Pembroke Planning Board
Minutes of Meeting
(Adopted)
Tuesday, September 22, 2009

6:00 PM – Site Walk at Chickering Meadow

PLANNING BOARD ATTENDANCE: Robert Bourque, Chairman; Brian Seaworth; Kathy Cruson; Kevin Krebs; Cindy Lewis, Selectmen's Representative
STAFF PRESENT: Stephanie Alexander, Interim Planner; and Jocelyn Carlucci, Recording Secretary

Present: Roland Lemoine, 222D Belknap Drive, President of Chickering Meadow Association, Jason Esposito, 226C Liberty Drive, Vice President of Chickering Meadow Association, Bill Rossignol, 218A Kearsarge Drive, and Steven Chabot of Keach-Nordstrom Associates, Inc.

Chairman Bourque called the site walk to order at 6:00 p.m.

Mr. Chabot noted that five items were fully completed in the past month.

Kearsarge Drive: The temporary power service was removed.

Cardigan and Kearsarge Drives: With regard to the swale proposed to be created between abutters and the west side of Cardigan and Kearsarge Drives, Mr. Lemoine explained that the abutters do not want a swale created at that location. They prefer the natural berm that is presently in place. Mr. Chabot said that he is not aware of any drainage complaints associated with the existing berm. The culvert on Dearborn Road would catch any water runoff from the berm. Mr. Chabot suggested that Brown Engineering, who designed the swale, should re-evaluate the swale's need.

Catch Basins in Phase 1 & 2: There are two catch basins on the grass that remain to be cleaned. Mr. Lemoine said that once they are cleaned, the association will take over their continued maintenance.

Mr. Chabot said that the sewer items need to be completed before they can be signed off. The Sewer Department is scheduled to take care of them soon.

Hydrant, Phase 3: Mr. Chabot noted that the hydrant in Phase 3 must be raised one foot.

Liberty Drive: Mr. Chabot said that the water that was backing up in the culvert is now draining correctly. The portion of orange snow fence that was in the brush area beside Unit 228A has not been removed. Mulch has been added behind Unit 228A to cover the grass seed.

Phase 3, Units 69-72: Mr. Chabot said that the grading plan included a diversion swale to a common area. Mr. Batchelder, an abutter, has complained that water is going onto his property. To eliminate this problem, the swale must be properly installed. Presently the water runs West to East. Mr. Chabot is not convinced that the present swale will shed the water in the correct direction (North to South). The berms must be resloped. The developer is trying to get vegetation to grow on the berm.

Detention Ponds: Mr. Chabot noted that the treatment swales and detention ponds where Phases 1 and 2 drain have been mowed. He will be removing them from the checklist. Chairman Bourque asked if the

ponds generally fill and Mr. Rosignol said that typically there is very little water in them. It was noted that the ponds are not surrounded by fencing and are approximately 4-5 ft. deep.

Site walk concluded at 6:44 p.m.

7:00 PM – Business Meeting:

MEMBERS PRESENT: Robert Bourque, Chairman; Alan Topliff, Vice Chairman; Brian Seaworth; Kathy Cruson; Kevin Krebs; Cindy Lewis, Selectmen's Representative; Mark Zydel
ALTERNATES PRESENT:
EXCUSED: Larry Young, Sr., Jeff White
STAFF PRESENT: Stephanie Alexander, Interim Planner; David Jodoin, Town Administrator; Jocelyn Carlucci, Recording Secretary

Chairman Bourque called the meeting to order at 7:00 p.m. and noted that Alternate Members Young and White were absent.

Chairman Bourque turned the meeting over to Vice Chairman Topliff. Chairman Bourque and Member Krebs recused themselves because they are employees of Public Service of New Hampshire.

Old Business

1. **Update. Red Rock Investments, LLC. Case #04-108. Map 632, Lot 8 at 709 Keith Avenue.** A representative to the owner, Keith Anastasy, dba Red Rock Investments, LLC, will provide an update on the status of the Joint Use Agreement with Public Service of New Hampshire and subsequent minor site plan submission.

Present: Attorney Richard Uchida of Orr & Reno PA. representing Redrock Investments LLC and Dirt Doctors LLC.

Attorney Uchida said that his client has conceptually reached a Joint Use Agreement with Public Service of New Hampshire (PSNH). The Joint Use Agreement will take approximately 45-60 days to be drafted by PSNH. A portion of the site has been resurveyed. A note on the plan will include the provisions of the Joint Use Agreement. The plan will be given to the Board as soon as it is completed.

Vice Chairman Topliff reminded the Board that one of the conditions of the approved site plan was that Red Rock would have a Joint Use Agreement with PSNH for the property located under the power lines.

Attorney Uchida said that he has attempted to update Ms. Alexander every month. He does not expect to have the Agreement in hand for approximately 60 days. There are no unresolved issues. He said the PSNH has been very helpful and he feels that they presently have something that is workable for everyone.

Mr. Uchida agreed to update Ms. Alexander at least once a month and to return to the Board at the November 24, 2009 meeting, with or without the Joint Use Agreement.

Vice Chairman Topliff noted that Chairman Bourque and Member Krebs returned to the Board and Chairman Bourque would resume control of the meeting.

2. **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. *Site walk this evening to determine whether punchlist is complete. Public hearing concluded. Continued from previous meeting. Thirty-day deadline to complete improvements was August 27.*

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

Mr. Chabot referred to the Punch list and reported the following items :

INCOMPLETE:

General Private Driveways (roads) Notes:

- *All drainage structures and pipes must be cleaned prior to final sign off.* **There are four catch basins that remain to be cleaned.**
- *Remove all temporary erosion control and orange construction fencing once vegetation has been established.* **All is completed except for 1 small section of orange construction fencing to be removed.**
- *Signoff from Pembroke Water Department*
- *Signoff from Pembroke Sewer Department.* **Mr. Chabot said that there are 5 items left to be completed on the entire sewer project. It should be completed within the week.**

Cardigan Drive (Driveway C)

- *Clean catch basin #61 in front of units 210D & 212A.*
- *Clean catch basin #60 behind units 210D & 212A.*

Tecumsah Drive (Driveway E)

- *Pre-set missing property corner (NW) lot 58-5.* **Must be done by a licensed land surveyor.**

Liberty Drive (Driveway D2)

- *Remove temporary erosion control once vegetation has been established.* ***A*** **small section of orange construction fencing remains.**
- *Complete landscaping as noted on sheet L-1 of the plan set.* **Should be completed as the units receive their Certificates of Occupancy.**
- *Loam, seed and establish vegetation along all edges of new pavement.* **Loam and seed has been done. Vegetation has not been established at this time.**
- *Lower water curb stops.* **Should be flush with finish grade.**
- *Expose sewer clean outs to each unit that have been covered with bark mulch.*

- *Install swales on the north and east sides of unit 69-72 (232A-D) as shown on the Brown Engineering supplemental grading plan set dated October 5, 2007.* **An attempt has been made to construct the swale but is not satisfactory. Additional work will be required. Mr. Chabot would like to see established vegetation on any disturbed areas and readdress the site in the spring.**
- *Loam, seed and establish vegetation along north side of earth berm along property line to lot 266-47.* **Additional work will be required in the spring.**
- *Install diversion swale along the northeast side of the detention and as shown on the Brown Engineering supplemental grading plan set dated October 5, 2007.* **An attempt has been made to construct the berm. It is not satisfactory at this time. Additional work will be required in the spring to correct the berm.**
- *Raise hydrant and valve box next to CB81.* **Mr. Chabot has spoken to Water Department and it will be done soon.**
- *Remove rocks and debris from inside CB81.*

PARTIALLY COMPLETED:

Liberty Drive (Driveway D2)

- *Complete reconstruction of grass lined treatment swale #200. Regrade treatment swale #200 to allow culvert to drain as designed.* **Awaiting vegetation to grow.**
- *Eliminate ponding water and swale behind units 61-64 (226A-D). Regrade grass swale as needed.* **Awaiting vegetation to grow.**
- *The recently loamed area around unit 69-72 (232A-D) shows signs of erosion mainly on the south side of this unit where runoff is directed into the detention pond. It appears that additional erosion control measures such as silt fencing, hay mulch, erosion matting, etc. are required to stabilize this large area until permanent vegetation can be established.* **Awaiting vegetation to grow.**
- *Between both parking areas and CB80, reseed areas where vegetation has not been established. Establish permanent vegetation.* **Awaiting vegetation to grow.**

COMPLETED:

Cardigan Drive (Driveway C)

- *The deciduous trees planted along the south side of the roadway are not planted as shown on sheet 14 of 31. There should be a tree planted adjacent to the parking area in line with units 47 and 48 (210A & 210B).* Mr. Chabot said a meeting between Mr. Pace, Mr. Chabot, and the Association at the site on September 18, 2009 concluded that what was presently on the site was acceptable.

Belknap Drive (Driveway A1)

- *Remove all temporary erosion control and orange construction fencing once vegetation has been established. (Common area above detention pond).*
- *Mow and maintain Detention Pond and Treatment Swale in accordance with NHDES Best Management Practices Post Construction Manual and approved plan set.*
- *Clean rocks and silt from catch basin #36.*

Kearsarge Drive (Driveway B1)

- *Remove temporary power service at intersection.*
- *Remove all temporary erosion control and orange construction fencing once vegetation has been established.*

Liberty Drive (Driveway D2)

- *Replace contaminated riprap apron FE82 at inlet to detention pond.*
- *Mow vegetation in and around treatment swale and detention pond in accordance with NHDES Best management Practices Post Construction Manual and approved plan set.*
- *Loam, seed and establish permanent vegetation beyond the south end of earth berm.*

Chairman Bourque opened the public hearing at 7:15 p.m.

Roland Lemoine, 222D Belknap Drive, President of Chickering Meadow Association presented a letter from the Association and a letter signed by the abutters stating that both groups do not want a swale constructed in place of the presently established Kearsarge Drive berm. The vegetation provides privacy.

Mr. Chabot suggested that Brown Engineering be asked to comment on eliminating the swale at the Kearsarge berm site. Mr. Pace said that he had a letter from Brown Engineering addressing the berm and would forward it to the Town.

Wayne Bert, 215 Pembroke Street said that he does not experience any adverse water problems as a result of the presently established berm. There is less water coming on his land now than there ever was. He has signed the abutter's letter asking that the swale not be created between his land and Chickering Meadows. If a swale is ultimately required, he would prefer a grassy swale.

There being no further questions or comments from the public or the Board, Chairman Bourque closed the public hearing at 7:25 p.m.

Member Krebs noted that, although the Board requested that Phases 1 and 2 be completed, it appears that there are a number of items remaining. Mr. Pace replied that, although there are two catch basins that will be cleaned this week, the bulk of the list has been done. Mr. Pace met with Norm at the Pembroke Water Department last Monday who, in turn, called Chief Paulsen because the Water Department did not want to raise the hydrant. Mr. Pace recently received a call from Chief Paulsen stating that the hydrant in Phase 3 would be raised. The backflow valve in one of the units is an MS07 and should be an MS09. Metroswift is the only one who can change it. Mr. Pace said that the homeowner, Metroswift, and the Water Department will have to be coordinated so that all parties are present when the backflow is changed.

Mr. Pace said that the invert would be taken care of tomorrow along with the two catch basins and that the manholes will be raised. Mr. Chabot said he needed copies of the test results on the Phase 2 sewer manholes numbered 11, 17, and 19. Mr. Pace asked that he be allowed to complete the remaining items on Phases 1 and 2 and obtain a signoff on those items plus the water and sewer. Then, once Phases 1 and 2 are accepted and he and the Board can worry about Phase 3 next year when he "sells the property out."

With regard to the swale on the East side of Phase 3, Mr. Pace said that water does not go up against the building. Last Friday, he reconstructed the area, per Mr. Chabot's instructions (made it wider and built up the berm) and feels that it will work fine.

Mr. Chabot said that progress is being made but the work seems to occur at the last minute, before the next meeting with the Board. Mr. Pace did not agree.

Mr. Pace said the items on Phase 1 and 2 will be completed by October 27, 2009.

Mr. Chabot said that it is important that the grass be established now in order to prevent the chance of erosion in the spring. The more that the ground is disturbed now, the more erosion will occur in the spring. The berm corrections and minor regrading will need to be redone in the spring. Nothing in Phase 3 affects Phase 1 and 2. None of the items remaining in Phase 1 and 2 are weather-sensitive.

Mr. Pace expressed his surprise that the Board was not pleased with the project. He anticipated that the site walk would show that the project is very nice and that the remaining items to be completed were minor.

MOTION: Member Zydel moved that the applicant complete, by October 27, 2009, all open items in Phases 1 and 2 and all items in Phase 3 that can be completed and are not dependent on weather. Seconded by Chairman Bourque.

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

MOTION THAT THE APPLICANT COMPLETE, BY OCTOBER 27, 2009, ALL OPEN ITEMS IN PHASES 1 AND 2 AND ALL ITEMS IN PHASE 3 THAT CAN BE COMPLETED AND ARE NOT DEPENDENT ON WEATHER PASSED ON A 6-0 VOTE WITH 1 ABSTENTION.

Mr. Pace asked if all the items on Phases 1 and 2 were completed would the Board signoff on Phases 1 and 2 on October 27, 2009? Chairman Bourque said that if Mr. Chabot signs off on Phases 1 and 2 then the Board would be satisfied with Phases 1 and 2.

Chairman Bourque reminded Mr. Pace that if he could get a letter to Ms. Alexander from Brown Engineering by October 27, 2009 regarding the swale along the West side of Kearsarge Drive, then that issue would be completed.

3. **Major Subdivision. <u>LTC Properties</u>. 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. *Applicant received a 65-day extension and a continuation from the previous meeting. Public hearing concluded.*

Member Zydel recused himself.

Present: Jason Hill of Holden Engineering & Surveying, Inc. on behalf of LTC Properties Inc.

Mr. Hill said that they have been working on final landscaping issues and finalizing legal documents. The applicant has agreed to update the escrow fees. With regard to the 15 ft. drainage ditch, he said that there was an easement in conjunction with drainage improvements on Deerpath Lane. The ditch runs totally within the wetlands and terminates approximately even with the southerly property line. There are no plans to work in that area. It does not affect any buildable land calculation. The easement is on the deed.

With regard to the driveway of Lot 3, the nearest point of the driveway shoulder is approximately 8 ft. from the property line. Ms. Alexander said someone questioned the location of a driveway stake that was placed on Lot 3 which seemed closer than 5 ft. of the property line. Mr. Hill said that there have been no driveway stakes placed at the property but plant screening stakes have been placed -- some proposed plantings are within 5' of the property line.

Selectmen's Rep. Lewis suggested that Mr. Hill review the size of the plantings that will be along the road, sidewalk, and the center area. Mr. Hill said that the lilacs and forsythias along the West side of the new road can be ordered as miniatures. They do not anticipate any maintenance issues that would be created by the proposed screening.

The Applicant has been unsuccessful in contacting the school maintenance department and others in order to have the school accept the storm water drainage design. Chairman Bourque suggested that a document clarifying the proposed drainage design be prepared and sent to the School for their signature.

Mr. Hill said that the hydrant location has been approved by Chief Harold Paulsen and Chris Culberson, Superintendent of the Pembroke Water Works. He will submit letters of approval to Ms. Alexander.

Chairman Bourque opened the public hearing at 8:00 p.m.

John Morse, 247 Pembroke Hill Road, said that Mr. Hill indicated that the driveway would be staked out prior to construction and that a bull pine tree would be removed as part of the construction. He would like this done as a condition of approval.

Mark Zydel, 378 Third Range Road, asked that the Board include the following as conditions of approval: (1) the proposed plantings discussed with Mr. Hill be installed at the rear of his property; (2) the tree which Mr. Zydel and Mr. Hill discussed be removed by the applicant; and (3) staking of the driveway behind his home be done in advance of construction to allow the abutters to comment on the location. Mr. Zydel said that Mr. Hill presented an abutters consent form for them to sign but were not in agreement with it. Chairman Bourque said he was not aware of such a consent form.

Mike McCarthy, 376 Third Range Road, said that Mr. Hill spoke with him about the proposed landscaping and presented a consent form of acceptance and approval of the landscaping design that was presented. There were some changes made and expected an e-mail with the revised design but has not received one yet. He is concerned that the project will be approved without those changes noted.

Mike Scavotto, 255 Pembroke Hill Road, said he would like the driveway staked out now so that the abutters are clear as to where the driveway will be located months ahead of construction.

Selectmen's Rep. Lewis asked the public if everyone was aware that the trees that were being shown were hemlocks and spruce and if the plan presented to them was the plan that Mr. Hill was presently displaying on the easel. Everyone responded "yes".

Mr. Hill acknowledged that he verbally agreed, as representative of the applicant, to additional plantings to be added per his conversations with Messrs. McCarthy's and Zydel's. The plan and the driveway is in accordance with the Town's regulations. The proposed screening is to the benefit of the applicant and abutters and will protect everyone's privacy.

The applicant has staked out the driveway at the cul-de-sac but not the Lot 3 driveway. Mr. Hill agreed to stake out the driveway for Lot 3 by placing markers at the center line and placing colored tape 7 ft., on either side, of the center line of the driveway to illustrate its width. Per Chairman Bourque, the driveway shoulders will not have to be staked.

There being no further questions or comments from the public or the Board, Chairman Bourque closed the public hearing at 8:05 p.m.

Ms. Alexander said that the Sewer Department commented that they do not accept private sewer forcemain points. Mr. Hill said that it is his understanding that the Town does not want to own the sewer forcemains and that they must be private up to the proposed sewer manhole depicted on the plan. He will clarify it with the Pembroke Sewer Commission.

Chairman Bourque suggested the following conditions of approval be added to the Suggested Administrative Conditions of Approval listed on the Status Report of Review & Comment Items for Applications at the September 22, 2009 Meeting: (1) That the applicant include the list of landscape plantings and cuttings agreed to between the abutters and the applicant; and (2) that the center line layout for Lot 3 be laid out with paint marks approximately 25-30 ft. apart to show the actual width of the driveway.

Selectmen's Rep. Lewis suggested that a revised landscaping plan be submitted with all the changes that the abutters and applicant have agreed to, including the tree removals (as a note on the plan), so that abutters can review it in advance and eliminate future confusion. She also suggested that the driveway be staked out as Chairman Bourque suggested, prior to the next meeting. Abutters would be able to comment at the next meeting.

After a short discussion, the Board agreed with Selectmen's Rep. Lewis' suggestions.

Ms. Alexander will clarify that #7 of the Suggested Administrative Conditions of Approval pertains to the town road.

MOTION: Chairman Bourque moved to continue the application to the October 27, 2009 meeting. Seconded by Member Krebs.

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

MOTION TO CONTINUE THE APPLICATION TO THE OCTOBER 27, 2009 MEETING PASSED ON A 6-0 VOTE.

4. **Major Subdivision. <u>Silver Hills Business Park</u>. 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. Sixty-five day timeframe will expire after this meeting. Public hearing concluded. Application continued from previous meeting.*

Present: Tim Bernier of T.F. Bernier, Inc. representing Silver Hill Development and Frank Merrill, owner of Silver Hill Development, Pembroke Sand and Gravel, and Merrill Construction.

Mr. Bernier reviewed the proposed plan which property is located on North Pembroke Road. There are two existing lots, Lot 12-1 and Lot 12. The applicant is proposing the construction of 1200 ft. of new road which will provide frontage for 5 lots which consists of 3 new lots. The applicant has variances for commercial uses on 2 lots. Once completed, the large lot will be 68 acres and occupied by Pembroke Sand & Gravel. The remaining 4 lots will be for development.

The last few months have consisted of working on the Alteration of Terrain Permit. The applicant is proposing 2 ponds, one on either side of French's Brook, and a treatment swale. An extensive drainage report was required by the State and prepared by Mr. Bernier. He explained that, based on the Alteration of Terrain Permit Drainage report, an Owner's Association will be created to maintain the drainage requirements.

Mr. Bernier prepared a letter responding to comments from the City of Concord. A copy will be submitted to the Pembroke Planning Department. Mr. Bernier explained that, under the Wetlands Protection Area, the City of Concord has a well field, established in the 1930s, located across North Pembroke Road. The original field consisted of 150 point wells. In the 1960s, Concord replaced the wells with 7 gravel-packed wells. In 1996, they decommissioned the well field, therefore, no longer requiring that the wells be tested, which, in turn, saved money.

In 2002, there was a drought, so Concord recommissioned the well field. The State's opinion was that they were grandfathered from the regulations because the well field was built in 1961. The State has the well field listed as 400-gallons per day and re-approved it in 2002.

Mr. Bernier explained that, at 400 gallons per day, there is a 400-ft. sanitary protection well radius which is regulated. The Well Head Protection Program is another zone used. In order to activate the wells, Concord used a 4,000-foot protective well-head radius. Later that year, the State performed a basic well-head protection area study. Doug Heath who worked for the Environmental Protection Agency in Boston, Massachusetts performed the work. The study was very brief, was based entirely on record information, and did not include a site visit.

Mr. Heath's report made the assumption that, during drought conditions, Well Head #4 could draw water from French's Brook and that French's Brook was a perennial stream. Mr. Bernier stated that French's Brook, at the project site, has been dry since the beginning of July. Since Mr. Heath's report, the U. S. Geological Service has prepared a complete geology report for the area and found that the ground water contours are different from Mr. Heath's report. It was strongly recommended in 2002 that the City of Concord perform a wellhead study. The study was not done.

In a grandfathered situation, a well head area is an area that is designed as a tool for the public water suppliers to use to manage the public water supply. For new wells, a preliminary study would be required in the well head protection area which would result in determining the location of the new wells.

Mr. Bernier said that the Concord Planning Board is under the impression that Pembroke has not taken into consideration its aquifer protection district in relation to the Silver Hill Business Park application. In fact, because of Pembroke's concern for Concord's wells, Mr. Bernier pointed out that the applicant discontinued its first proposed location and waited until it could locate its development outside of the aquifer protection district.

Selectmen's Rep. Lewis asked if Ms. Alexander had any conversations with the City of Concord. Ms. Alexander said that Doug Woodward, Concord City Planner, basically explained what he had written in the letter. She told him that the project is a major commercial subdivision.

Mr. Bernier said that the plans that Mr. Woodward refers to in his letter are not before the board, therefore, it is difficult for the Board to assess the proposals.

The original variance granted 3 or 4 years ago was for a construction industry in the aquifer protection district. Because of concerns raised by the Town of Pembroke and the Water Department, the applicant decided to wait until they could move out of the aquifer protection district. In Mr. Woodward's letter, he commented on those variances. Mr. Bernier reiterated that the only portion of the construction business that is in the Aquifer Protection District is the office space. The parking areas and maintenance facility are located out of the Aquifer Protection district and/or drain away from the Aquifer Protection District which was a condition imposed by Pembroke's Zoning Board of Adjustment.

Mr. Bernier offered to go before the Concord Planning Board to discuss the proposed project. He said that the 400 ft. Sanitary Protection Area is not located on the project property and the 4,000 ft. Well-Head Protection Area is on the applicant's property, but not in the vicinity of the project.

A portion of Lots 12 and 12-1 is in the Aquifer Protection District and the Well-Head Protection District and 3 of the lots are in both Districts. Mr. Bernier said that Dennison Cabinets received a variance and everything that they are proposing to do is in compliance with the Well-Head Protection District.

With regard to the North Pembroke Road bridge, Mr. Bernier said that a recent traffic study showed that there were 43 trips at peak times. The letter from Concord encouraged Pembroke to consider impact fees to repair any damage to the bridge caused by the development.

The NH Heritage Bureau report lists wild lupine on the development property. Wild lupine is a habitat for an endangered species of butterfly. Mr. Bernier said that the NH Fish and Game and the Wetlands Bureau, have walked the area and had no concerns with the proposed project.

The applicant has met with the Roads Committee and it was agreed that the location of the driveways on each lot will change based on the occupancy and it would be best to wait for site approval before locating the driveways.

A traffic study based on the full build-out of the development was done. The Town engineer concluded that approximately 100 acres would have future development potential and, therefore, the resulting traffic could be problematic. Mr. Bernier said that there is 40 acres that has future development potential after Pembroke Sand is completed. Considering that the applicant has proposed a right-hand turn lane and that the recent traffic study showed 43 trips, the applicant does not feel that there will be any traffic problems. Mr. Bernier agreed that each developer of the individual lots should perform a traffic study at the time that the lots are developed.

With regard to the turnaround, Mr. Bernier said that it is a critical part of the road. It will be paved and is designed for large trucks, including plow trucks. It will be very well defined. He feels that the Roads Committee understood the applicant's intention to make the turnaround an important part of the road. The plan is for the Town to eventually maintain the road and the turnaround.

Mr. Bernier said that he will contact Mr. Woodward to make arrangements to meet with the Concord Planning Board as a representative of Silver Hill Development and will explain the proposed project.

Chairman Bourque instructed Ms. Alexander to forward to Mr. Woodward a copy of Mr. Bernier's response to Concord's concerns with project. A letter should also be sent from the Pembroke Planning Board explaining that Mr. Bernier would like to attend the Concord Planning Board's meeting to explain the Silver Hill Business Park project and, if the Concord Planning Board still has questions, the Pembroke Planning Board would be happy to meet with them on October 27, 2009 or November 10, 2009.

MOTION: Vice Chairman Topliff moved to approve the application with the following conditions:

1. Address the comments of Town Engineer subject to the review and approval of Town Engineer.
2. Submit revised stormwater management report subject to the review and approval of Town Engineer.

3. Submit lot owner's documentation, including bylaws, covenants, and articles of incorporation subject to the review and approval of Town Counsel.
4. Submit temporary slope easements, drainage easements, and right-of-way easement on North Pembroke Road subject to review and approval by Town Counsel.
5. The legal description for the temporary turn-around easement shall be subject to review and approval by Town Counsel.
6. Provide a financial guarantee for soil preservation, lot drainage, seeding and planting in an amount to be determined by Town Engineer.
7. Provide a financial guarantee, in an amount to be determined by Town Engineer, for road construction, site improvements, post-construction performance guarantee, etc. subject to approval by Town Engineer.
8. Submit funds for an inspection escrow account in the amount estimated by Town Engineer, who will also provide the inspection schedule.
9. The draft legal description for the future right-of-way as depicted on the plans is subject to review and approval by Town Counsel.
10. Submit a copy of the NH DES Alteration of Terrain permit and add the permit numbers on the recordable plans.
11. Submit a copy of the NHDES Subsurface Systems Bureau subdivision approval permits for Lots 1, 3, 5 and add the permit numbers on the recordable plans.
12. Submit a copy of the NHDES Dredge and Fill permit for crossing French's Brook and add the permit numbers on the recordable plans.
13. Add a note to the recordable Subdivision plan "A full detailed plan set with plan notes accompanies this plan and was adopted by the Planning Board on _____. The plans are available at the Pembroke Planning Department."
14. Add a note to the recordable Subdivision plan "Silver Hills Drive shall be built to Town specifications and is intended to be considered for acceptance as a Town road by the Board of Selectmen. The applicant acknowledges that the Board of Selectmen shall have the right to require the final legal documentation as is required by and acceptable to the Town."
15. That Silver Hills Development Corporation offer to meet with the City of Concord Planning Board to explain the Well-Head Protection Area considerations.

After a brief discussion, Vice Chairman Topliff withdrew his motion.

Chairman Bourque opened the public hearing at 9:21 p.m.

Jim Boisvert, Director of Public Works, explained that the applicant has a plan to create a 23 ft. deceleration lane on North Pembroke Road. He asked that the Board allow the applicant to prepare a deceleration lane now in order to avoid the creation of a seam in the road if the lane is constructed next year. Mr. Bernier suggested that the Town receive Town Engineer's approval. Mr. Bernier will check with the State to be certain that the Alteration of Terrain Permit would not be affected.

Mr. Merrill was concerned about having a turning lane that does not go anywhere and suggested that he could split a "Jersey Barrier" so the lane would not be used until later. He will also need a driveway into his

property. Mr. Bernier said that the only access to the approved gravel pit is off North Pembroke Road. The deceleration lane will be 200 ft. long and 25 ft. wide.

Mr. Boisvert said that North Pembroke Road would hold up better if the construction were done now.

There being no further questions or comments from the public or the Board, Chairman Bourque closed the public hearing at 9:26 p.m.

Chairman Bourque stated that by allowing the applicant to create the deceleration lane would not, in any way, mean that the project, as a whole, was approved by the Planning Board. The Board agreed that it is in the best interest of the Town of Pembroke to not split the road paving. Mr. Bernier will get a letter from Silver Hills Development indicating that the applicant understands that the work will be completed at their risk and at their expense and that the work does not constitute as Planning Board approval of the entire project. Mr. Jodoin suggested that Town Counsel review the letter.

Mr. Bernier requested that the hearing be continued until October 27, 2009.

MOTION: Member Zydel moved to continue the application to October 27, 2009. Seconded by Chairman Bourque.

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

MOTION TO CONTINUE THE APPLICATION TO OCTOBER 27, 2009 PASSED ON A 7-0 VOTE.

5. **Special Use Permit. <u>Nicole's Greenhouse</u>. Case #09-SUP-10AC**. Map 561, Lot 6-1 at 91 Sheep Davis Road in the Commercial/Light Industrial (C1) District and Aquifer Conservation (AC) Overlay District. The applicant, Lisa Mills dba Nicole's Greenhouse, on behalf of owner Real Estate Unlimited Inc., requests a Special Use Permit from Article 143-68.E, Aquifer Conservation District, which is required for any activity taking place in the District. A related major site plan will be considered under application #09-103. *Application continued from the previous meeting.*

Present: R. Jeffrey Burd, Engineer; Lisa and Ernie Mills of Nicole's Greenhouse.

Mr. Burd said that the applicant attended a special meeting with the Zoning Board of Approval which granted them permission to use fertilizers. They have made corrections and resubmitted the drawings which were reviewed by the Engineer and Town Departments

Chairman Bourque opened the public hearing at 9:34 p.m.

There being no questions or comments from the public or the Board, Chairman Bourque closed the public hearing at 9: 35 p.m.

MOTION: Selectmen's Rep. Lewis moved to approve the special use permit for Nicole Greenhouse (Case #09-SUP-10AC) with the following condition: (1) This Special Use Permit for activity within the Aquifer Conservation District is granted conditionally until Case #09-103, a major site plan for Nicole's Greenhouse, 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 Chairman Bourque.

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

MOTION TO APPROVE THE SPECIAL USE PERMIT FOR NICOLE GREENHOUSE (CASE #09-SUP-10AC) WITH THE FOLLOWING CONDITION: (1) THIS SPECIAL USE PERMIT FOR ACTIVITY WITHIN THE AQUIFER CONSERVATION DISTRICT IS GRANTED CONDITIONALLY UNTIL CASE #09-103, A MAJOR SITE PLAN FOR NICOLE'S GREENHOUSE, 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 7-0 VOTE.

6. **Major Site Plan. <u>Nicole's Greenhouse</u>. Case #09-103**. Map 561, Lot 6-1 at 91 Sheep Davis Road in the Commercial/Light Industrial (C1) District and Aquifer Conservation (AC) Overlay District. The applicant, Lisa Mills dba Nicole's Greenhouse, on behalf of owner Real Estate Unlimited Inc., proposes the construction of four greenhouses for the sale of horticulture, floriculture, and garden supplies. *Application accepted as complete. Application continued from previous meeting. Public hearing has not yet been held.*

Present: R. Jeffrey Burd, Engineer; Lisa and Ernie Mills of Nicole's Greenhouse.

Mr. Burd said that the plans were revised and resubmitted to the Town. The plans were signed off by the Town Engineer. The remaining issues include the NH DOT driveway permit (which cannot be obtained until the property has been transferred to the Mills), the Town driveway permit will be applied for once the applicant receives approval from the Board, and other minor plan corrections.

Chairman Bourque said that the Town received a letter dated September 22, 2009 from KV Partners LLC acknowledging that the project plans and documents are acceptable from an engineering perspective subject to acquiring all permits previously identified.

Ms. Alexander said that there is a pending engineering bill that has depleted the escrow account along with other expenses. She will call the Town Engineer and update the balance. The escrow balance must be paid before the Board can sign off on the plan.

Chairman Bourque opened the public hearing at 9:38 p.m.

There being no questions or comments from the public or the Board, Chairman Bourque closed the public hearing at 9: 39 p.m.

MOTION: Chairman Bourque moved to approve the Major Site Plan with the following conditions:

1. Address Town Engineer comments to the review and approval of Town Engineer.
2. Submit an approval letter from Water Works stating that the backflow preventer has been installed as required.
3. Submit a letter from the Sewer Department giving permission to connect to the existing system.
4. Submit a copy of the State of NH DOT District 5 revised driveway permit along NH Route 106, which includes permission for the applicant to perform work in the right-of-way and connect to their drainage system, and provide the permit number on the recordable plan.
5. Submit a copy of the Town driveway permit for the driveway onto Borough Road.
6. Revise Planning Board signature box to the following: "Planning Board Approval Under the provisions of RSA 674:43 the Town of Pembroke Planning Board, in accordance with the Board vote dated _____, approval of this site plan is limited to alterations, improvements, and buildings as shown: _____ Chairperson."
7. Revise numbering of Notes on Sheet 1 as there are two #15s.
8. The escrow fund must be updated and paid in full.

With regard to the backflow preventer, Ms. Mills said that the water to the building is off and the meter is gone. No work can be done to the building until she owns it, therefore, at that time the meter will be set and the backflow preventer will be inspected.

Seconded by Member Zydel.

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

MOTION TO APPROVE THE MAJOR SITE PLAN WITH THE FOLLOWING CONDITIONS:

1. **ADDRESS TOWN ENGINEER COMMENTS TO THE REVIEW AND APPROVAL OF TOWN ENGINEER.**
2. **SUBMIT AN APPROVAL LETTER FROM WATER WORKS STATING THAT THE BACKFLOW PREVENTER HAS BEEN INSTALLED AS REQUIRED.**
3. **SUBMIT A LETTER FROM THE SEWER DEPARTMENT GIVING PERMISSION TO CONNECT TO THE EXISTING SYSTEM.**
4. **SUBMIT A COPY OF THE STATE OF NH DOT DISTRICT 5 REVISED DRIVEWAY PERMIT ALONG NH ROUTE 106, WHICH INCLUDES PERMISSION FOR THE APPLICANT TO PERFORM WORK IN THE RIGHT-OF-WAY AND CONNECT TO THEIR DRAINAGE SYSTEM, AND PROVIDE THE PERMIT NUMBER ON THE RECORDABLE PLAN.**
5. **SUBMIT A COPY OF THE TOWN DRIVEWAY PERMIT FOR THE DRIVEWAY ONTO BOROUGH ROAD.**
6. **REVISE PLANNING BOARD SIGNATURE BOX TO THE FOLLOWING: "PLANNING BOARD APPROVAL UNDER THE PROVISIONS OF RSA 674:43 THE TOWN OF PEMBROKE PLANNING BOARD, IN ACCORDANCE WITH THE BOARD VOTE DATED _____, APPROVAL OF THIS SITE PLAN IS LIMITED TO ALTERATIONS, IMPROVEMENTS, AND BUILDINGS AS SHOWN: _____ CHAIRPERSON."**

7. **REVISE NUMBERING OF NOTES ON SHEET 1 AS THERE ARE TWO #15S.**
8. **THE ESCROW FUND MUST BE UPDATED AND PAID IN FULL.**

PASSED ON A 7-0 VOTE.

New Business

7. **Special Use Permit. Green Mountain Realty Corp. Case #09-SUP-13AC**. Map 632, Lot 18-2 at 702 Riverwood Drive in the Commercial/Light Industrial (C1) District and Aquifer Conservation (AC) Overlay District. The applicant, Green Mountain Realty Corp., on behalf of owner GNV Realty, 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. A related minor site plan will be considered under application #09-105.

Present: Jennifer McCourt, P. E. of McCourt Engineering Associates, PLLC representing Green Mountain Communications and Victor Drouin, President of Green Mountain Communications.

Ms. McCourt explained that the project is an existing building with existing parking and loading dock area located at the corner of Route 106 and Riverwood Drive. The applicant is proposing to add parking spaces near the loading dock area which will be used primarily for the facility vehicles. The area will be screened. They have provided for infiltration as required per the Special Use Permit. The use of the building will be primarily the same as in the past. Ms. McCourt stated that the Town Engineer sent a letter dated September 16, 2009 with his approval.

Chairman Bourque opened the public hearing at 9:44 p.m.

There being no questions or comments from the public or the Board, Chairman Bourque closed the public hearing at 9:45 p.m.

MOTION: Selectmen's Rep. Lewis moved to approve the Special Use Permit with the following condition: (1) This Special Use Permit for activity within the Aquifer Conservation District is granted conditionally until Case #09-105, a minor site plan for Green Mountain Communications, owner Green Mountain Realty Corp., 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:	Robert B. – Y	Alan T. – Y	Cindy L. – Y	Kathy C. - Y
	Kevin K. – Y	Brian S. – Y	Mark Z. – Y	

MOTION TO APPROVE THE SPECIAL USE PERMIT WITH THE FOLLOWING CONDITION: (1) THIS SPECIAL USE PERMIT FOR ACTIVITY WITHIN THE AQUIFER CONSERVATION DISTRICT IS GRANTED CONDITIONALLY UNTIL CASE #09-105, A MINOR SITE PLAN FOR GREEN MOUNTAIN COMMUNICATIONS, OWNER GREEN MOUNTAIN REALTY CORP., 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 7-0 VOTE.

8. **Minor Site Plan. <u>Green Mountain Realty Corp</u>. Case #09-105** Map 632, Lot 18-2 at 702 Riverwood Drive in the Commercial/Light Industrial (C1) District and Aquifer Conservation (AC) Overlay District. The applicant, Green Mountain Realty Corp., on behalf of owner GNV Realty, LLC, proposes to expand the existing parking area and create a company vehicle parking area.

Chairman Bourque stated that the applicant has already explained the project and asked if there were any questions.

MOTION: Selectmen's Rep. Lewis moved to accept the Minor Site Plan as complete. Seconded by Chairman Bourque.

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

MOTION TO ACCEPT THE MINOR SITE PLAN AS COMPLETE PASSED ON A 7-0 VOTE.

Chairman Bourque opened the public hearing at 9:46 p.m.

There being no questions or comments from the public or the Board, Chairman Bourque closed the public hearing at 9:47 p.m.

MOTION: Chairman Bourque moved to approve the Minor Site Plan (Case #09-105) with the following conditions:

1. Add a Note to the recordable plan (Sheet 1), "As a property within the Aquifer Conservation District, this property shall still be inspected by the Pembroke Water Works for best management practices as all properties within the Aquifer Conservation District are currently inspected."
2. Add a Note to the recordable plan that on September 22, 2009 the Pembroke Planning Board granted the Special Use Permit #09-SUP-13AC for activity within the aquifer.

Seconded by Member Seaworth.

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

MOTION TO APPROVE THE MINOR SITE PLAN (Case #09-105) WITH THE FOLLOWING CONDITIONS:

3. **ADD A NOTE TO THE RECORDABLE PLAN (SHEET 1), "AS A PROPERTY WITHIN THE AQUIFER CONSERVATION DISTRICT, THIS PROPERTY SHALL STILL BE INSPECTED BY THE PEMBROKE WATER WORKS FOR BEST MANAGEMENT PRACTICES AS ALL PROPERTIES WITHIN THE AQUIFER CONSERVATION DISTRICT ARE CURRENTLY INSPECTED."**
4. **ADD A NOTE TO THE RECORDABLE PLAN THAT ON SEPTEMBER 22, 2009 THE PEMBROKE PLANNING BOARD GRANTED THE SPECIAL USE PERMIT #09-SUP-13AC FOR ACTIVITY WITHIN THE AQUIFER.**

PASSED ON A 7-0 VOTE.

9. **Special Use Permit. Airgas-East. Case #09-SUP-12AC**. Map 561, Lot 12 at 121 Sheep Davis Road in the Commercial/Light Industrial (C1) District and Aquifer Conservation (AC) Overlay District. The applicant, TF Bernier Inc., on behalf of owner Airgas-East, Inc., formerly Wakeman Realty Trust, requests a Special Use Permit from Article 143-68.E, Aquifer Conservation District, which is required for any activity taking place in the District. A related minor site plan will be considered under application #09-106.

Present: Tim Bernier of T.F. Bernier, Inc. representing Airgas-East.

Mr. Bernier explained that the applicant is proposing only a safety improvement, namely a 20' x 40' specially-designed structure to store gas canisters and install a security fence around the facility. The site is in the aquifer protection district and has 85% open space.

Chairman Bourque opened the public hearing at 9:51 p.m.

There being no questions or comments from the public or the Board, Chairman Bourque closed the public hearing at 9:51 p.m.

MOTION: Member Zydel moved to grant the Special Use Permit (Case #09-SUP-12AC) subject to the following condition: (1) This Special Use Permit for activity within the Aquifer Conservation is granted conditionally until Case #09-106, a minor site plan for Airgas-East, Inc., formerly Wakeman Realty Trust, 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:	Robert B. – Y	Alan T. – Y	Cindy L. – Y	Kathy C. - Y
	Kevin K. – Y	Brian S. – Y	Mark Z. – Y	

MOTION TO GRANT THE SPECIAL USE PERMIT (CASE #09-SUP-12AC) SUBJECT TO THE FOLLOWING CONDITION: (1) THIS SPECIAL USE PERMIT FOR ACTIVITY WITHIN THE AQUIFER CONSERVATION IS GRANTED CONDITIONALLY UNTIL CASE #09-106, A MINOR SITE PLAN FOR AIRGAS-EAST, INC., FORMERLY WAKEMAN REALTY TRUST, 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 7-0 VOTE.

10. **Minor Site Plan. Airgas-East. Case #09-106**. Map 561, Lot 12 at 121 Sheep Davis Road in the Commercial/Light Industrial (C1) District and Aquifer Conservation (AC) Overlay District. The applicant, TF Bernier Inc., on behalf of owner Airgas-East, Inc., formerly Wakeman Realty Trust, proposes the construction of a new 20'x40' safety storage shed and perimeter safety fence.

Present: Tim Bernier of T.F. Bernier, Inc. representing Airgas-East.

Tim Bernier reiterated that the proposal is for a 20' x 40' storage shed. He received a letter from the State Fire Marshall's office with questions, two of which relate to open space requirements. All the other comments are relative to building code issues. Mr. Bernier has addressed all their concerns and are awaiting a letter of approval from the Fire Marshall's Office. The building code issues are being addressed with Pembroke's Code Enforcement Officer.

Wakeman Realty Trust was a Delaware corporation which was desolved. It was changed to Airgas-East. The applicant is awaiting an affidavit of the name change to be filed in NH.

Mr. Bernier said that he will submit a separate detailed plan from the Fence Company. There is not enough room on the plan to add it. The parking spaces are not marked but they will be add to the plan.

MOTION: Vice Chairman Topliff moved to grant the waiver request for $500 escrow. Seconded by Member Zydel.

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

MOTION TO GRANT THE WAIVER REQUEST FOR $500 ESCROW PASSED ON A 7-0 VOTE.

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

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

THE MOTION TO ACCEPT THE MINOR SITE PLAN IN FOR REVIEW PASSED ON A 7-0 VOTE.

The Board agreed to:

- Edit Item #1 to read "Provide the deed or other State of NH record to the property which states Airgas-East as the property owner."
- Edit Item #3 to read "Provide a fencing detail graphic as a separate plan."
- Remove item #4 – "Display the existing parking spaces on the plan so it is clear how many are available" from the suggested administrative conditions.

Chairman Bourque opened the public hearing at 9:58 p.m.

There being no questions or comments from the public or the Board, Chairman Bourque closed the public hearing at 9:58 p.m.

MOTION: Selectmen's Rep. Lewis moved to approve the Minor Site Plan (Case #09-106) with the following conditions:

1. Provide the deed or other State of NH record to the property which states Airgas-East as the property owner.
2. Provide a letter from the State Fire Marshal approving the design of the storage facility.
3. Provide a fencing detail graphic as a separate plan.
4. Add a Note to the plan that a Special Use Permit #09-SUP-12AC for activity within the Aquifer Conservation District was granted on _____ by the Planning Board and that all provisions of Zoning 143-68 Aquifer Conservation (AC) District will be followed.

Seconded by Chairman Bourque.

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

MOTION TO APPROVE THE MINOR SITE PLAN (CASE #09-106) WITH THE FOLLOWING CONDITIONS:

1. **PROVIDE THE DEED OR OTHER STATE OF NH RECORD TO THE PROPERTY WHICH STATES AIRGAS-EAST AS THE PROPERTY OWNER.**
2. **PROVIDE A LETTER FROM THE STATE FIRE MARSHAL APPROVING THE DESIGN OF THE STORAGE FACILITY.**
3. **PROVIDE A FENCING DETAIL GRAPHIC AS A SEPARATE PLAN.**
4. **ADD A NOTE TO THE PLAN THAT A SPECIAL USE PERMIT #09-SUP-12AC FOR ACTIVITY WITHIN THE AQUIFER CONSERVATION DISTRICT WAS GRANTED ON _____ BY THE PLANNING BOARD AND THAT ALL PROVISIONS OF ZONING 143-68 AQUIFER CONSERVATION (AC) DISTRICT WILL BE FOLLOWED.**

PASSED ON A 7-0 VOTE.

Minutes

MOTION: Member Cruson moved to review the Meeting Minutes of August 11, 2009 and September 8, 2009 at the October 13, 2009 meeting. Seconded by Member Zydel.

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

MOTION TO REVIEW THE MEETING MINUTES OF AUGUST 11, 2009 AND SEPTEMBER 8, 2009 AT THE OCTOBER 13, 2009 MEETING PASSED ON A 6-1 VOTE.

Miscellaneous

11. Correspondence - None

12. Committee Reports

Member Seaworth reported that he discussed the Road Management Plan with the Roads Committee at their last meeting. The Public Work's Director, Mr. Jodoin, and Member Seaworth have been unable to locate the Plan. It was suggested that Member Seaworth contact Floyd Smith to see if he is able to locate the Plan. Ms. Alexander will ask Keach-Nordstrom who may have originally developed the Plan.

Chairman Bourque introduced Ron Nowe as a candidate for the Planning Board alternate member position. Mr. Nowe said he is interested in joining the Board. Mr. Jodoin will give Mr. Nowe an application. Chairman Bourque asked that Ms. Alexander submit a letter to the Board of Selectmen requesting that they accept Mr. Nowe as an alternate member of the Planning Board.

13. Other Business

a. October 13 Work Session Agenda – Zoning amendments

Ms. Alexander will prepare the amendments for review.

b. Planner Items – Application Requirements for Meathouse Portable Storage Units

Ms. Alexander reported that the Meathouse Portable Storage Units permit will expire at the end of October. It will require a public hearing. Mr. Jodoin suggested that the Planning Board request the owner be present. Chairman Bourque said that the Board will accept an authorization letter from the owner stating that the tenant can represent him.

Board agreed that if the applicant wants the pods to remain on site, the applicant will have to file a minor site plan application, including all appropriate fees, and maps.

Chairman Bourque said that there presently are two pods on site. He asked Ms. Alexander to inquire of the Sewer Department if the Meathouse has installed the requested grease trap.

Since the timeframe to submit a normal application is approaching, the Board agreed to waive the normal timeframe in order to meet with the Meathouse at the next regular meeting.

c. Board Member Items

Vice Chairman Topliff suggested that when the Board closes a public hearing, that it states that if the application is continued to a subsequent meeting, that the public hearing is also continued. This would make it clear that the people who are noticed of the first public hearing are aware that there may be a subsequent public hearing.

Chairman Bourque said that it has always been the practice of the Board that the public hearing be opened and closed and, if the application is not approved, it is continued to the next meeting. It is understood that that when an application is continued to another month that the public hearing is also continued to the following month.

Mr. Jodoin suggested that when the public hearing is closed, a reference is made that the public hearing is continued to a specific date. The Board agreed.

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

The vote was unanimous in favor of the Motion.

The meeting adjourned at 10:17 p.m.

Respectfully submitted,
Jocelyn D. Carlucci, Recording Secretary