by Board of Selectmen to Stephanie Alexander for the case file. Ms. Alexander stated that she will review the conditions of approval and see if the items provided match all of the conditions.

Lisa Mills stated that because she had the Intent to Cut signed by the Board of Selectmen, she assumed it was alright to begin site work and cutting trees. The siding was taken off the building to

perform measurements. Everett Hodge visited the site during the activity. The Planning Board was very concerned that the existing tree line was not kept as per the plan. Ms. Mills plans to plant some arborvitae to fill in the thin areas. Ms. Mills reference previous discussion when it was clearly discussed that tall trees cannot exist around a greenhouse. The potential for damage if trees fell on the greenhouses is great. The clearing limits shown on the plan are not what actually was cleared. Ms. Mills plans to replant along the entire side of the storage sheds. Alternatively, they may put a fence up in the future. The applicant would prefer a natural planting buffer to a fence. Previous minutes may have said that the owner would leave the 6-8' trees in place. Several Board members recalled prior discussion of how bad the storage units would look without screening. The options are to screen the entire length of the storage shed with plantings sufficient to create a natural fence, or to install a fence. It was discussed that plants like rhododendrons could increase the density of the buffer. Member Young stated that most of the Planning Board members assumed the owners would cut the tall trees down. Chairman Bourque stated the site plan should be revised to show the actual clearing limits, and the fence if desired. Member Cruson stated the trees are gone and we need to focus on what is acceptable planting to block the storage units.

Ms. Mills asked what does this do to my final approval? I need to have signed mylars so I can commence my project. I need to work on sewer hookup and drainage. Ms. Alexander suggested putting through the plan for approval as it is, and coming back for any site plan changes. Today (October 27, 2009) is the deadline for the November 24, 2009 Planning Board meeting. The site plan could be resubmitted with a fence or heavier arborvitae planting along the property line abutting the storage sheds. This would allow Ms. Mills to continue work on the other areas of the plan. Ms. Alexander noted there is only one meeting scheduled in December and that is December 8. The deadline for submission is November 10, 2009. Ms. Mills stated the cost of preparing new blueprints is prohibitive, thousands of dollars. Ms. Alexander stated that only two sheets are needed, landscaping and site plan.. The fence detail could be on the plan, or on an attached 8 1/2"x 11" sheet of paper. Another possible meeting date for a revised site plan is January 26, 2010 with submission due 4 weeks prior.

6. **Voluntary Merger. Godfrey. Case #09-09.** Map 264, Lots 94 and 94-1 on 237 Fourth Range Road and Kimball Road, respectively. The owner, John J. T. Godfrey, Trustee of the John J T Godfrey Revised Trust, requests a merger of both parcels into one lot. The merged lot would total 5.5 acres and be known as Map 264, Lot 94. *Hearing not required. Board to approve merger.*

Present: no one

MOTION: Selectmen's Rep. Lewis moved to approve the merger. Seconded by Member Bourque.

VOTE: Robert B. – Y Cindy L. – Y Brian S. – Y
 Kevin K. – Y Kathy C. – Y Jeff W. – Y Larry Y. – Y

MOTION TO APPROVE THE MERGER PASSED ON A 7-0 VOTE.

7. **Special Use Permit-Wetlands. Concord Sand and Gravel, Inc. Case**

#09-SUP-14WP. Map 559, Lot 3 on North Pembroke Road in the Rural Residential (R3) District, Aquifer Conservation (AC) Overlay District, and Wetlands Protection (WP) Overlay District. The applicant, Concord Sand and Gravel Inc., on behalf of owners Robert A. Cole, Successor Trustee of the CS&G Revocable Trust and Lucille A. Ladd, Successor Trustee of the Levi K. Ladd 2004 Revocable Trust, request a Special Use Permit from Article 143-72.E, Wetland Protection District, for the removal of 790sf of wetland on Map 559, Lot 3. *This permit is associated with the related excavation expansion plan application #09-107.*

Present: Tracy Sweeney, LLS, Richard Bartlett and Associates

Brett Kay, EIT, Nobis Engineering

Robert Cole, Owner

Maine Blasting and Drilling

This presentation relates to all three cases - #09-Special Use Permit Wetlands 14WP, #09 Special Use Permit Aquifer 15AC, and #09-107 Existing Excavation Expansion.

Brett Kay stated that Concord Sand and Gravel began operations in Concord NH in the 1960's and in Pembroke on Map 559, Lot 6 around 1985. The facilities are also in the Concord wellhead protection area. The main access is off Route 106 north of Sam's Club. A second emergency access, gated and locked, exists on North Pembroke Road. Brett pointed out the extent of operations and the reclaimed area in darker green. The active mineral face is on the eastern side of the area. The operations would expand 17 acres for a total of 24 acres. Map 559 Lot 3 would not be used for operations and will remain a buffer. Minimum setbacks are 50' but Concord Sand and Gravel is identifying a 300' buffer along North Pembroke Road. The closest home is 500' from operations. Feedback from abutters has generally been positive. Operations will remain as they are today, and will expand east over time. The process consists of stripping off vegetation, blasting ledge and excavating mineral. A call list is implemented each time blasting occurs. Two locations are monitored by seismograph for impact to the neighborhood. The new method is to create steps, 50 foot face and 20 foot base, followed by 50 foot face, 20 foot step etc. The excavation creates a bowl effect with no storm water discharge. Reclamation is accomplished in phases, each 5-6 acres. Reclamation includes 2 feet of fill, 6 inches of loam and seeding per NH DES regulations.

Two Special Use permits are needed:

1. Wetlands on Map 559 Lot 3, 788 square feet. Conservation Commission reviewed plan and has no concerns. The Dredge and Fill permit is under review.
2. Special Use permit Aquifer - There is no fuel on site other than that which is in the vehicles. Rymes refuels vehicles as needed off site. The applicant performed a hydro geologic study which found no adverse effect on water quality. Seven wells were installed at a cost of \$20,000 because it involved drilling ledge. Groundwater is 12-40 feet below existing grade and 3-6 feet below operating grade. Concord Sand and Gravel takes water level readings quarterly. They plan to put in two additional 20 foot shallow wells to take samples in May and October. The excavation is seasonal and operates April through November each year. The applicant provided a plan of the depth of excavation as it relates to water. They provide deed restrictions, and employ adequate safety measures. All storm water is guided to the western part of the site. No Utilities are needed on site. There will be a fence, natural vegetation, a 50 foot buffer and signage on the fence before the vertical face. The area of expansion consists of reverted fields, now overgrown and forested.

To mitigate change in topography, mineral excavation provides infrastructure for future use of the land with 50 foot face and 20 feet plateau.

Member Young asked about the status of the business relative to RSA 155:E. Robert Cole stated that Concord Sand and Gravel is in “grandfathered” status with respect to 155:E. It was discussed that in 1989 the rule changed from gravel pit use of contiguous land, to contiguous land “within the same town.” Member Cuson asked how the company protects kids from trespassing on dangerous land under excavation. The highest drop is 70-80 feet. A fence is installed, there is a 50 foot buffer, and signage. Concord Sand and Gravel employs industry best practices.

Motion: Mr. Bourque made a motion to open the public hearing on all three cases for Concord Sand and Gravel - #09-Special Use Permit Wetlands 14WP, #09 Special Use Permit Aquifer 15AC, and #09-107 Existing Excavation Expansion at 9:52 p.m.. Selectmen’s Rep Lewis seconded and the motion carried on voice vote.

Member Cruson asked how far the open face will be to a pave road. Borough Road is a few thousand feet. Ms. Alexander noted that a letter was received from the City of Concord Planning Board asking for time to review the plan at their next regular meeting November 18, 2009 before submitting comments. Ms. Alexander asked, where Concord is already an abutter, does the project also fit the Development of Regional Impact designation? Where they intend to continue using the driveway off Route 106 as the primary access, should it be a condition of approval that the emergency access off North Pembroke Road remain gated and locked as it is now?

Robert Cole stated he is very proud of his company and their efforts to be a good neighbor.

MOTION: Member Young moved to designate all three cases for Concord Sand and Gravel - #09-Special Use Permit Wetlands 14WP, #09 Special Use Permit Aquifer 15AC, and #09-107 Existing Excavation Expansion as a Development of Regional Impact per RSA 36:54-58 and provide copies of all plans to City of Concord and Central NH Regional Planning Commission. Seconded by Member Cruson.

VOTE: Robert B. – Y Cindy L. – Y Brian S. – Y
 Kevin K. – Y Kathy C. – Y Jeff W. – Y Larry Y. – Y

MOTION TO DESIGNATE CONCORD SAND AND GRAVEL APPLICATION AS A DEVELOPMENT OF REGIONAL IMPACT APPROVED ON A 7-0 VOTE.

Chairman Bourque stated he would very much like to see someone from the City of Concord Planning Board attend the next hearing on Concord Sand and Gravel on November 24, 2009.

Brett Kay noted that Concord Sand and Gravel had arranged for the hydrologist, Maine Drilling and Blasting and other experts to be present at tonight’s hearing to answer any questions Board members or the public may have about its operations.

Chairman Bourque stated he appreciated the effort to provide this expertise at the initial

presentation, but due to the late hour, could the discussion be kept as brief as possible.

The hydrologist described how excavation affects below ground water. The normal water level can be as far as 140 feet down. Fractures occur as we install the monitoring wells. Water fills in the shallow fractures. Water stays in the rock and the rock acts as a sponge. The monitoring wells are in bedrock. The residential properties are well outside the area of blasting, but by monitoring our test wells we can assess any potential impact to wells of abutters.

Ken Smith, Technical Supervisor, Maine Blasting and Drilling gave a quick explanation of blasting, especially the new benching process, 50 foot face, 20 foot bench alternating. Benching is accomplished by controlling the release of energy. We can control the movement by geometry. Large numbers of holes close together are needed to blast. Noise and vibration limits are strictly monitored and are in compliance with federal regulations. Blasting is done vertically. Microchips in the initiation device set the timing. This is state of the art blasting technology. In response to Board questions, Mr. Smith stated that construction materials must be strong and durable. Granite is a good material. Blasting causes fire and by product. With the proper type of explosive and good oxygen balance, there is not much residue. All of the materials are consumed in the reaction. The main component is ammonium nitrate, as is found in fertilizer. Gases from combustion blast the rock.

Action Item: Brett Kay will provide Stephanie Alexander with two full plan sets and copies of all studies to provide to City of Concord and CNHRPC. The Planning Board will wait for comments from the City of Concord to see if they can collaborate on any common questions, such as whether hiring a consultant to review the hydrologist report would be necessary. Brett Kay stated that NH DES has received everything submitted to Pembroke with this application, as a requirement of the alteration and terrain permit. He believes in supplying all information to all parties.

Motion: Mr. Bourque made a motion to close the public hearing on Concord Sand and Gravel Concord Sand and Gravel - #09-Special Use Permit Wetlands 14WP, #09 Special Use Permit Aquifer 15AC, and #09-107 Existing Excavation Expansion at 10:25 p.m. for this evening, and to continue the public hearing and the application to the next regular business meeting November 24, 2009. Member Young seconded. Vote was unanimous.

Chairman Bourque stated that while he was very impressed with the depth of information available tonight, the applicant does not need to have the depth of coverage provided tonight at the November 24 meeting. Chairman Bourque explained that this is the first excavation plan this Planning Board has dealt with. Any revised plans are due to Pembroke by November 10, 2009 for the November 24 meeting.

8. **Special Use Permit-Aquifer. Concord Sand and Gravel, Inc. Case #09-SUP-15AC.** Map 559, Lots 3, 5, and 6 on North Pembroke Road in the Rural Residential (R3) District, Aquifer Conservation (AC) Overlay District, and Wetlands Protection (WP) Overlay District. The applicant, Concord Sand and Gravel Inc., on behalf of owners Robert A. Cole, Successor Trustee of the CS&G Revocable Trust and Lucille A. Ladd, Successor Trustee of the Levi K.

Ladd 2004 Revocable Trust, request a Special Use Permit from Article 143-68.E, Aquifer Conservation District, which is required for any activity taking place in the District, for the use of the existing haul roads on Map 559, Lot 6 by excavation activities on Map 559, Lots 3 and 5. *This permit is associated with the related excavation expansion plan application #09-107.*

9. Existing Excavation Expansion. Concord Sand and Gravel, Inc. Case #09-107.

Map 559, Lots 3, 5, and 6 and Map 258, Lot 13-3 on North Pembroke Road in the Rural Residential (R3) District, Aquifer Conservation (AC) Overlay District, and Wetlands Protection (WP) Overlay District. The applicant, Concord Sand and Gravel Inc., on behalf of owners Robert A. Cole, Successor Trustee of the CS&G Revocable Trust and Lucille A. Ladd, Successor Trustee of the Levi K. Ladd 2004 Revocable Trust, propose to expand the existing grandfathered mineral extraction and processing operations on Map 559, Lot 6 onto Map 559, Lots 3 and 5, and to retain Map 258, Lot 13-3 as a buffer lot not to be used for excavation. The expansion would encompass 17 acres.

10. Minutes

Review and Approve Meeting Minutes of October 13, 2009

11. Correspondence

12. Committee Reports

13. Other Business

a. November 10 Work Session Agenda – Zoning amendments

b. Planner Items

c. Board Member Items

MOTION: Chairman Bourque moved to waive any other items on the agenda until the November 24, 2009 meeting and to adjourn. Seconded by Member Nowe. Unanimously approved.

The meeting adjourned at 10:40 p.m.

Respectfully submitted,
Susan Gifford, Recording Secretary