

PEMBROKE PLANNING BOARD
Minutes of Meeting
(Adopted)
Tuesday, February 23, 2010

MEMBERS PRESENT: Alan Topliff, Vice Chairman; Cindy Lewis, Selectmen's Representative; Brian Seaworth; Kathy Cruson; Kevin Krebs

ALTERNATES PRESENT: Ron Nowe; Larry Young, Sr.

EXCUSED: Robert Bourque, Chairman

STAFF PRESENT: Stephanie Alexander, Interim Planner; Jeff Gaeta, Planner; David Jodoin, Town Administrator; Jocelyn Carlucci, Recording Secretary

Vice Chairman Topliff called the meeting to order at 7:00 p.m. and appointed Alternate Member Nowe to vote in place of Mark Zydel.

He introduced Pembroke's new full-time Planner, Jeff Gaeta to the Board and thanked Ms. Alexander for her dedication and hard work as Interim Planner.

Old Business

1. Update on Site Plan Progress. Chickering Meadow. Case #03-104, #03-105, and #07-104.

Board to discuss progress on open items on Phases 1 and 2 from Town Engineer's punchlist as identified by Departments.

Ms. Alexander received an e-mail on February 23, 2010 from the applicant stating that they: (1) would not be attending the February 23, 2010 meeting; (2) request another 30-day extension to continue to work on the list of outstanding items; (3) are working on the sewer testing documentation; (4) will accomplish the catch basin cleanings during good weather; (5) fully intend to address all outstanding issues.

Vice Chairman Topliff asked that a letter be sent to the applicant indicating that the Board is considering other alternatives, would like to encourage them to continue the process, and to appear at the Planning Board's March 23, 2010 meeting. It was suggested that possibly the Homeowners' Association would also encourage the applicant to complete the project.

MOTION: Member Krebs moved to grant Chickering Meadow a 30-day extension to complete the 4 remaining checklist items namely: (1) Owner must submit sign off from Pembroke Water Works – install 2" RPZ backflow in 229 Belknap Drive; (2) Owner must submit sign off from Pembroke Sewer Commission – submit sewer testing results to Sewer Commission; (3) Clean catch basin #61 in front of units 210D and 212A; (4) Clean catch basin #60 behind units 210D and 212A. Seconded by Member Seaworth.

VOTE: A. Topliff – Y C. Lewis – Y B. Seaworth – Y
 K. Krebs – Y K. Cruson – Y R. Nowe – Y

MOTION TO GRANT CHICKERING MEADOW A 30-DAY EXTENSION TO COMPLETE THE 4 REMAINING CHECKLIST ITEMS NAMELY: (1) OWNER MUST SUBMIT SIGN OFF FROM PEMBROKE WATER WORKS – INSTALL 2" RPZ

BACKFLOW IN 229 BELKNAP DRIVE; (2) OWNER MUST SUBMIT SIGN OFF FROM PEMBROKE SEWER COMMISSION – SUBMIT SEWER TESTING RESULTS TO SEWER COMMISSION; (3) CLEAN CATCH BASIN #61 IN FRONT OF UNITS 210D AND 212A; (4) CLEAN CATCH BASIN #60 BEHIND UNITS 210D AND 212A PASSED ON A 6-0 VOTE.

In case of inclement weather, Ms. Alexander said that the extensions would automatically be continued to the next meeting as long as the applicants were notified, notices were posted on both the Town's website and the door of the Town Hall.

2. Update on Site Plan Progress. Nicole's Greenhouse. Case #09-103. Board to discuss progress with applicant on screening along the back property line.

Present: Lisa Mills and Ernest Mills of Nicole's Greenhouse, Earl Gage, Manager of 106 Mini Storage.

Vice Chairman Topliff read aloud an e-mail from Everett Hodge, Pembroke Code Enforcement Officer, dated February 11, 2010.

Ms. Mills said that she spoke with Mr. Brown, owner of 106 Mini Storage, on February 12, 2010 who stated that he was very appreciative of the work that the applicant had done on the property. Ms. Mills said that Mr. Brown was not interested in having a fence at this time.

Ms. Mills has proposed installing a 6 ft. wooden stockade fence along the 517 ft. boundary line which runs up the swale. She said that the August 25, 2009 meeting minutes clearly state that all the trees would be cleared from the lot. The October 27, 2009 meeting minutes state that the Board assumed that 6-8 ft. trees would remain on the lot. Ms. Mills said that she will follow the submitted landscape plan that indicates plantings every 20 ft. along the property line. The fence is the compromise for the 6-8 ft. trees along the rear property line.

Selectmen's Rep. Lewis clarified that, per the plans, there are trees along the boundary line. She has no problem with a 6 ft. wooden fence.

Mr. Gage said that business has increased since the trees had been removed and the storage units are visible. The motor home and trailer presently seen from Route 106 will be moved to a new location in the rear of the site. He has spoken with Mr. Brown who said he was happy with the proposed landscaping by Ms. Mills. He and Mr. Brown are also in favor of the installation of a 6 ft. stockade fence.

The consensus of the Board was that, in light of the installation of the fence, a revised landscaping plan and planting schedule would not be necessary.

MOTION: Member Krebs moved to accept the proposed 6 ft. wooden stockade fence to be installed prior to October 31, 2010 along the boundary line abutting the 106 Mini Storage facility. Seconded by Alternate Member Nowe.

VOTE: A. Topliff – Y C. Lewis – Y B. Seaworth – Y
 K. Krebs – Y K. Cruson – Y R. Nowe – Y

MOTION TO ACCEPT THE PROPOSED 6 FT. WOODEN STOCKADE FENCE TO BE INSTALLED PRIOR TO OCTOBER 31, 2010 ALONG THE BOUNDARY LINE ABUTTING THE 106 MINI STORAGE FACILITY PASSED ON A 6-0 VOTE.

3. 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. *Extension granted at last meeting to expire 2/23. Application and public hearing continued from previous meeting.*

Ms. Alexander received a letter on February 23, 2010 requesting an extension and continuation of the application and public hearing. The applicant is preparing legal documents. Final documents, along with a check to cover outstanding Sewer Department fees, will be submitted to the Board and Town Counsel prior to March 23, 2010.

Vice Chairman Topliff opened the public hearing at 7:25 p.m.

Mary Morse, 247 Pembroke Hill Road, was concerned that if the fire hydrant was moved further from her home, her insurance premiums would increase. Ms. Alexander said that an October e-mail from the Pembroke Fire Chief states that relocating the hydrant would not have any adverse affect on the protection of any home served by the hydrant. Some insurance companies set their rates based on the home's proximity to a fire hydrant. The standard used is 1,000 ft.

Mr. and Mrs. Morse will consult with their insurance company.

Ms. Alexander stated that the Fire Chief is of the opinion that relocating the fire hydrant is the right thing to do. Selectmen's Rep. Lewis questioned the decision to move the fire hydrant closer to the subdivision. She stated that the hydrant was originally set in its present location for Deerpath Lane. The homes on Deerpath Lane have no fire protection (sprinklers). The new homes to be built in the Applicant's subdivision will have fire protection (sprinklers).

Chris Culberson of the Pembroke Water Works said that a 6-inch fire line presently serves the hydrants which run along Pembroke Hill Road from Route 3. Adding an additional hydrant would require the line to be increased to 8 inch.

It is proposed that the current hydrant be moved approximately 175 ft. down Pembroke Hill Road from its present location.

Vice Chairman Topliff closed the public hearing 7:43 p.m.

MOTION: Member Krebs moved to close the public hearing on Case # 09-02 for the evening and to continue it to the next business meeting of March 23, 2010 if the application is continued and to grant the extension for the application to March 23, 2010. Seconded by Member Seaworth.

VOTE: A. Topliff – Y C. Lewis – Y B. Seaworth – Y
 K. Krebs – Y K. Cruson – Y R. Nowe – Y

MOTION TO CLOSE THE PUBLIC HEARING ON CASE #09-02 FOR THE EVENING AND TO CONTINUE IT TO THE NEXT BUSINESS MEETING OF MARCH 23, 2010 IF THE APPLICATION IS CONTINUED AND TO GRANT THE EXTENSION FOR THE APPLICATION TO MARCH 23, 2010 PASSED ON A 6-0 VOTE.

4. **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. *Application and public hearing continued from previous meeting.*

5. **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. *Application and public hearing continued from previous meeting.*

6. **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. *Application and public hearing continued from previous meeting.*

Present: Brett Kay of Nobis Engineering, Inc.; Bob Cole of Concord Sand and Gravel; Thomas Bobowski of Nobis Engineering, Inc.

Ms. Alexander stated that the Pembroke Conservation Commission asked for periodic analytical monitoring of the wells and runoff. She said that the Applicant will undertake sampling in 1 well and 2 sentry wells semi-yearly, the results of which will be provided to Pembroke Water Works. Runoff monitoring has not been proposed as water runs down to the area of the sentry wells. The Alteration of Terrain Permit required groundwater monitoring plans. Emery & Garrett Groundwater, Inc. (EGGI) noted their conclusions in a report which was included in the Planning Board's packet.

With regard to the Special Use Permit-Aquifer, the City of Concord supports EGGI's report. The Pembroke Health Officer has signed the Aquifer permit. Mr. Gaeta said that, in comparing EGGI's report and the comments from Nobis Engineering, Inc. (Nobis), he found only one item -- EGGI recommended 1 or 2 shallow monitoring wells while Nobis proposed only 1.

Vice Chairman Topliff said that the Board must determine which items in EGGI's report have a reasonable probability of occurrence while also taking into consideration the costs involved with complying with the recommendations.

With regard to the Excavation Expansion, Ms. Alexander said that KV Partners LLC has: (1) reviewed the revised landscaping plans and felt that everything had been adequately addressed; (2) estimated the financial guarantee amount for reclamation of Lots 6, 3 and 5 as \$535,273; and (3) agrees that the escrow of \$1,000 per year for the required inspections. It would include the reduction in the financial guarantee over time.

With regard to the Operations, Blasting, Groundwater Monitoring, and Source Control plans:

1. Pembroke Water Works would like to review all monitoring results before and after excavation.
2. Concord said no further action is needed at this time.
3. Mr. Gaeta compared the 4 reports against the plan set and noted the following discrepancies:
 - a. The Operations, Blasting, and Source Control plans state that hours of operations will be Monday through Saturday between 6:00 a.m. and 6:30 p.m. The Proposed Excavation Overview plan states that "Mineral extraction operations on-site shall not occur between 8:00 p.m. and 6:30 a.m." resulting in a discrepancy between 6:00 a.m. and 6:30 a.m.

- b. General Note #1 on the Cover Sheet of the plan set should be changed to reflect the revision date of the Operations Plan (January 2010) rather than September 2009.
- c. A note should be included on the plan set addressing the Blasting, Groundwater Monitoring, and Source Control plans.

With regard to future access to North Pembroke Road by CS&G, Ms. Alexander stated that Town Counsel recommended that a plan note be added and the text of that plan note be added as a condition of approval. (See Gmail to Stephanie Alexander dated Wednesday, February 17, 2010 at 3:12 p.m.).

Member Cruson asked if the levels of arsenic on the site were known. Mr. Kay responded that the Applicant has not tested for arsenic because arsenic occurs naturally. They are not concerned unless the Applicant detects elevated samples of nitrate.

Ms. Alexander reported that the following items listed under 02/23 Staff Items of the Status Report of Review & Comment Items for Applications at the February 23, 2010 have been completed: Item Nos. 4, 5, 8, 10, 13, 15, 17, 20.

Mr. Kay said that all plans were submitted to the Alteration of Terrain Board on February 10, 2010. The Applicant received a verbal approval of the plans. With regard to the Wetland Permit, a revised packet was submitted on February 2, 2010 and a final review will occur within 2 weeks. Mr. Kay said that all the Applicant's state permits are eminent.

Vice Chairman Topliff reopened the public hearing at 8:12 p.m.

There being no comments or questions from the public or the Board, Vice Chairman Topliff closed the public hearing for the evening at 8:13 p.m. and will continue public hearing and the application to the next business meeting of March 23, 2010 if the application is not completed this evening.

The consensus of the Board was that No. 21 of the Status Report of Review & Comment Items for Applications at the February 23, 2010 should read: "CSG acknowledges and accepts that . . . Route 106, CSG will require Planning Board site plan approval of the changed access, . . ."

MOTION: Selectmen's Rep. Lewis moved to approve Case #09-SUP-14WP. Special Use Permit-Wetlands with the following condition: This Special Use Permit for activity within 20 ft. of a wetland in the Wetland Protection (WP) District is granted conditionally until Case #09-107, an excavation expansion plan for Concord Sand and Gravel, Inc., 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 Member Seaworth.

VOTE:	A. Topliff – Y	C. Lewis – Y	B. Seaworth – Y
	K. Krebs – Y	K. Cruson – Y	R. Nowe – Y

MOTION TO APPROVE CASE #09-SUP-14WP. SPECIAL USE PERMIT-WETLANDS WITH THE FOLLOWING CONDITION: THIS SPECIAL USE PERMIT FOR ACTIVITY WITHIN 20 FT. OF A WETLAND IN THE WETLAND PROTECTION (WP) DISTRICT IS GRANTED CONDITIONALLY UNTIL CASE #09-107, AN EXCAVATION EXPANSION PLAN FOR CONCORD SAND AND GRAVEL, INC., 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 6-0 VOTE.

MOTION: Selectmen’s Rep. Lewis moved to approve Case #09-SUP-15AC. Special Use Permit-Aquifer with the following condition: This Special Use Permit for activity within the Aquifer Conservation District is granted conditionally until Case #09-107, an excavation expansion plan for Concord Sand and Gravel Inc., has received final approval, at which time this Special Use Permit becomes final for as long as the Case is approved. If at anytime the Case is revoked or final approval is not received this Special Use permit becomes invalid. Seconded by Member Seaworth.

VOTE: A. Topliff – Y C. Lewis – Y B. Seaworth – Y
 K. Krebs – Y K. Cruson – Y R. Nowe – Y

MOTION TO APPROVE CASE #09-SUP-15AC. SPECIAL USE PERMIT-AQUIFER WITH THE FOLLOWING CONDITION: THIS SPECIAL USE PERMIT FOR ACTIVITY WITHIN THE AQUIFER CONSERVATION DISTRICT IS GRANTED CONDITIONALLY UNTIL CASE #09-107, AN EXCAVATION EXPANSION PLAN FOR CONCORD SAND AND GRAVEL INC., HAS RECEIVED FINAL APPROVAL, AT WHICH TIME THIS SPECIAL USE PERMIT BECOMES FINAL FOR AS LONG AS THE CASE IS APPROVED. IF AT ANYTIME THE CASE IS REVOKED OR FINAL APPROVAL IS NOT RECEIVED THIS SPECIAL USE PERMIT BECOMES INVALID PASSED ON A 6-0 VOTE.

With regard to RSA 155-E, Local Regulation Excavations of Status Report of Review & Comment Items for Applications at the February 23, 2010 Meeting, Ms. Alexander noted, for the record, that a permit cannot be granted if:

- I. If operation would violate operational standards of 155-E:4a. (This relates to a reclamation bond.) The Town has an agreement between Town Engineer and the Applicant for a reclamation bond, a copy of which will be provided for approval.**
- II. Excavation within a 50 ft. setback from disapproving abutters. Setbacks of 50 ft. have been provided on the plan. No abutters have shown disapproval.**
- III. ZBA must have granted a special exception. Special exception was granted on September 28, 2009.**
- IV. A permit would be unduly hazardous or injurious to public welfare. The Board heard a**

presentation on January 26, 2010 on the report from EGGI and the Alteration of Terrain Permit is being sought from NHDES. Consensus of the Board: This condition has been met.

- V. Removal of existing visual barriers except to provide access. A buffer lot (Lot 13) easement has been reviewed by Town Counsel and changes are being made by Applicant. No visual barriers are being removed.**
- VI. A permit would substantially damage a known aquifer. Because the Board voted on the Special Use Permit based on testimony from the consultant and based on comments from Alteration of Terrain Board, Pembroke Water Works, and the City of Concord, Ms. Alexander felt that the Planning Board was set on this item.**
- VII. Project must comply with RSA reclamation provisions. Town Engineer reviewed all the reclamation plans and each plan revision developed by the Applicant. Ms. Alexander felt that the Planning Board was set on this item.**

Two other provisions do not apply: (1) The project cannot comply with reclamation provisions, or (2) that excavation requires land use permits from state or federal agencies.

Vice Chairman Topliff closed the public hearing on Case #09-107. Existing Excavation Expansion at 8:36 p.m.

Ms. Alexander reported: Criteria for the approval of a Waiver Request to excavate below the maximum depth of eight (8) feet below the seasonal high water table:

1. Will not adversely affect water quality or increasing long-term susceptibility to contaminants. **EGGI has reviewed the report and the Board was comfortable with that.**
2. Provides a plan depicting proposed depth and its relation to seasonal high water table. **Plan depicts maximum depth of excavation as a plan Note and via contour elevations.**
3. Provides an enforceable restriction (easement) prohibiting future on-site sewage disposal or other use which could contaminate groundwater. **Applicant has provided a deed restriction with appropriate language.**
4. When creating temporary or permanent standing water, provide safety measures (grading perimeter slopes, fencing) as required by Board. **Applicant added plan Note stating excavation will be conducted to promote runoff and infiltration of water, and that final restoration will not create any temporary or permanent standing water.**

MOTION: Selectmen's Rep. Lewis moved to approve the Exception Request to be allowed to excavate below the maximum depth of eight (8) feet below the seasonal high water table. The four criteria have been addressed. Seconded by Member Cruson

VOTE: A. Topliff – Y C. Lewis – Y B. Seaworth – Y
 K. Krebs – Y K. Cruson – Y R. Nowe – Y

MOTION TO APPROVE THE EXCEPTION REQUEST TO BE ALLOWED TO

EXCAVATE BELOW THE MAXIMUM DEPTH OF EIGHT (8) FEET BELOW THE SEASONAL HIGH WATER TABLE. THE FOUR CRITERIA HAVE BEEN ADDRESSED. PASSED ON A 6-0 VOTE.

MOTION: Selectmen's Rep. Lewis moved to approve Case #09-107. Existing Excavation Expansion with the following conditions:

1. Provide adequate funds as required by the Town into the project escrow account for engineering and legal review.
2. Provide a copy of the NHDES Dredge and Fill permit for the 788 sf wetland removal and complete plan Note #11 on the coversheet with date of issuance and permit number.
3. Provide a copy of the NHDES Alteration of Terrain permit and complete plan Note #12 on the coversheet with the permit date of issuance and permit number.
4. Complete the Note on Sheet C-3 that Special Use Permit #09-SUP-15AC for activity within the Aquifer Conservation District was granted on February 23, 2010 by the Planning Board and that all provisions of Zoning 143-68 Aquifer Conservation (AC) District will be followed.
5. Complete the Note on Sheet C-3 that Special Use Permit #09-SUP-14WP for activity within 20 ft. of a wetland within the Wetland Protection District was granted on February 23, 2010 by the Planning Board and that all provisions of Zoning 143-72 Wetland Protection (WP) District will be followed.
6. Provide a security for reclamation for Lot 6, and Lots 3 & 5 in an amount of \$535,273.
7. Provide inspection fees for the project by the Town of Pembroke in an amount of \$5,000 to be replenished as requested by the Town.
8. Deed restriction for prohibiting future on-site sewage disposal or other use which could contaminate groundwater is subject to review and approval of Town Counsel at the expense of the applicant.
9. Provide \$25 for the Registry of Deeds for the exception registration.
10. Legal language for deed restrictions for Lot 13-3 to be used as a buffer lot is subject to review and approval by Town Counsel at the expense of the applicant.
11. Modify the plans and documents with Planner's comments on the Source Control Plan, Blasting Plan, Groundwater Monitoring Plan, and Operations Plan.
12. Submit a letter to the Pembroke Planning Board stating the applicant's commitment to review the Emery & Garrett Groundwater, Inc.'s review of the Source Control Plan, Blasting Plan, Groundwater Monitoring Plan, and Operations Plan to report which of those recommendations the applicant will be addressing as requested by the City of Concord.
13. Add the following plan Note: "CSG acknowledges and accepts that should Route 106 be altered in the future so as to require CSG to access its property from North Pembroke Road rather than Route 106, CSG will require Planning Board site plan approval of the changed access, and further that at such time North Pembroke Road may be inadequate to meet the traffic needs occasioned by the change in access and CSG may be required to contribute to a portion of all of the costs associated with such required improvements, as may then be permitted by law."

Seconded by Member Seaworth.

VOTE: A. Topliff – Y C. Lewis – Y B. Seaworth – Y
 K. Krebs – Y K. Cruson – Y R. Nowe – Y

MOTION TO APPROVE CASE #09-107. EXISTING EXCAVATION EXPANSION WITH THE FOLLOWING CONDITIONS:

- 1. PROVIDE ADEQUATE FUNDS AS REQUIRED BY THE TOWN INTO THE PROJECT ESCROW ACCOUNT FOR ENGINEERING AND LEGAL REVIEW.**
- 2. PROVIDE A COPY OF THE NHDES DREDGE AND FILL PERMIT FOR THE 788 SF WETLAND REMOVAL AND COMPLETE PLAN NOTE #11 ON THE COVERSHEET WITH DATE OF ISSUANCE AND PERMIT NUMBER.**
- 3. PROVIDE A COPY OF THE NHDES ALTERATION OF TERRAIN PERMIT AND COMPLETE PLAN NOTE #12 ON THE COVERSHEET WITH THE PERMIT DATE OF ISSUANCE AND PERMIT NUMBER.**
- 4. COMPLETE THE NOTE ON SHEET C-3 THAT SPECIAL USE PERMIT #09-SUP-15AC FOR ACTIVITY WITHIN THE AQUIFER CONSERVATION DISTRICT WAS GRANTED ON FEBRUARY 23, 2010 BY THE PLANNING BOARD AND THAT ALL PROVISIONS OF ZONING 143-68 AQUIFER CONSERVATION (AC) DISTRICT WILL BE FOLLOWED.**
- 5. COMPLETE THE NOTE ON SHEET C-3 THAT SPECIAL USE PERMIT #09-SUP-14WP FOR ACTIVITY WITHIN 20 FT. OF A WETLAND WITHIN THE WETLAND PROTECTION DISTRICT WAS GRANTED ON FEBRUARY 23, 2010 BY THE PLANNING BOARD AND THAT ALL PROVISIONS OF ZONING 143-72 WETLAND PROTECTION (WP) DISTRICT WILL BE FOLLOWED.**
- 6. PROVIDE A SECURITY FOR RECLAMATION FOR LOT 6, AND LOTS 3 & 5 IN AN AMOUNT OF \$535,273.**
- 7. PROVIDE INSPECTION FEES FOR THE PROJECT BY THE TOWN OF PEMBROKE IN AN AMOUNT OF \$5,000 TO BE REPLENISHED AS REQUESTED BY THE TOWN.**
- 8. DEED RESTRICTION FOR PROHIBITING FUTURE ON-SITE SEWAGE DISPOSAL OR OTHER USE WHICH COULD CONTAMINATE GROUNDWATER IS SUBJECT TO REVIEW AND APPROVAL OF TOWN COUNSEL AT THE EXPENSE OF THE APPLICANT.**
- 9. PROVIDE \$25 FOR THE REGISTRY OF DEEDS FOR THE EXCEPTION REGISTRATION.**
- 10. LEGAL LANGUAGE FOR DEED RESTRICTIONS FOR LOT 13-3 TO BE USED AS A BUFFER LOT IS SUBJECT TO REVIEW AND APPROVAL BY TOWN COUNSEL AT THE EXPENSE OF THE APPLICANT.**
- 11. MODIFY THE PLANS AND DOCUMENTS WITH PLANNER'S COMMENTS ON THE SOURCE CONTROL PLAN, BLASTING PLAN, GROUNDWATER MONITORING PLAN, AND OPERATIONS PLAN.**
- 12. SUBMIT A LETTER TO THE PEMBROKE PLANNING BOARD STATING THE APPLICANT'S COMMITMENT TO REVIEW THE EMERY & GARRETT GROUNDWATER, INC.'S REVIEW OF THE SOURCE CONTROL PLAN, BLASTING**

PLAN, GROUNDWATER MONITORING PLAN, AND OPERATIONS PLAN TO REPORT WHICH OF THOSE RECOMMENDATIONS THE APPLICANT WILL BE ADDRESSING AS REQUESTED BY THE CITY OF CONCORD.

- 13. ADD THE FOLLOWING PLAN NOTE: “CSG ACKNOWLEDGES AND ACCEPTS THAT SHOULD ROUTE 106 BE ALTERED IN THE FUTURE SO AS TO REQUIRE CSG TO ACCESS ITS PROPERTY FROM NORTH PEMBROKE ROAD RATHER THAN ROUTE 106, CSG WILL REQUIRE PLANNING BOARD SITE PLAN APPROVAL OF THE CHANGED ACCESS, AND FURTHER THAT AT SUCH TIME NORTH PEMBROKE ROAD MAY BE INADEQUATE TO MEET THE TRAFFIC NEEDS OCCASIONED BY THE CHANGE IN ACCESS AND CSG MAY BE REQUIRED TO CONTRIBUTE TO A PORTION OF ALL OF THE COSTS ASSOCIATED WITH SUCH REQUIRED IMPROVEMENTS, AS MAY THEN BE PERMITTED BY LAW.”**

PASSED ON A 6-0 VOTE.

Vice Chairman Topliff recessed the meeting at 9:13 p.m.

Vice Chairman Topliff reconvened the meeting at 9:19 p.m.

- 7. Special Use Permit-Aquifer. WS Dennison Cabinets, Inc. Case #09-SUP-16AC.** Map 559, Lot 12 on Silver Hills Drive at 796-826 North Pembroke Road in the Rural Residential (R3) District, Aquifer Conservation (AC) Overlay District, and Wetlands Protection (WP) Overlay District. The applicant, Wayne Dennison, WS Dennison Cabinets, Inc., on behalf of owner Frank Merrill, Silver Hill Development Corp., requests a Special Use Permit from Article 143-68.E, Aquifer Conservation District, which is required for any activity taking place in the District. This permit is associated with the related major site plan application #09-108, a manufacturing facility for wooden cabinets. *Application and public hearing continued from previous meeting.*

- 8. Major Site Plan. WS Dennison Cabinets, Inc. Case #09-108.** Map 559, Lot 12 on Silver Hills Drive at 796-826 North Pembroke Road in the Rural Residential (R3) District, Aquifer Conservation (AC) Overlay District, and Wetlands Protection (WP) Overlay District. The applicant, Wayne Dennison, WS Dennison Cabinets, Inc., on behalf of owner Frank Merrill, Silver Hill Development Corp., proposes the construction of a new 19,200sf facility for the manufacture of wooden cabinets with associated paved driveways and parking. *Application accepted as complete at last meeting. Application and public hearing continued from previous meeting.*

Present: Tim Bernier of T.F. Bernier, Inc. representing WS Dennison Cabinets, Inc. and Wayne “George” Dennison of WS Dennison Cabinets, Inc.

Ms. Alexander stated that the Concord Planning Board agreed that it did not need to take further action on this application.

Mr. Bernier said that he and the Applicant met with Pembroke Water Works and General Services. With regard to the condition of a spill prevention plan, he suggested that a note be placed on the plan indicating that a spill prevention plan will be maintained on premises and utilized. His feeling is that a spill prevention plan is an employee policy consisting of a handbook and training. The Pembroke Water Works and the City of Concord agreed to work with the Applicant in conjunction with their inspection requirements.

With regard to the construction of Silver Hills Drive, Silver Hills Development will enter into an agreement with the Pembroke Board of Selectmen, bond the road, and establish the escrow fees in order to obtain a building permit. A plan note states that "Silver Hill Drive shall be built to Town specifications and is intended to be considered for acceptance as a Class 5 Town road by the Board of Selectmen. The Applicant acknowledges that no building permits can be issued until the Selectmen approve the road agreement between the Silver Hills Development Corporation and the Town."

Mr. Bernier said that the Alteration of Terrain Permit has been granted. The septic system design approval was not granted because they could not submit the design until they had the state subdivision approval number which they could not get until the wetlands permit was approved. They received Wetland Permit and subdivision approval last week. The septic system design has been submitted.

The applicant has addressed all comments from the Town Engineer.

Vice Chairman Topliff reopened the public hearing on the Special Use Permit-Aquifer and Major Site Plan at 9:30 p.m.

There being no comments or questions from the public or the Board, Vice Chairman Topliff closed the public hearing for the evening at 9:31 p.m. and continued it to the next business meeting of March 23, 2010 if the application is continued.

Mr. Bernier discussed comments contained on the letter from KV Partners dated February 16, 2010:

1. The pavement and gravel thickness will be corrected on the plan.
2. The plan has been revised to show concrete wheel stops rather than concrete curb barriers.
3. Redesigned the grade outside the door on the east side of the building. The retaining wall on the southeast entrance will only be 2.5 ft. high. The originally proposed loading dock in the rear of the building was changed to an "at grade" door. This eliminated the drainage issues usually affiliated with a loading dock. The loading dock will now be 38" high for use with box trucks, not tractor trailer trucks.
4. There are 32 parking spaces with 2 handicapped spaces. The exit detail meets ADA requirements and is illustrated on the map.

5. Silver Hills Development will come to an agreement with the Board of Selectmen regarding bonding and escrow accounts.

Mr. Bernier said that he will address, with KV Partners, the issue of the paved apron on the exit road.

Selectmen's Rep. Lewis asked that the drawings specify that there will be cutoff light fixtures.

Selectmen's Rep. Lewis asked if the Applicant needed a permit to run the wood-fired boiler. Mr. Bernier said that the statute contains setback requirements for existing boilers which they have met. Selectmen's Rep. Lewis advised Mr. Bernier to make certain that no requirements have changed especially with regard to stack heights. She was concerned that, dependent on the air movement, there may be an accumulation of smoke in the roadway.

MOTION: Member Seaworth moved to approve Case #09-SUP-16AC, Special Use Permit – Aquifer with the following condition: This Special Use Permit for activity within the Aquifer Conservation District is granted conditionally until Case #09-108, a major site plan for WS Dennison Cabinets, Inc., 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 Member Krebs.

VOTE: A. Topliff – Y C. Lewis – Y B. Seaworth – Y
 K. Krebs – Y K. Cruson – Y R. Nowe – Y

MOTION TO APPROVE CASE #09-SUP-16AC, SPECIAL USE PERMIT – AQUIFER WITH THE FOLLOWING CONDITION: THIS SPECIAL USE PERMIT FOR ACTIVITY WITHIN THE AQUIFER CONSERVATION DISTRICT IS GRANTED CONDITIONALLY UNTIL CASE #09-108, A MAJOR SITE PLAN FOR WS DENNISON CABINETS, INC., 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 6-0 VOTE.

Mr. Bernier agreed to note the Performance Standard for Regulated Chemicals and Substances on the site plan.

Ms. Alexander reviewed the administrative conditions on the Status Report of Review & Comment Items for Applications at the February 23, 2010 Meeting and recommended that the following action be taken:

1. Accept as is.
2. Accept as is.

3. Change as follows: Provide a spill response plan for the onsite storage chemicals, with a copy provided to the Town of Pembroke and the City of Concord prior to the issuance of a certificate of occupancy.
4. Eliminate – it has been addressed.
5. Accept as is.
6. Accept as is.
7. Accept as is.
8. Accept as is.
9. Accept as is.
10. Eliminate – all of the machinery associated with the use is located inside the building.
11. Change as follows: Provide a detail for the lighting fixtures and specify on the plans that it is a downward facing cut-off fixture.
12. Change as follows: Add a note with the Book and Page of the Agreement with the Board of Selectmen relating to Silver Hills Drive construction and building permit issuance to the recordable plan (Sheet 2).
13. Change as follows: Provide a financial guarantee for the site improvements in an amount approved by Town Engineer if required for this site plan.
14. Accept as is.

Selectmen's Rep. Lewis pointed out that, because of the sandy soil in the gravel pit, it may be advisable to install an irrigation system otherwise the landscaping plants may die. Mr. Dennison said that he would consider it.

MOTION: Selectmen's Rep. Lewis moved to approve Case #09-108. Major Site Plan with the following conditions:

1. Provide revised plans and documents subject to review and approval by Town Engineer.
2. Add a Note to the plan referencing the 5 Performance Standards for regulated chemicals and substances as requested by the City of Concord in their letter of 01/21/10 (Sheet 2).
3. Submit legal descriptions of the slope and drainage easements as identified on the plan.
4. Add the Merrimack County Registry of Deed book and page of slope and drainage easements as identified on the plan.
5. Label the paint storage room specifically on the floor plan as referenced by Sheet 2, Note 8 and shown on the site plan, and label the furnace room specifically as referenced by Note 6 on the floor plan.
6. Add the permit number of the NHDES Alteration of Terrain permit on the site plan (Sheet 2).
7. Submit a copy of the NHDES Subsurface permit, and place the permit number on the site plan (Sheet 2).
8. Provide a detail for the lighting fixtures and specify on the plans that it is a downward facing cut-off fixture.

9. Add a note with the Book and Page of the Agreement with the Board of Selectmen relating to Silver Hills Drive construction and building permit issuance to the recordable plan (Sheet 2).
10. Provide a financial guarantee for the site improvements in an amount approved by Town Engineer if required for this site plan.
11. Provide 2% of construction costs, as determined by Town Engineer, into an escrow account for the inspection of site construction by the Code Enforcement Officer.
12. Provide a 30 ft. paved apron on the gravel drive.
13. Provide a spill response plan for the onsite storage chemicals, with a copy provided to the Town of Pembroke and the City of Concord, prior to the issuance of a certificate of occupancy.

Seconded by Member Seaworth.

VOTE: A. Topliff – Y C. Lewis – Y B. Seaworth – Y
 K. Krebs – Y K. Cruson – Y R. Nowe – Y

MOTION TO APPROVE CASE #09-108. MAJOR SITE PLAN WITH THE FOLLOWING CONDITIONS:

1. **PROVIDE REVISED PLANS AND DOCUMENTS SUBJECT TO REVIEW AND APPROVAL BY TOWN ENGINEER.**
2. **ADD A NOTE TO THE PLAN REFERENCING THE 5 PERFORMANCE STANDARDS FOR REGULATED CHEMICALS AND SUBSTANCES AS REQUESTED BY THE CITY OF CONCORD IN THEIR LETTER OF 01/21/10 (SHEET 2).**
3. **SUBMIT LEGAL DESCRIPTIONS OF THE SLOPE AND DRAINAGE EASEMENTS AS IDENTIFIED ON THE PLAN.**
4. **ADD THE MERRIMACK COUNTY REGISTRY OF DEED BOOK AND PAGE OF SLOPE AND DRAINAGE EASEMENTS AS IDENTIFIED ON THE PLAN.**
5. **LABEL THE PAINT STORAGE ROOM SPECIFICALLY ON THE FLOOR PLAN AS REFERENCED BY SHEET 2, NOTE 8 AND SHOWN ON THE SITE PLAN, AND LABEL THE FURNACE ROOM SPECIFICALLY AS REFERENCED BY NOTE 6 ON THE FLOOR PLAN.**
6. **ADD THE PERMIT NUMBER OF THE NHDES ALTERATION OF TERRAIN PERMIT ON THE SITE PLAN (SHEET 2).**
7. **SUBMIT A COPY OF THE NHDES SUBSURFACE PERMIT, AND PLACE THE PERMIT NUMBER ON THE SITE PLAN (SHEET 2).**
8. **PROVIDE A DETAIL FOR THE LIGHTING FIXTURES AND SPECIFY ON THE PLANS THAT IT IS A DOWNWARD FACING CUT-OFF FIXTURE.**
9. **ADD A NOTE WITH THE BOOK AND PAGE OF THE AGREEMENT WITH THE BOARD OF SELECTMEN RELATING TO SILVER HILLS DRIVE CONSTRUCTION AND BUILDING PERMIT ISSUANCE TO THE RECORDABLE PLAN (SHEET 2).**

10. **PROVIDE A FINANCIAL GUARANTEE FOR THE SITE IMPROVEMENTS IN AN AMOUNT APPROVED BY TOWN ENGINEER IF REQUIRED FOR THIS SITE PLAN.**
11. **PROVIDE 2% OF CONSTRUCTION COSTS, AS DETERMINED BY TOWN ENGINEER, INTO AN ESCROW ACCOUNT FOR THE INSPECTION OF SITE CONSTRUCTION BY THE CODE ENFORCEMENT OFFICER.**
12. **PROVIDE A 30 FT. PAVED APRON ON THE GRAVEL DRIVE.**
13. **PROVIDE A SPILL RESPONSE PLAN FOR THE ONSITE STORAGE CHEMICALS, WITH A COPY PROVIDED TO THE TOWN OF PEMBROKE AND THE CITY OF CONCORD, PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.**

PASSED ON A 6-0 VOTE.

Although it was after 10:00 p.m., the Board agreed to hear the next case.

New Business

9. **Special Use Permit-Aquifer. New England Flower Farms, LLC. Case #10-101-SUP-AC.** Map 559, Lot 14 at 830 North Pembroke Road in the Rural Residential (R3) District, Aquifer Conservation (AC) Overlay District, Floodplain Development (FP) Overlay District, and Shoreland Protection (SP) Overlay District. The applicant, New England Flower Farms, LLC, requests a Special Use Permit from Article 143-68.E, Aquifer Conservation District, which is required for any activity taking place in the District. This permit is associated with the related major site plan amendment application #10-101 to construct a 56,196 sf addition to the existing greenhouses.
10. **Major Site Plan Amendment. New England Flower Farms, LLC. Case #10-101.** Map 559, Lot 14 at 830 North Pembroke Road in the Rural Residential (R3) District, Aquifer Conservation (AC) Overlay District, Floodplain Development (FP) Overlay District, and Shoreland Protection (SP) Overlay District. The applicant, New England Flower Farms, LLC, proposes the construction of a 56,196 sf addition to the existing greenhouses.

Present: Tim Bernier of T.F. Bernier, Inc. representing New England Flower Farms, LLC and Jeff Huntington, owner of Pleasant View Garden.

Vice Chairman Topliff said that, as a result of a fire in Loudon, the Applicant quickly needed additional space. They approached the Board of Selectmen and requested permission for a building permit prior to applying for Planning Board approval. The Board of Selectmen consented with the understanding that the Applicant would do so at its own risk should the Planning Board not approve the application.

Ms. Alexander said that the Special Use Permit-Aquifer application packet was sent to the City of Concord for their comments. Concord noted their requests in their February 19, 2010 letter to the Planning Board. The health officer has signed off.

With regard to the major subdivision amendment, the Board should decide: (1) if the project is a Development of Regional Impact; (2) if a Shoreland Special Use Permit is required; and (3) to accept the parking space waiver request.

Mr. Bernier said that, in order to make the growing season for 2010, the Applicant would like to add 2 greenhouses on their site in Pembroke. The greenhouses will extend off the back of the existing bays. They are required to obtain an Alteration of Terrain Permit. Although the State has verbally approved the permit, they have a statutory requirement of 15 days for comments from the Planning Board and Conservation Commission. If no comments are received, the permit will be issued on March 6, 2010.

Mr. Bernier stated that the drainage for the facility has been revised. The drainage will be collected and directed to a detention pond located in the back corner of the property which will drain off into a natural depression via an easement from Pembroke Sand & Gravel. The detention area is the subject of the Special Use Permit. Mr. Bernier said that the Applicant feels that the detention area is an accessory use to the agricultural use. Mr. Bernier believed that the agricultural use is exempt from the Shoreland Protection District. This is a stormwater management facility that is accessory to the agricultural use.

Vice Chairman Topliff's interpretation was that the intent of saying that agricultural use was exempt up to a distance of 50' was to cover crop growth such as corn, etc. In such a case, there would not be excavation as proposed, only plowing and planting. The mitigating factor is that the property is an existing gravel pit which has been disturbed many times and, therefore, must be considered by the Board.

The Town engineer noted that there appeared to be a 20 ft. cut on the plans. Mr. Bernier clarified that the pile of crushed gravel material in the area was part of Pembroke Sand and Gravel's excavation. The material must be removed in order to create a detention pond. It is also completely contained within Pembroke Sand & Gravel's excavation area and has not been reclaimed to date.

Mr. Bernier also stated that it has always been the intention of Pleasant View Garden to expand the facility in the proposed direction. The support facilities were designed for the expansion. The number of employees will not be increased because of the additional buildings.

The use of fertilizers and pesticides are contained within the facility. They are wholesale greenhouse buildings that use a flood floor recovery system. The concrete floor drains like a bathtub. The plants are placed on the floor, the floor is flooded from a pressurized storage tank, the floor is drain, and 100% of the unabsorbed material is recovered.

Mr. Huntington said that pesticides are stored in their own containers which are placed in an approved chemical storage cabinet inside the building. At one time, there is approximately 40 25-

lb. bags. The fertilizers are dry and mixed in above ground tanks and then pumped into the system. The liquid is always monitored.

The new boiler is over 250' from the river.

Vice Chairman Topliff opened the public hearing for the Special Use Permit-Aquifer at 10:47 pm.

Mr. Huntington said that they monitor the wells every week and adjust the chemicals accordingly. If there was a fertilizer spill, they would be aware of it.

There being no further questions from the public or the Board, Vice Chairman Topliff closed the public hearing for the evening at 10:48 p.m. and continue the public hearing to the next business meeting of March 23, 2010 if the application is continued.

It was the consensus of the Board that the application is not a Development of Regional Impact. **MOTION:** Selectmen's Rep. Lewis moved to approve Case #10-101-SUP-AC. Special Use Permit-Aquifer with the following condition: This Special Use Permit for activity within the Aquifer Conservation District is granted conditionally until Case #10-101, a major site plan amendment for New England Flower Farms, LLC 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 Member Cruson.

VOTE: A. Topliff – Y C. Lewis – Y B. Seaworth – Y
 K. Krebs – Y K. Cruson – Y R. Nowe – Y

MOTION TO APPROVE CASE #10-101-SUP-AC. SPECIAL USE PERMIT-AQUIFER WITH THE FOLLOWING CONDITION: THIS SPECIAL USE PERMIT FOR ACTIVITY WITHIN THE AQUIFER CONSERVATION DISTRICT IS GRANTED CONDITIONALLY UNTIL CASE #10-101, A MAJOR SITE PLAN AMENDMENT FOR NEW ENGLAND FLOWER FARMS, LLC 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 6-0 VOTE.

MOTION: Selectmen's Rep. Lewis moved to waive the additional parking. Seconded by Member Seaworth.

VOTE: A. Topliff – Y C. Lewis – Y B. Seaworth – Y
 K. Krebs – Y K. Cruson – Y R. Nowe – Y

MOTION TO WAIVE THE ADDITIONAL PARKING PASSED ON A 6-0 VOTE.

MOTION: Selectmen's Rep. Lewis moved to accept the plan in for review. Seconded by Member Seaworth.

VOTE: A. Topliff – Y C. Lewis – Y B. Seaworth – Y
 K. Krebs – Y K. Cruson – Y R. Nowe – Y

MOTION TO ACCEPT THE PLAN IN FOR REVIEW PASSED ON A 6-0 VOTE.

Vice Chairman Topliff opened the public hearing of Case #10-101 Major Subdivision Amendment at 10:53 p.m.

The consensus of the Board was that a Special Use Permit for activity within the Pembroke Shoreland Protection District was not necessary.

Mr. Gaeta reviewed the application for the Alteration of Terrain permit in conjunction with the plans and found the following issues:

Plan Set (the following issues were checked off on the Review checklist but were not included on the plans):

- No wetland area was delineated on the plans.
- No treatment for stormwater was noted on the plans.
- No proposed treatment Best Management Practices were noted on the plans.

Stormwater Management Report:

- Waiver requested to Env. Wq. 1504.12(f) to not provide Site Specific Soil Mapping citing that, based on the Web Soil Survey, it was clear all soils are HSG A in and around the project area and performing the Site Specific Soil Mapping would be an unnecessary expense.
- No Pre-Development Drainage Diagram was included in the report.

Mr. Bernier said that the only wetlands on the property is the river. The stormwater treatment is not required because it is strictly roof runoff. 100% of the impervious surface that the Applicant is creating is the greenhouses. The roof system is a manifold that connects to the roof gutter. Under the new Alteration of Terrain rules, the only aspect that the applicant was required to meet was the groundwater regeneration. Vice Chairman Topliff agreed with Ms. Alexander that a letter to the Alteration of Terrain Bureau was not necessary.

Mr. Bernier said that the drainage system for the greenhouses has been installed.

Mr. Bernier said that he mistakenly omitted the landscaping around the parking area. He has since added it to the plan. There are landscaped islands with plants around the building in front of the main entrance.

There is a fixed permanent compactor at one of the loading docks. All of the trash is put into the compactor inside the building. It is forest green and blends in very well.

There being no further questions or comments from the public or the Board, Vice Chairman Topliff closed the public hearing for the evening at 11:02 p.m. and the public hearing will be continued to the next business meeting on March 23, 2010 if the plan is still on the agenda at that time.

Mr. Bernier said that the Application fee for site plan review is based on the square footage of the buildings. The greenhouses are large glass buildings. Based on the intensity of the use, the Applicant feels that the fee was very high and, therefore, filed a waiver request with the Board of Selectmen.

MOTION: Member Krebs moved to approve Case #10-101. Major Subdivision Amendment with the following conditions:

1. Provide revised plans and documents subject to review and approval by Town Engineer.
2. Provide detailed list of chemicals, description of on-site storage along with spill response plans as requested by the city of Concord in their letter of 02/19/10.
3. Add the five performance standards for regulated chemicals and substances as requested by the City of Concord in their letter of 02/19/10 to the recorded plan (Sheet 1).
4. Submit a copy of the Alteration of Terrain Permit and add a Note to the plan with the permit number.
5. Subject a copy of the drainage easement between the property owner and Frank Merrill for permitting the construction of drainage facilities on the Merrill property.
6. If the Board of Selectmen does not waive the fees, an additional \$4,212.70 in application fees is required to be provided before signing of the mylars.
7. Add the date of approval of the Zoning Board variance, February 16, 2010, allowing the open space to be a minimum of 50% with the conditions that all State and Town regulations are followed.
8. Add a Note to the recordable Site Plan that a Special Use Permit for activity within the Aquifer Conservation was granted on February 23, 2010 by the Planning Board and that all provisions of Zoning 143-68 Aquifer Conservation (AC) District will be followed.
9. Provide 2% of construction costs into an escrow account for the inspection of site construction by the Town's designated agent.

Seconded by Selectmen's Rep. Lewis.

VOTE: A. Topliff – Y C. Lewis – Y B. Seaworth – Y
 K. Krebs – Y K. Cruson – Y R. Nowe – Y

MOTION TO APPROVE CASE #10-101. MAJOR SUBDIVISION AMENDMENT WITH THE FOLLOWING CONDITIONS:

1. **PROVIDE REVISED PLANS AND DOCUMENTS SUBJECT TO REVIEW AND APPROVAL BY TOWN ENGINEER.**
2. **PROVIDE DETAILED LIST OF CHEMICALS, DESCRIPTION OF ON-SITE STORAGE ALONG WITH SPILL RESPONSE PLANS AS REQUESTED BY THE CITY OF CONCORD IN THEIR LETTER OF 02/19/10.**
3. **ADD THE FIVE PERFORMANCE STANDARDS FOR REGULATED CHEMICALS AND SUBSTANCES AS REQUESTED BY THE CITY OF CONCORD IN THEIR LETTER OF 02/19/10 TO THE RECORDED PLAN (SHEET 1).**
4. **SUBMIT A COPY OF THE ALTERATION OF TERRAIN PERMIT AND ADD A NOTE TO THE PLAN WITH THE PERMIT NUMBER.**
5. **SUBJECT A COPY OF THE DRAINAGE EASEMENT BETWEEN THE PROPERTY OWNER AND FRANK MERRILL FOR PERMITTING THE CONSTRUCTION OF DRAINAGE FACILITIES ON THE MERRILL PROPERTY.**
6. **IF THE BOARD OF SELECTMEN DOES NOT WAIVE THE FEES, AN ADDITIONAL \$4,212.70 IN APPLICATION FEES IS REQUIRED TO BE PROVIDED BEFORE SIGNING OF THE MYLARS.**
7. **ADD THE DATE OF APPROVAL OF THE ZONING BOARD VARIANCE, FEBRUARY 16, 2010, ALLOWING THE OPEN SPACE TO BE A MINIMUM OF 50% WITH THE CONDITIONS THAT ALL STATE AND TOWN REGULATIONS ARE FOLLOWED.**
8. **ADD A NOTE TO THE RECORDABLE SITE PLAN THAT A SPECIAL USE PERMIT FOR ACTIVITY WITHIN THE AQUIFER CONSERVATION WAS GRANTED ON FEBRUARY 23, 2010 BY THE PLANNING BOARD AND THAT ALL PROVISIONS OF ZONING 143-68 AQUIFER CONSERVATION (AC) DISTRICT WILL BE FOLLOWED.**
9. **PROVIDE 2% OF CONSTRUCTION COSTS INTO AN ESCROW ACCOUNT FOR THE INSPECTION OF SITE CONSTRUCTION BY THE TOWN'S DESIGNATED AGENT.**

PASSED ON A 6-0 VOTE.

Conceptual Consultation

Ms. Alexander said the March 9, 2010 work session agenda presently consists of a review of the application revisions and fee revisions for subdivision, site plan, and special use permits. The consensus of the Board was not to meet on March 9, 2010.

Minutes

11. Review and Approve Meeting Minutes of January 26, 2010

Ms. Alexander compared the Notice of Decision and the minutes of the January 26, 2010 meeting. She concluded that, although the language was slightly different, the intent was the same.

The Board agreed to postpone approval of the January 26, 2010 minutes to the next meeting.

Miscellaneous

12. Correspondence

Ms. Alexander said the Pembroke's mylar for the lot line adjustment for Moses/Curley was recorded. However, since there was abutting land shown on Chichester's subdivision plan, the Merrimack County Registry of Deeds refused to register Chichester's plan. Chichester's attorney asked if the Pembroke Planning Board would be willing to sign the plan with a disclaimer stating that the Town of Pembroke has no jurisdiction in the Town of Chichester because there is no land affecting the subdivision. Jae Whitelaw said that it would be fine for the Planning Board to do so. She provided Ms. Alexander with the appropriate language.

MOTION: Selectmen's Rep. Lewis moved to approve the Vice Chairman signing the Mylar for Chichester as an administrative duty recommended by legal counsel. Seconded by Member Krebs. Unanimously approved.

MOTION: Vice Chairman Topliff moved to adjourn. Seconded by Member Krebs.

The vote was unanimous in favor of the Motion.

The meeting adjourned at 11:25 p.m.

Respectfully submitted,
Jocelyn D. Carlucci, Recording Secretary