

**Town of Warner – Planning Board
Minutes of Meeting**

**Monday, August 4, 2008 7:00 PM
Warner Town Hall, Lower Level**

Members Present: Barbara Annis, Paul Violette, David Hartman, Hank Duhamel, Ed Mical, George Pellettieri, Dan Watts
Members Excused: None
Members Absent: None
Members Late: None
Alternates Present: Rick Davies, Harold French
Alternates Excused: None
Alternates Absent: Robert Ricard
Alternates Late: None
Presiding: Barbara Annis
Recording: Jean Lightfoot

Open Meeting at 7:00 PM

Roll Call

Ms. Annis opened the meeting at 7:00 p.m. The roll call was taken.

1. LOT LINE ADJUSTMENT

Property Owners: Lawrence C. Fernsworth, 8088 W. Pocono Lane, Boise, ID 83714 and JKW Trust, William D. Chapin, Trustee, 331 Maple Street, Contoocook, NH 03229
Agent: Dennis D. McKenney, LLS NH, New England Forestry Consultants, Inc., 569 No. Bennington Road, Bennington, NH 03442

Property Location: Collins Road

Map/lot: 8/18 and 12/58, OC-1 zoning

Description: Lot line adjustment between adjoining properties.

Proposed use: Woodland under current use; no changes contemplated in existing uses.

- a. Review Application – Accept/Reject/Continue
- b. Action Taken – Approve/Disapprove/Continue

Ms. Annis recognized Dennis McKenney who was representing Mr. Chapin and Mr. Fernsworth. He said that Mr. Chapin owns Map 12, Lot 58 and Mr. Fernsworth owns Map 8, Lot 18. He said the proposal is to allow half of the Fernsworth property (43 acres) to be annexed to the adjoining property of the JKW Trust, which is Mr. Chapin's land. This would result in lot 58 going from 152 acres to 195 acres and lot 18 would be reduced from 86 acres to 43 acres. He said that Mr. Fernsworth has a very short frontage on an unmaintained Class VI road, which is about 9 feet. He said it is part of the old Steven Hoyt farm and was a pasture and it was an old cattle lane entering the pasture. He said there is no increase in the number of owners; land is simply being moved around. He said that Mr. Chapin is acquiring the north end of Mr. Fernsworth's lot and is just being added to a large tract that he already has. He said it's near a remote cabin that is on top of the hill. He added that both tracts are under current use and will continue to be so. There is no actual change in use contemplated; only a change in acreage.

Mr. Pellettieri asked what the purpose of the JKW Trust is. Mr. McKenney said he did not know. He said that Mr. Chapin owns a number of properties in this area and nearly all of it is owned under the JKW Trust. He added that it is not an uncommon way for people to own property. Ms. Annis asked if this is across the road from the other piece of property where there was just another lot line adjustment. Mr. McKenney replied that it is further south on Collins Road, not across the road from the other property, and is a different tract of land. Mr. French asked if granite marker bounds are required. Ms. Annis said that is covered in the checklist

which will be reviewed. Mr. Mical asked about the cabin. Ms. Annis said it is on Mr. Chapin's property. Mr. McKenney said it is quite remote.

Ms. Annis asked the members to consider the waivers which have been requested by the applicant. The members reviewed the waiver requests. Ms. Annis asked about the second waiver request. Mr. McKenney said it is a request to allow compass and tape standard instead of a precise survey given the size of the property. Ms. Annis asked about the comment "see note number 10." Mr. McKenney said that he had not put the setback lines on the plan – he said he simply noted what the dimensions were in note number 10 on the plan. Ms. Annis asked about number V.A.14 which is the other request for a waiver. Mr. McKenney's response was unintelligible.

Mr. Violette said that, given the size of the lots, the waivers should not present a problem. He MOVED to approve the waivers. Mr. Pellettieri seconded.

Ms. Annis asked if there were any discussion. Mr. Davies asked about the 10-foot contour intervals which are not on the plan. He asked if there is any issue about creating an unbuildable lot, adding that he is not very familiar with the property. Mr. McKenney said that each tract is a currently-existing lot so one could come for a building permit at any time, whether the lot line adjustment is done or not. He said that the 43 acres that is being taken from Fernsworth and added to the Chapin piece is hundreds of feet distant from the main portion of Collins Road, so, for practical purposes, the contours would not mean a lot. He added that someone would have to build a very long road to build a year-round residence there. He said that he didn't think the contour intervals would be of much help anyway. Mr. Pellettieri asked if there was a reason that they could not use USGS contours just to show some approximate lay of the land. Mr. McKenney said that a map could be produced that had 20-foot USGS contours on it if that is what is required. Mr. Pellettieri said there is nothing on the plan to indicate what the character of the land is. Mr. Violette said it is all uphill. Mr. Pellettieri said he didn't think it was necessary at this point.

Ms. Annis called for a vote on the waivers. The vote was unanimous to APPROVE the waivers.

Ms. Annis then asked the board to consider the application itself and asked the board members to review the checklist. The members reviewed the checklist. Mr. Davies asked Mr. McKenney what WW stands for on the plan. Mr. McKenney said it means "with witness" and were set so they could be found in deep snow. Mr. Davies asked if there was any well or septic existing at the cabin. Mr. McKenney said no. Mr. French asked what V.B.3 means. Ms. Annis said that one could put a restriction on that it is not to be further subdividable. Mr. French said it was checked off and asked if that deed restriction was put on. Mr. McKenney said that number 11 says that it's a conveyance of land for the purpose of a lot line adjustment and does not constitute a subdivision, so it just adds it to an existing lot – it does not create any new lots, which is the idea of an annexation or a lot line adjustment. There was no further discussion.

Mr. Pellettieri MOVED to accept the application. Mr. Violette seconded. There was no discussion. The vote was taken and was unanimous to ACCEPT the application.

Ms. Annis said there is no public hearing, but asked if there were any abutters who would like to speak or ask questions. There were none.

Mr. Violette MOVED to approve the lot line adjustment application. Mr. Mical seconded. There was no discussion. The vote was taken and was unanimous to APPROVE the lot line adjustment.

Mr. McKenney said the Mylars have to go to Idaho for signature, so it may take a week or two to get them back to the Planning Board office.

2. COMMERCIAL MAJOR SUBDIVISION

Property Owners: Alan & Lee Ann Wagner, Jr., 33 Newmarket Road, Warner, NH 03278

Agent: Stefan Toth, P.E., Toth Engineering, PLLC, 5 Bernards Rd, Suite 37, Merrimack, NH 03054

Property Location: Intersection of Route 103 and I-89 southbound off-ramp

Map/lot: 14/10, C-1 zoning

Description: Subdivision of existing 13.03 ac. lot into 4 commercial lots: 2.90 acres, 3.44 acres, 2.75 acres & 2.56 acres.

a. Application Accepted 2/5/07

b. Public Hearing held on 3/5/07

c. Action Taken – Approve/Disapprove/Continue

Ms. Annis then recognized Stefan Toth who was representing Alan and Lee Ann Wagner, who were in attendance. She thanked Mr. Toth for sending the written responses to the previous questions (which had been asked by the board in March 2007) with attachments and said she hoped the board members had taken the opportunity to read it beforehand. Mr. Toth thanked the board for its patience as the Wagners attempted to secure all the required State permits. He said that now all the required permits have been received and that Allan Brown signed off on the lighting plan some months ago and that has been included with the plans. He said that he thought that most of the current members of the board were at the meeting in February where the plans were covered sheet by sheet. He said that between February and now there have been no changes to the subdivision. The only changes have been made for the DOT driveway permit and were on sheets 5 and 6. He said it was mainly the improvements to be made on Route 103 and the construction of the proposed roadway. He said the rest of the sheets have not changed other than some additional information requested by DOT and the lighting plans. The plans have to do with the lighting on Hudson Lane which had to be changed to show where the streetlights will be and the conduit. The second sheet shows the intensity of the lights. He referred to sheet 5 and indicated the poles that are also on the lighting plans to show the interconnectedness of the sheets. He said that the placement of the lights was done in conjunction with Allan Brown so that the cut for the road will be approved by the highway department if it is to become a town road somewhere in the future. He concluded that for some time there have been no changes to the subdivision itself. The changes have been only due to the comments of DOT for the striping, curbing, guardrail, and drainage. He explained that right now on Route 103, the traffic coming left out of the site would have to cross in front of the traffic traveling east. He said that DOT wanted the island for the southbound entrance to I-89 at Exit 9 to be extended so the left-turning traffic from Hudson Lane would not be able to cross in front of the traffic right onto the entrance. What will happen is that they will turn left and go down to what is currently the other part of the southbound entrance to I-89 and turn right to get onto the ramp. The signage and striping for this has been added to the plan. Mr. Toth said the on-ramp will be extended even further west, but about 100 to 150 feet, so the island will prevent those exiting Hudson Lane from turning left onto the on-ramp. The ramp had to be narrowed and some new striping would be added. He said that at what will be the entrance for the Hudson Lane left-turning traffic will be improved with curbing added so that they can turn right without having to shortcut it. Mr. Toth then reviewed the off-site drainage improvements on Sheet 6. He repeated that there have been no changes to the subdivision plan itself in almost a year. He said there have been offsite changes and a few minor changes to the drainage system, but the rest of the plans have stayed the same.

It was agreed to go through the questions and the packet prepared by Mr. Toth, with questions to be addressed with each response.

Roadway and Lot Layout

Para 1 - Stefan will give the board an 8 ½ x 11 note break down on how he determined the buildable area – total area minus easements equal the buildable area.

Sheet 3 – The lot calculations on note sheet have been revised to include an area of each easement as requested.

Mr. Toth said that rather than an 8 ½ x 11 note, the surveyor simply added it to the plan on Sheet 3. Ms. Annis asked about Sheet 3 on the Lot Locations – on 10-3, it shows 660 in the wetland and when she looks at 10-3, she could not see the wetlands. Mr. Toth showed her the spot on 10-3 where it is shown as wetland.

Para 2 – Stefan will provide the board with a detailed light plan. Although earlier report says that lighting will be approximately every 200 feet by having a light engineer review it will be more accurate.

A copy of the Site Lighting Plan prepared by Reno Engineering & Light Design, dated February 27, 2008 has been approved by the Town Road Agent.

There were no questions on this item.

Para 3 – This has been agreed upon at a prior meeting that no signage would be in the ditch line. They will be standard signs.

After further review and discussions on mounting the signage on the ledge face with the Town Road Agent and discussions with NHDOT the signage would not work. We agreed to mount the signage outside of the ditch line and will coordinate the locations during construction with the Town Road Agent.

Mr. Toth said that originally he'd hoped to add the street signs to be mounted on the ledge face. But, he said, you can't do that because the ledge moves and cracks and changes and the signs would keep breaking and falling. With that, it was decided to put them at the ditch line and Allan Brown is aware of that and will be there in the field directly to push it as far away as we can. There were no questions on this item.

Para 4 – Have comments made by the PD in writing and Barbara will contact the Fire Dept.

Please find attached letter from the Chief of Police saying they are all set with the project. Barbara is going to try and get a letter from the fire department although they did attend one of the public hearings and said they were all set with the plans.

Ms. Annis said that she had called the fire chief and spoke with him and asked him to come and take a look at the plans to be sure they were still the ones that he had approved. She said she'd told him about the hearing tonight. She said she'd also asked Allan Brown to take a look at the plans before he left for his vacation. She said she has not heard from either one of them.

Para 5 – See the letter dated March 8, 2007 from NHDES – before action can be taken they need a site-specific permit.

Please find attached NHDES subdivision approval.

There were no questions on this item.

Grading

Para 1 – Contours will be labeled on the updated site plan

Sheet 7 – Additional labels along the common driveway have been added as requested.

There were no questions on this item.

Para 2 – Stefan will create a note sheet so advising

Sheet 7 – Note 2 was added for a preconstruction blasting survey as suggested.

There were no questions on this item.

Para 3 – Sheet 10 and sheet 19 will be revised in order to be consistent

Sheets 11 and 20 – have been revised to have the same pavement thickness shown as suggested.

Mr. Violette asked for clarification and Mr. Toth said that the pavement thickness was changed on the two sheets so they would correspond with that on another sheet.

Para 4 – Stefan will add the under drains cross sections

Sheet 16 – the underdrains have been added to cross-section 4+50 and 5+50 on the left hand side as suggested.

There were no questions on this item.

Drainage

Para 1 – There is no report from DOT at this time available.

Please find attached driveway permit from NHDOT.

Mr. Toth said that the driveway permit has been received and that includes the drainage. There were no questions on this item.

Para 2 – Will be included in the DOT report

Please find attached driveway permit from NHDOT.

There were no questions on this item.

Para 3 – Comments will be added to the study to show results

Sheet 20 – The riprap sizing for CBJ and CBR has been added to the drainage study.

There were no questions on this item.

Para 4 – A note will be added to the note sheet in regards to this

Sheet 3 – note 13 was added and revised as discussed with NHDOT, NHDES and the Board.

Mr. Toth said that the Board is being asked to approve a subdivision, so that any future site plan that goes forward on the project has to get a site-specific permit and be sure that the improvements do not add an increased runoff beyond what was approved in these plans. He said that NHDOT and the Board will have to look at any future site plans. He said that this note is to remind any future lot holder that they will have to get the site-specific permits. Mr. Hartman asked if that means that the permit must be in hand before progressing with the project. He asked if, in order to prepare the site for market, there is any other permit that is needed that has not yet been received. Mr. Toth said the site-specific permit that they have is to build the proposed roadway. He said that the permission to build the roadway as shown on the plan. He added that they have added something that isn't normal that says that whenever somebody builds on each lot, they must go back and get permission for their plan.

Mr. Pellettieri asked if the site specific permit that they have for the roadway is only for the roadway and not for any preparation whatsoever of the sites. Mr. Toth said yes, it is only for the disturbance needed to build the road. Mr. Pellettieri asked if that included the infiltration system area. Mr. Toth replied yes. He added that the State had reviewed the off-site improvements. Their permit approved all that is going to be done for the roadway and that are on the plans for off-site. Ms. Annis noted that on his permit it says that no additional surface drainage will enter upon the highway. She said that, in addition, a pre-construction conference will be required.

Para 5 – Stefan requests that we look at the drainage on the roadway. Comments were made about the area being an open area or closed area. As a tailwater analysis would take only approximately ½-1 hour to do. The board is requesting this to be done.

Please find attached Supplemental tailwater analysis for the drainage system showing each structure has the adequate pipe size so the tailwater effects would not be higher than the catch basin rim for the 50-year storm event as suggested.

There were no questions on this item.

Para 6 – Survey on south side – has been partially done and more will be made available.

Sheet 1 – additional survey was conducted along the south side of Route 103 as suggested.

There were no questions on this item.

Para 7 – Name of individual who prepared the drainage study needs to be added. Stefan to do.

Drainage Study – the heading on the drainage study calculations was revised to show Toth Engineering as suggested.

There were no questions on this item.

Para 8 – Stefan will re-calculate the pipe inconsistencies in several areas as described

Drainage Study – pipe inconsistencies listed have been revised as suggested.

Sheet 6 – The changes to the offsite drainage is shown on this plan. The pipe run from CBO to BP is correct on this plan.

Sheet 7 – CB 350L still needs to be corrected to have a pipe size of 15". The pipe run from CBO to CBP needs to be corrected on this plan. All other inconsistencies listed have been corrected.

Mr. Toth said that Sheet 7 still needs to be revised to be consistent with Sheet 6. The pipe length should be 82 feet, not 73 feet as is shown on Sheet 7.

Para 9 – Add a note that the owner of the driveway will assume the responsibility to repairing [sic] and maintain the infiltration basin and the catch basin system.

Sheets 3 and 7 – the wording of the note will be discussed at the public hearing to come up with a consensus.

Mr. Toth explained how some of the drainage will work and said the question dealt with who is responsible for maintaining the infiltration system. He said that he has not put a note on the plan because he didn't think there was a true consensus on what should be put in the note. Mr. Pellettieri asked how Mr. Toth had calculated the runoff. Mr. Toth said that it was based on a manual that has average curb numbers so if you have ½ acre lots that are developed commercially, it has numbers and you put that in. So, it is an average number based on information from the specific site that is applied to the information from the manual. That information is then added to the drainage study.

Mr. Davies asked what type of maintenance would be necessary for the system. Mr. Toth said that there will be silt that will have to be cleaned out. Ms. Annis said it could be something like an escrow account where each person has to contribute, as is being done for the traffic light where each person has to pro-rate into an escrow for the traffic light. She said that it could be that each lot has to put into the town escrow and it is kept just for that purpose, for cleaning out and maintaining it. Mr. Pellettieri said that there are two phases, with Phase I being after the road is constructed and from that point until the time that the lots are developed and the roadway is accepted by the town, during that time it will have to be maintained. He said it's not just the maintenance of the system itself. He asked what would happen if the system gets overwhelmed, as has been seen with so many systems with the storms that we've had. He said that the town has been responsible for repairing all those structures that failed. Mr. Toth responded that until the road is approved by the town, it's up to Mr. Wagner to maintain all of it. Mr. Pellettieri asked if there is a bond posted for that maintenance. Mr. Toth said that is what is being talked about tonight. He then explained some more about the infiltration system referring to the plan. He said that the maintenance over time would be some of the sediment that gets into the drain system, through the catch basins, will get into the stones. He said that some of it was actually increased in size so it could be cleaned out by jet-watering it. He said that they're like a septic system and the expectation is that it would be 25 years or more before the sediment in the stones would become an issue. He said that year-to-year maintenance of the catch basins is what is required. Mr. Pellettieri asked if the grass swale on Sheet 7 is an overflow. Mr. Toth said yes.

Mr. Davies asked if Mr. Toth had an idea of the cost to bring someone in to clean it out. Mr. Toth responded that he thinks in today's dollars it would be around \$500 to \$1000, but suggested that Allan Brown may have an idea. He said that he has had impact fees for this type of thing run around \$1500 per lot to go into an escrow account. He said then, it is looked at on a person by person basis, looking at whatever extra may be added to the system based on the expected use. Mr. Wagner said he didn't think this type of system has actually been out for more than 10 years, and he is aware of none that have failed. He said that people are using it more and more because it does use a smaller footprint and the design seems to be working well. Mr. Toth said that they changed the shape of the pipe to an arch from a circle, because he had been told that the circular pipe is harder to maintain.

Mr. Hartman said that he is skeptical about the cost of maintaining any storm water system. He said that Allan Brown may have commented favorably about this, but he said he would like to talk with Mr. Brown directly about it himself before saying that it is something that the town eventually would want to take over on a long term maintenance program. He said this is a fairly elaborate catch basin storm water runoff system that we have no experience with that he is aware of in our town. He asked if Mr. Toth could refer us to a system such as this that has been installed where we could get an idea as to the actual cost of maintenance. He said he could see it plugging up because of the amount of sand that is dumped on roads every winter that ends up in the storm water system. He said that the sand and salt that is dumped up there is going to end up down in the catch basins. He said that one has to get it out of there. And, he said it could mean coming back ten years later and excavating the whole system and re-laying it. Mr. French asked if the Selectmen could turn it down if they don't like the plan when it came before them for acceptance. Mr. Hartman said he didn't think it would be fair to the applicant to wait until then. Ms. Annis asked Mr. Toth if he knew of anyone who has this kind of system already in place. Mr. Toth said he would contact the manufacturer to find who has ordered the parts and contact them. He also suggested checking with Allan Brown. Mr. Wagner said that he believes that the town every few years hires a vacuum truck which goes around cleaning the catch

basins. He added that right now he is only asking permission to build the road. He said he is not asking that it be accepted as a town road right now. He said he thinks the discussion is getting beyond where we are now. He added that the responsibility for the town in maintaining this is way in the future. Ms. Annis said she appreciated the fact that Mr. Wagner wants to keep it as a private road for a while, but the minute the town accepts it, then it becomes a town liability. She said that it is unknown at what point he will want to transfer the road to the town. Mr. Wagner said that the town will never be forced to accept the road, so if the town doesn't like the drainage system, then it doesn't have to be accepted. Ms. Annis agreed. Mr. Violette said that he is concerned that it could be accepted twenty years down the road, without any further consideration. He said he thinks it's better to consider it all now before it is constructed, at least to have a clear idea. He said he thinks the biggest concern is the price. He said if we were going to set up an escrow account for it, then we would need to have an idea of the costs. Ms. Annis said it would be a condition of approval that at that time it is accepted as a town road, then the escrow would be set up. Mr. Pellettieri added that this is the time to voice the things that are of concern and to place a condition for everything that we're concerned about for now or in the future. Mr. Violette said that he thinks it's an issue because we don't know what the cost could be. Mr. Toth explained to Mr. Wagner that if the Mylars are approved, he can go ahead and construct the road and the escrow would not be required until it is planned to transfer the road to the town. Mr. Wagner said that the key to the system is keeping the storm drains clean. He said if you never vacuum them out, then there will be a problem. He added that to repair the system, the chances are that most of the cost is in replacing the plastic hoops which an excavator can dig out fairly easily and replace the stone and return the plastic hoops. He said it should not be a very expensive operation. He summarized by saying that even if it were a catastrophic failure, it is not going to be \$100,000 to repair it; it might be a \$5,000 or \$7,000 repair. Mr. Hartman said that perhaps the special drainage system could be a burden of the developer. Mr. Pellettieri said that there have been drainage systems around town that have been more than adequate and maintained and the damage that has occurred over the last couple of years with the rain events has had very little relationship to the actual system. He said it is damage that occurs as a result of the system failing that can be extremely costly.

Ms. Annis summarized that the Board would like more information from Mr. Toth and from Allan Brown before we proceed on this issue. She said that she will contact Allan Brown about it.

Para 10 – Stefan was of the opinion that this did not have to be done. He called the company that manufactures the pipe and they had no answer as to how you could perform these calculations. After explaining and showing the area it was determined that this did not need to be done.

No response necessary.

There were no questions on this item.

Para 11 – The stone fill on the infiltration basin on sheet 21 should be corrected. This sheet and this sheet only to be reviewed by Provan & Lorber.

Sheet 7 – has been corrected as suggested.

Sheet 21 [should be Sheet 22] Stormtech SC-740 chamber typical cross section needs to have the top elev. Changed from 514.0 to 512.0 and the chamber width revised to 51" to match sheet 7 and the drainage calculations.

Mr. Toth said that Sheet 21 should actually be Sheet 22. There were no questions on this item.

Para 12 – Stefan will review

Sheet 7 – the invert out for CB INF#2 will be changed to 505.84 and the pipe size to 10" to be consistent with the drainage calculations.

There were no questions on this item.

Para 13 – Stefan will make the change on the plan

Sheet 7 – The cover for CBO has been changed to a drain manhole cover as suggested.

Mr. Duhamel asked how big the grate is. Mr. Toth said it is a standard manhole cover.

Erosion Control

Para 1 – To add to the plan: seed mix to be used will be recommended by the Merrimack County Conservation Comm.

Sheet 21 – Turf Establishment Schedule, Materials, note 4 was revised as suggested.

There were no questions on this item.

Para 2 – Table on sheet 10 will be added to sheet 21 for convenience of people that are reviewing the plans.

Sheet 11 – The riprap swale detail was moved from sheet 21 to sheet 10 and typical roadway cross section was revised to be consistent.

There were no questions on this item.

Para 3 – Stefan will name the geotextile fabric that will be used and add to sheet 21

Sheet 11 – the type of geotextile fabric is specified on the detail

Sheet 7 [should be Sheet 8] – note 1 gives the manufacturer of the Landlok fabric. Note 4 refers to drainage swales being all non-riprap swales since the typical section shows the roadsides swale as riprap. The note will be revised further if needed.

Mr. Toth said that the reference should be to Sheet 8, not Sheet 7. Ms. Annis asked the board if the term “all drainage” is acceptable. Mr. Davies asked about the riprap swales. Mr. Toth said the only riprap swales are for the road. He showed Mr. Davies where it’s shown on the cross-section of the road. The board agreed that “all drainage” is acceptable.

Other

Para 1 – this has been done

No response necessary.

There were no questions on this item.

Para 2 – Letter has been received from PSNH

No response necessary.

There were no questions on this item.

Para 3 – Plans will be forwarded to DOT for further comments.

Please find attached driveway permit from NHDOT.

There were no questions on this item.

Para 4 – Stefan is working on Site Specific plan and state subdivision approval.

Please find attached NHDES Site Specific and Subdivision approval.

There were no questions on this item.

Para 5 – Notice of Intent and Stormwater Pollution Prevention Plan will be submitted to board when approval for project is granted.

The EPA requires the NOI and Stormwater Pollution Prevention Plan be submitted prior to construction. It was my understanding previous discussions with the Board we could submit prior to the start of construction.

Mr. Toth said that if you disturb over an acre of land anywhere, you have to get an EPA Notice of Intent permit, and that asks for a stormwater pollution prevention plan. He said that is typically submitted before construction. He said it is not submitted for the town for the subdivision because the contractor is not known and a lot of other information is not known. He said it’s an EPA permit – it’s not a town permit. He said that the town has its own permits that are applied for. He said that he disagrees with the request in Para. 5 because the board doesn’t have to approve that – the EPA does.

Mr. Pellettieri asked if it could have been a suggestion that when the NOI is submitted, then a copy will be provided to the town, to assure that the town knows it’s been approved. Mr. Toth said that if it’s simply that a copy be submitted, then that would be all right, but he said he wanted to be sure that it wasn’t part of the review approval process. Ms. Annis said that if the board approves it, that would be one condition of

approval that they must get that permit before construction. Mr. Pellettieri said that he thought it was satisfactory to get a copy of it for the file. Mr. Toth agreed.

Ms. Annis said that if there is a conditional approval, in the past, it's been said that certain things could be done and then you had to come before the board before you could continue to the next section. She said she was speaking of how things have been done in the past, not necessarily how this will be done. Mr. Toth said he understood that, hypothetically, if the board granted conditional approval . . . Ms. Annis said that we could say that we need a bond in a certain amount, we need the name of the engineering firm that is going to be overseeing the job, and we could say at that time that we need this prior to any construction starting. Then, she said, perhaps after construction, then come back again and keep on getting approval that they've done what was said they could do. Mr. Toth asked if this would mean after construction began, if the plan is conditionally approved, the board would ask for specific check-in points during construction. Ms. Annis said yes. Mr. Toth said it sounds like a checklist for the contractor and the board on when and for what they need to go to the board. He asked if this was something where they would need to appear before the board, or do they just need to submit it. Ms. Annis said it's usually a group of things.

Mr. Toth then discussed the Tailwater Analysis. He said that all tailwater means is how the draining water goes through the system and gets to the end. He reviewed the chart that was included in the packet of materials. The analysis makes sure that the pipes are large enough so that the water can go through it. He said that the symbols correspond to the various locations on the plan, for example, CD 50L corresponds to CD 50L on the plan. He referred the members to page 23 of the analysis as an example. He said Pond 85R would refer to catch basin 85 on the left hand side near the entrance. These pages go one-by-one through the diagram showing the outflows of the water that they could be expected to handle. Ms. Annis asked if this is showing to the State that they will not be increasing the drainage down into the river. Mr. Toth said yes, along with the drainage calculations. He said that this report shows what the expected outflow is and shows what the expected outflow would be for the 50-year storm. He said that typically most drainage systems are made for the 25-year storm, but this is made for the 50-year storm. Mr. Toth said the drainage was submitted to the State and he said he also modeled the grates and the ditch lines to be sure that the grates could take the water going down. He said he's providing this to the board to show what has been given to the State, but the board is to approve the subdivision. Ms. Annis asked how she knows that the State approved this drainage plan. She said she know the driveway permit has been issued, but how does one know that the drainage has been approved. Mr. Toth said that whatever the State needed to approve the driveway they asked for and that included the drainage. He said that the driveway permit would not have been issued if they had not approved of the drainage plan.

Mr. Pellettieri said that given that Route 103 is a major road and connects the two ends of the town, if there were a problem that interrupted that traffic flow, it presents a serious problem to the town. He added that the State does not always concern itself with that, but the town would certainly be concerned about it. He asked if Mr. Toth has studied what would happen if the system should fail. He asked if there were another 100-year storm like we had and it overruns the system, what happens to the excess water that runs down Hudson Lane. Mr. Toth said that it was looked at early on in discussions with Provan and Lorber and the State. He said that this is a better case than some because there is a huge ditch on this project and it's open drainage so all the runoff going toward the road doesn't run into curbing, which, typically creates the problem from excess runoff. He said if the grate gets clogged, then the water goes on down to the next and on to the next and down to the road if there is flooding. He said that having an open drainage system is a big plus, and, especially in this case, there are wider ditches that get even wider as you get toward the bottom. He continued to say that if the system fails – the series of catch basins, which have a deep throat – these catch basins have openings which are flush with the riprap, the ditch, and then goes out, where the water has a nice clear opening from the catch basins to go down the way. He said that at each structure, the water has additional opportunities to try to enter to get through the system. He showed on the plan how the ditch expands toward the bottom, creating some additional storage as it heads into the ditch along the road. He said that the water has to sit in the wide section at the bottom and build up before it can even go across the road. He said the low point in the road at the bottom of Hudson Lane allows the storage of more volume if it bypasses the other parts of the system. He said it has to go to the side, rather than across the road because of the natural lines. He added that the island also helps to push it back.

Mr. Mical referred to the NHDOT driveway permit under specifications, where it talks about the entrance and says to refer to the plans. He asked if the board has a copy of the plan. Mr. Toth said that when DOT approved the permit, he had submitted to the Planning Board Office the completed set of plans which were referred to by DOT, and are the ones being referred to tonight.

Mr. Violette asked, assuming that all permits were obtained and all required conditions satisfied, how much time after that they would expect construction would begin. Mr. Wagner said he did not know at this point. He said he still has to meet with DOT and the State, so it will still probably be a considerable amount of time. Mr. Violette asked about the blasting and handling of materials. He said that he assumes that a lot of the material will be crushed, and asked if that would be done at that location. Mr. Wagner said yes, on site. Mr. Violette asked what time of day the work would be done. Mr. Wagner said it would probably be 7:00 to 5:00. He said that the driveway permit says that certain parts of the construction cannot be done during the winter months. Mr. Violette added that there are neighbors in that area, too, who are concerned about noise.

Mr. Davies asked about a fence that is shown at the top of the slope that says the type shall be coordinated with the Town of Warner. He asked if that is something that should be discussed now. There was some discussion. Mr. Pellettieri asked if this is a temporary or a permanent fence. Mr. Toth said it is temporary construction fencing for safety. Mr. Pellettieri asked who is responsible for maintaining the fencing. Mr. Toth said Mr. Wagner was responsible until it is approved by the town.

Mr. Davies continued and asked about driveways off a cul-de-sac, given what Allan Brown had said at a previous meeting about not wanting driveways off a cul-de-sac. Mr. Toth said that this is larger than most cul-de-sacs. Mr. Davies said that at the public hearing there was a request from some people to develop some landscaping in the cul-de-sac and in some of the town's right-of-way areas. He asked if that had been considered. Mr. Toth responded that Allan Brown had said he did not want any landscaping in that area at all because it's tough to maintain and it's tough to grow. He said it will be exposed ledge and rock, so whatever might be put in there wouldn't grow and survive, and it would be a maintenance nightmare for the town. Ms. Annis asked if with the blasting, the inside of the cul-de-sac will be a natural outcropping of ledge. Mr. Toth said from the cul-de-sac, you will look up to the ledge. He said it will all be ledge with really no place to put landscaping that would survive. Mr. Davies asked if, when the future driveway gets extended into the land with more blasting involved, there would be a town road accepted by then. He said that extending the driveway may damage a newly-accepted road, although he noted it might be far into the future. Mr. Toth said that the driveway was put in at the distance it was because that was a concern of Allan Brown, too. He said that the length of the driveway is such so that when it is to be extended, they can stay in an area that does not affect the rest of the road. Mr. Davies asked if a bond has been talked about. Ms. Annis said no, but that it has been mentioned that if it were approved, that would be a condition of the approval.

Mr. Davies asked if, given the situation that is going on with the signal system at the Citgo station and the Market Basket, there are provisions that we can use here that would make this area responsible for a signal system if it's every required on Route 103. He said that there may be 4 houses and there will never be a signal needed, but, he asked if in the future the traffic flow increases with the last one or the next to the last one, requiring a signal, can there be requirements so that the first two have to chip in – whether it's two years, five years, ten years. Mr. Toth said that there was a traffic study which was looked at by Provan and Lorber and they had no problems with it. He said if you are going to speculate at what would be an owner's fair share, if you don't know, it's a very difficult number to come up with. Mr. Davies said that because of the situation now at the Demoulas intersection, where there seems to be a demand for a signal and it's tough to get the money for it, he is trying to see if there is some language to possibly require these developing areas to put money toward a signal once it's required. There was some discussion about other developments which have been required to do something when they are developed. Mr. Davies asked if that meant that these four lots one way or the other would have to pay for something in the future. Mr. Violette said that right now we have Exaction Fees that are levied and are based on a formula. Ms. Annis said that this is done at the time of the site plan because then you know what is being proposed there. Mr. Toth said that to make the subdivision responsible is unfair when it is indeed part of the site plan approval process. He said if that were to be imposed on Mr. Wagner, then he would have to object. Mr. Pellettieri said that the problem is that sometimes it is the subdivision, by the nature of the way that they're designed, that creates the problem. Mr. Toth said that's not exactly true. He said that a subdivision creates a parcel of land in a district that's

zoned by a town as commercial or residential or something else. He said it's the development of the individual sites that causes the issue. He said this is a subdivision and if it were something greater than that, he would understand imposing a fee. However, the case here is that this is a subdivision and nobody knows to what uses it will be put. Ms. Annis said that in the subdivision regulations, we have the TIA (Traffic Impact Assessment) which we can ask for. Mr. Toth said one has been done. Ms. Annis agreed, but said that trips for a general office building per 1000 square feet are 17.7, but a medical building is 54.6. She said if you look at a hotel, it's 10.5 trips. It depends on what is on the lot and that is how the Exaction Fee is calculated and comes later. Mr. Toth said that to look at some possible uses today will be too difficult.

Mr. Pellettieri said that back in the early stages, there were at least two different reviews by Provan and Lorber. He said that he saw a comment about questions raised by the first Provan and Lorber review which were appropriate given the nature, complexity and scale of this development. He said that those items were subsequently dropped from the second Provan and Lorber report. He asked what the status of those was and why they were not considered. Mr. Toth said that when the plans were submitted, there were some serious communication issues with Provan and Lorber. He said that typically when a plan is submitted to a firm like Provan and Lorber, a list of comments comes back with comments addressed, what's new and what's old. He said that the problem was that the comment letters were not clear to anybody. He said they were getting new comments on something that had not been changed. He said they were getting into a cycle that Mr. Wagner was getting charged for and not getting the service. He said they met with the board and explained the problem issues because of this frustration. He said they met with three members of the Planning Board, Barbara Annis, Brian Patsfield and Phil Reeder, the Provan and Lorber representative, Allan Brown, Alan Wagner and Mr. Toth. He said that they went through comment by comment to decide what comments should be addressed and what comments were out of their purview, like off-site improvements which were going to be reviewed by DOT for site-specific. He said they were trying to get to the point where they had the final list of comments which were supposed to be taken care of. He said that everyone had input and came up with what they understood would be the final list to be taken care of and that letter was written in January. Then, he said, another letter was received that didn't agree with what they had all agreed to. He said that is when a meeting was had with the Board at a work session and they came up with the second revised letter which said these are the items to be taken care of out of that list. He concluded saying that they were drawn up based on discussions with the Board, Allan Brown and Provan and Lorber. He said that the list in February that was arrived at and which has just been gone through, were a result of coming up with what else they needed to provide. Ms. Annis said that one of the frustrating things was that they had met on January 24th with Ted Krupa from Provan and Lorber. She said they thought that Ted went back after discussing and deciding at that meeting. She said the next thing was that on February 6th a letter was received from the Project Manager which disregarded everything that had been talked about and agreed upon in January. She said it turned out the Project Manager had not talked with the person who agreed to all this with Provan and Lorber, so a revised letter came 2 days later. She said that people were not talking among themselves. Mr. Toth said that Mr. Wagner had had to pay for all of this which was a frustrating time for them. Mr. Pellettieri said it was clear there was confusion in the correspondence and that was why he had asked the question.

Mr. Pellettieri asked if the required signatures come on the Mylars. Mr. Toth said yes. He said that it was decided to just wait until all was agreed to and then get all the required signatures.

Mr. Pellettieri asked if the rectangular areas on Sheet 4 are septic areas. Mr. Toth said yes, it is required by the State to show a 4000-square-foot area that could be used for septic. Mr. Pellettieri asked if the septic replacement area considered part of that 4000 square feet. Mr. Toth said, no, not for a subdivision; that's individual septic.

Mr. Pellettieri asked what development is allowed within the 75-foot [unintelligible]. Mr. Toth replied that you could put anything there except for septic.

Mr. Pellettieri said that Lots 10 and 10-1 have the two shared driveways. He asked who's responsible for construction and maintenance of those. He asked if what is shown on the plan is going to be part of the roadway. Mr. Toth said yes – what is shown on the plan is what will be built. He said on page 25, there is a conceptual driveway profile that shows how they could possibly get from here to there. He said it will be a

private driveway and will not become part of a town road in the future. He said that it was agreed that whoever buys the lot will be able to extend that driveway to get in there. How that is accomplished, he said, will be part of the site plan. Mr. Pellettieri asked if all that is shown on the plan until the road is transferred to the town is the responsibility of Mr. Wagner to maintain. Mr. Toth said yes. Mr. Pellettieri said that all night we've been going through a list of items and more and more there are items that require maintenance of some sort. He said it seems to be a substantial amount of maintenance. He said that with any owner, if the maintenance occurs, that's good, but if it doesn't then he said he feels the town's going to be stuck with either dealing with it or dealing with the liability from it. So, he said he thinks that maintenance should be a major condition. He said that based on all that he's heard and seen in the plans, there's going to be a considerable amount of maintenance which will be necessary for some time into the future. He said seeing what happens on some of the other lots where erosion control measures are put in place and not maintained, we have to go chasing after the people trying to get those erosion control measures maintained. He said he could see the same problem with fencing or anything else, so he said he thinks that maintenance ought to be an important condition. Mr. Toth said that's why they are getting numbers. And, he added that it seems pretty standard to him. Mr. Pellettieri replied that's fine as long as it's done, but when it's not done, that's when there's a problem.

Mr. Pellettieri said he did not see any identified front setback on lot 10. There was some discussion of the electrical easement. Mr. Toth said that he will correct Sheet 5, including lots 10 and 10-1.

Mr. Pellettieri said on Sheet 7, general note number 8, says that the contractor is supposed to contact the engineer if water is encountered. He asked what controls are required in terms of erosion protection when unanticipated groundwater is encountered. Mr. Toth said it will be taken on a case by case basis. He said you might have them put in sandbags or something else. Mr. Pellettieri asked what governs that. Mr. Toth said that they should contact the engineer who is him and he will deal with something that he had not anticipated. Mr. Pellettieri asked if this resulted in design changes, at what point would that trigger further review by the Planning Board. Mr. Toth said he would leave that up to the town. He said if when it is being built and something came up, he would have to go to Allan Brown and he may say talk to Ms. Annis or someone else. Ms. Annis said that that could be a condition – that any changes in the design would have to be met with written approval of Allan Brown. She said that also in the past an engineering firm has been chosen by the applicant on behalf of the town and that they pay for as a clerk-of-the-works oversight. She said that when the R.A.W. work was being done, there were several changes and Provan and Lorber did all those approvals.

Mr. Pellettieri said note number 2 on Sheet 7 refers to the pre-blast survey. He asked if Mr. Toth has done any calculations on the amount of ledge that is to be blasted and handled. Mr. Toth said no, it is not something that he usually does. Mr. Pellettieri asked if there is a plan to do that. He said that it seems that there were a couple of recommendations that since the material was going to be crushed, that the blasting be established in a manner that reduces the ledge to a 12-inch maximum size. He said that it seems that there will be a substantial amount of blasting and a substantial amount of crushing. He said that if that is all going to be on site, and a considerable amount of the ledge is right at the roadway, what area will be set aside at the start for the crushing operation or storage of that material until such time as a sufficient amount of access can be provided that is off Route 103. Mr. Toth said that as part of the plan for the State, they will have to show where they're going to have the staging area. Mr. Pellettieri asked if that includes the crushing operation. Mr. Toth replied that the plan that has been put together, the Stormwater Pollution Prevention Plan, gives the sequence to get there. Mr. Pellettieri asked when that is prepared. Mr. Toth said that is prepared before the crushing with the Notice of Intent that you have prepared a Stormwater Pollution Prevention Plan. That plan also has regular inspection forms. He said that the contractor has to put those documents together, not the engineer, so he said he is not familiar with how that will be done. Mr. Pellettieri said that his concern is that, given the amount of ledge that's likely to have to come out of here, whether that's hauled away or crushed on site and utilized some way, or crushed and removed or some combination thereof. He said that's a substantial amount of work that is going to happen in a very busy area. He said that he thinks it behooves the town to know exactly what is going to transpire with all of that prior to any approvals or that that be stipulated as a condition of approval. He said that with the scope of this blasting operation, the town's going to have some serious concerns with everything from noise to liability issues. He said it seems to him that it affects the pre-blast survey requirements and he said that he thinks that, given

the substance, which should be a condition of approval. Mr. Toth asked what that would mean. Mr. Pellettieri said he wasn't sure how it would be addressed and that it was up to the board to decide. He said he was just stressing the size and scope of what is being contemplated is a major operation. He said it's along the lines of highway construction and it's starting right at a very busy location. Therefore, he said, he thinks the board needs to know exactly what's going to be happening and how that's going to be staged and processed so that the town isn't faced with a host of phone calls and issues and any liability issues. Mr. Toth said that he thinks it's a construction question. He said he's sure there are permits and requirements about staging and blasting and how that's going to happen. He said that the Stormwater Pollution Prevention Plan shows that kind of thing. He said that as the questions and comments come up, he wants to be sure that it's something that actually can be done. Mr. Pellettieri said that we have been faced with these types of issues before and were always faced with dealing with them after the fact and if we don't have any knowledge on how best to address that, and Mr. Toth isn't sure, then we need to find out from someone who can guide us on how best to handle it.

Mr. Pellettieri continued and said that Mr. Toth had said that the black areas on Sheet 7 are all exposed ledge. He said there are some areas on lot 10-3 that do not have that black area. He asked if those are slopes with a regular grading requirement. Mr. Toth referred him to the cross section of the area. He said that there is one cross-section sheet missing – the one for Station 500 – 1000. He said he will get a copy of that sheet to be included in the plan.

Mr. Pellettieri said that Sheet #6, General Note Number 6, says that all designs based on existing conditions information provided by Granite State Surveying, and this office takes no responsibility for their work. He said he knows that is boilerplate, but said when there is a discrepancy that occurs, given the complexity of the site, with a lot of contours and a lot of grade changes, the potential for discrepancy is greater than on a simple site. When a discrepancy occurs, he asked if that is also handled like the changes necessitated as the groundwater changes would be. Mr. Toth said yes. He said if the contractor comes across something and says that he can't build the plans, and then he would go out there and say the contour is wrong and look at what changes need to be effected.

Mr. Pellettieri said that Sheet 8, Note Number 7, says that the fence will be installed with care to not destroy existing trees. He continued that the plan shows a typical fence installation where it is in fact cut into the ground. He said those are two competing issues, cutting it into the ground cuts tree roots and thereby doesn't protect existing vegetation from damage. Mr. Toth said that there is flexibility on the plan in a wooded area. He said that they can put it in without damaging the roots. He said the plan says to use some common sense and move the fence in either direction as needed to protect the tree roots. Mr. Pellettieri asked if there are altering details that require it to be placed inground would those be considered to be added to the plan. Mr. Toth said that that detail is what is required by the site-specific and they don't have any additional details. He said he would have to decline on that request.

Mr. Pellettieri said that his other questions relate to the overall impacts of the project. He said that Regional Planning and the Conservation Commission have said that virtually all of the construction is taking place on this site for the roadways and for the driveways. He referred to Sheet 4 where there are some cross-hatched areas which are slopes of less than 25%. He said those areas indicate relatively flat areas. He said that 25% is a substantial slope and, in most cases, over 25% is considered a very steep slope and 15-25% is considered in many instances to be a steep slope. He said these areas are the only areas on this site that are not very steep slopes. He said that all the constructions of the roadway and all the construction of the driveways occur in steep slope areas. He said it is stated in the Zoning regulations that everything should be done to not create damage in sensitive areas. He said that it seems to him that the entire area where this roadway and driveway are being placed, and all the grading that will be required for actual development on these sites, will take place in steep slope areas. He said that is not in keeping with the intent of our regulations. Mr. Toth said those areas have been talked about at length at the Planning Board meetings. He said it's not to say that you can't build whatever somebody wants to build in those areas – it's just that the hatched areas, per the Zoning regulations, show the buildable area, not the actual true buildable area, where somebody could put a particular use on that parcel. He added that this land has some steep areas, but it is land that can be developed for something. He said that the road and the cul-de-sac moved three times in the plan resulting from discussions with the board of where to put it. He said that several variations

of the design for the cul-de-sac have been considered at the board's request and this is what the board felt was the best given the conditions. Mr. Wagner added that the State told him exactly where to access off of Route 103, so there was no flexibility there. He said he would have rather put the road closer to the Exit 9 interchange, but the State had required more distance from that, in what they considered to be the safest spot. Mr. Toth said that he wanted to point out that they have been working with the board in trying to come up with an acceptable plan. Mr. Pellettieri said that his point was that the Central NH Regional Planning Commission and the Warner Conservation Commission at public hearings had voiced concern about this particular issue. He said he thinks it is the board's responsibility to see if there is a way that they might be accommodated to address that, but he said he doesn't see that that's the case. He said when you look at the amount of disturbance that will occur on this particular site, it's monumental. He said there is evidence of limitation of tree cutting that only applies to construction of the roadway and driveways. He said it does not cover construction that will be required to get any sort of development on these lots. He said that we are basically allowing a major roadway to be cut on a sensitive piece of property and then arriving with four different lots that will have to come back here for site plan review, but whoever buys those lots is going to be faced with untenable development situations. He said their choices will be to come to the town for a variance and spending considerable amounts of money, which is their choice, but will result in the complete destruction of those sites. He said it will virtually be a very narrow band of existing vegetation remaining around the perimeter of the entire parcel, not the individual lots. He said, as has been pointed out by Regional Planning and the Conservation Commission, and at public hearings, this is the gateway of our town; this is part of the Intervale area, and as such it is property that is highly visible from all points and, by approving this subdivision, we're talking about setting up a scenario where this entire parcel is going to be destroyed for the future. Mr. Toth said there was a site walk with the Planning Board where some of those issues were discussed. He said there is a tree line that is beyond the property that is quite significant. Mr. Pellettieri replied that those are well below the elevation that would do any good for screening. Mr. Toth said that he would not comment further because he thinks Mr. Pellettieri's comments are his opinion and are speculative.

Ms. Annis asked if there were any more comments about the plans. There were none. She said the time is getting up to 10:00 p.m. She said that at the bottom of the agenda it says that the meetings will be stopped at 10:00 p.m. She said there are a number of things that the board needs to discuss. She asked the board if they wanted to agree to continue this or to go past 10:00 p.m. There was some discussion. Mr. Mical said that the 65 day window expires tomorrow. Mr. Duhamel said that it needs to be restated that what is before the board tonight is the road, not the construction of these sites. Mr. Mical said that he thought in order to come up to a conclusion, the board needs to sit down and go through it and discuss it further and he said he didn't think there was time to do it tonight. He suggested extending it again and then the board will sit down and go through the issues that have been raised tonight. He said to put a decision together one way or the other, the board needs to sit and discuss it among themselves. Mr. Mical suggested taking the work session on August 18 specifically for this project. Mr. Violette said that the Master Plan discussion can be changed from that date. Mr. Mical said this would give the board a chance to go back over the plans and digest everything that's been said tonight. Mr. Pellettieri said it would allow the board to come up with a list of conditions that they were all comfortable with and comfortable with the wording on and where we fit into the scheme of things. He said he had not yet finished his list of questions. Ms. Annis asked Mr. Toth if he would be available on Monday, August 18th. Mr. Toth said yes. Mr. Pellettieri said that because of the length of time that this has taken and some of the decisions that were made and the fact that there are people on the board who have not been involved in that process, he thought it is critically important that it be reviewed in detail and are all comfortable with the decision that we are making. He said if that involves another two weeks or another two months, it's that important to us. Ms. Annis said that she also had some questions that had not been covered. Mr. Toth said his goal is to get it done as fast as possible and to get through the comments and be sure the new board members are familiarized with the plan. He said he hopes it will be decided sometime soon.

Mr. Mical asked Mr. Wagner if he had a problem with extending for another 65 days, noting that the other option would have to be a vote of yes or no tonight. Mr. Violette said that even if this is discussed at the next meeting, it doesn't mean that a decision will be made then. Mr. Mical said that we could recess this meeting and then a decision could be voted on then if appropriate.

Mr. Mical MOVED that the request for a 65-day extension of the deadline be approved. Mr. Duhamel seconded. There was no discussion. The vote was unanimous to APPROVE the 65-day extension, which will be October 8, 2008.

3. MINUTES

Mr. Violette MOVED to approve the July 7, 2008 minutes. Mr. Mical seconded. There was no discussion. The motion was PASSED unanimously.

Mr. Violette MOVED to approve the July 21, 2008 work session minutes. Mr. Duhamel seconded. There was no discussion. The motion was PASSED unanimously.

Mr. Mical MOVED to approve the July 21, 2008 work session section on review of regulations minutes. Mr. Duhamel seconded. There was no discussion. The motion was PASSED unanimously.

Mr. Violette MOVED to approve the July 21, 2008 Master Plan work session minutes. Mr. Duhamel seconded. There was no discussion. The motion was passed unanimously.

4. COMMUNICATIONS AND MISCELLANEOUS

Ms. Annis said she would pass over the reports from subcommittees because the Librarian has been waiting patiently to address an issue under communications. She recognized Nancy Ladd to explain what the Library was planning to do. Ms. Ladd said that they have decided to add a generator to protect the collection from leaks into the sheetrock and ceiling in case of a long term electric failure because it has to be drained. She said they have found a contractor who will install the type of generator which they think will be effective and are close to having it installed. She said that they realized that there might be approvals that would be needed from the town. She said that the generator would be very close to the property line and might need some kind of setback, but then realized that it was not a building, so no setback variance would be required. She said they may need construction permits from the town. She said that they wanted to bring it to the Planning Board to see if the Board agreed that no other kind of review or permit is required. She said that it is a town building and town department. She described the propane tank plans which are to have vertical tanks. She said they are attempting to put it in an area that isn't glaring.

Mr. Hartman asked what authority the Planning Board has on this issue. Mr. French said none. Mr. Hartman said if anything it's a zoning issue. Mr. Violette asked if there is going to be a structure of any kind. Ms. Ladd said no – they come with their own sheathing. Mr. Violette said if they go with the horizontal LP tank, there are certain requirements as to distance from structures. He said a 200-pound vertical one can go next to the building, but you cannot do that with a 500-pound one. He said he thinks it has to be 10-25 feet from the structure. She said the plan is to have two upright ones which should be enough for the generator. There was some discussion about the amount of propane used per hour and how long the generator would run. Ms. Annis said her concern was the aesthetics right in the middle of town, and whether we would want a fence around it. She said that we required the refrigeration unit at Evans to have a fence around it so it would not be obtrusive to the public. Ms. Ladd said they have the same concern and are talking about planting bushes to hide it. She said that their concern was whether the Planning Board had any jurisdiction over a generator or propane tanks and they don't think that there is any jurisdiction. However, she said they welcome any input from the Planning Board on its installation. There was some discussion about burying a tank for the propane. Mr. Violette said if they are thinking about burying it, then there are other regulations that have to be considered, as well.

Mr. Violette suggested that the decision should be that this is not the jurisdiction of the Planning Board and that they should go to the proper authorities, who are the Selectmen, the Building Inspector, etc. The board members agreed and Ms. Ladd thanked the board and left.

5. REPORT FROM SUBCOMMITTEES

Ms. Annis asked about the Master Plan Committee. Mr. Violette reported that we have received about 180 survey responses so far. Ms. Ladd said that some have been returned to the Library and she has put some extra blank ones at the library for people to pick up there. She suggested that the library be added as a drop-off place on the signs that are put up around town. She added that the library was not mentioned

anywhere on the survey and it would have been very helpful to them to have input from the survey on how they were doing. Mr. Violette said it was not on purpose. Ms. Ladd suggested that the next time around all the town departments be polled as to what types of issues they would like included. Mr. Violette said that this month's meeting will be skipped, so the next meeting will be September and he will call Sharon Wason to change the date.

Ms. Annis asked for the CIP Committee report. Mr. Duhamel said he spoke with Ms. Ladd today and asked when the Planning Board form would be completed. Ms. Annis said it will be completed.

Ms. Annis asked if there was anything from the Zoning change committee. Mr. Davies asked if they should be making comments on the Building Code and sending them back and forth to each other. Ms. Annis asked if anyone else was going to comment besides her. Mr. Davies asked if there is something we should start after the Building Code so we can prepare for the next meeting on the changes. Ms. Annis said that perhaps we could meet another date in September because the regular work session date is planned to meet with the Budget Committee on the CIP.

6. PUBLIC COMMENTS

Ms. Annis asked if the public had any comments. Carolyn Stoddard said that she was concerned about e-mails and how they are being maintained for public right-to-know. Ms. Annis said there is no voting and no action is taken. Ms. Ladd asked if e-mails were being saved somewhere. Ms. Lightfoot said that the ones that come through the Planning Board e-mail box are saved, but the issue is the home computers. There was some discussion about the right-to-know legislation, with no conclusion reached.

Mr. Mical MOVED to RECESS the meeting until Monday, August 18, 2008, at which point we will take up the Commercial Major Subdivision for Wagner. Mr. Hartman seconded. There was no discussion. The vote was unanimous to PASS the motion.

The meeting was recessed at 10:10 p.m. until August 18, 2008 at 7:00 p.m.