

TOWN OF LOUDON
LOUDON, NEW HAMPSHIRE

APPROVED

PLANNING BOARD MINUTES
OF NOVEMBER 19, 2009

Meeting called to order at 7:00 p.m. by Chairman Tom Dow.

Attendance:

Chairman Tom Dow, Tom Moore, Steve Jackson, Vice Chairman Stanley Prescott, Henry Huntington, Alternates Bob Ordway and Jeff Green, and Ex-Officio Steve Ives
Bob Ordway was appointed as a voting member in the absence of Gary Tasker.

Conservation Commission: Dan Geiger

Canterbury residents: Hillary Nelson for the Canterbury Board of Selectmen and Shaker Village; Judy Elliott; Jim Snyder and Tyson Miller for the Canterbury Planning Board

Acceptance of Minutes:

October 15, 2009 Regular Meeting – **Steve Jackson made a motion to approve the minutes as presented; seconded by Steve Ives. All were in favor.**

October 15, 2009 Workforce Housing Presentation – **Tom Moore made a motion to approve the minutes as presented; seconded by Steve Jackson. All were in favor.**

October 20, 2009 Site Visit – **Tom Dow made a motion to approve the minutes as presented; seconded by Jeff Green. As the only members in attendance at the site visit both were in favor.**

November 5, 2009 Zoning Workshop – **Steve Jackson made a motion to approve the minutes as presented; seconded by Steve Ives. All were in favor.**

November 18, 2009 Zoning Workshop – **Stan Prescott made a motion to approve the minutes as presented; seconded by Steve Ives. All were in favor.**

Discussion:

Wayne Thistle – Request for release of construction bond on Thistle Hill Road – Mr. Thistle submitted a letter requesting the release of a \$23,000 construction bond that has been held on Thistle Hill Road. At the meeting Mr. Thistle explained that he has had a separate one year bond in place since August 2009. That bond will serve as the maintenance surety that is required by the Land Development Regulations. Steve Jackson pointed out that the maintenance surety is to be in place for five years. Mr. Thistle said that it is an annual renewal on the bond and would be in place for five years. He said that he will be going to the selectmen for acceptance of the road on December 1, 2009. **Henry Huntington moved to release the construction bond in the amount of \$23,000; seconded by Stan Prescott. All were in favor.**

NHMS – winter event – Jerry Gappens, Executive Vice President and General Manager of NHMS, spoke on behalf of NHMS. He described the winter event that they are proposing to host on February 20 and 21, 2010 from 9:00 a.m. to 4:00 p.m. Mr. Gappens explained that he spoke with the Board of Selectmen last month and it was suggested that he make the Planning

Board aware of the proposed event. He pointed out that the event would take place in Lots L, K and J. Mr. Gappens stated that they have had snowmobile groups approach the track as a venue to hold this event, naming NH Snowmobile Association, the Sno-Shakers, and related businesses. He said that they would expect a maximum of maybe 5,000 in attendance. Mr. Gappens explained that the event would consist of a snow cross, professionals doing a free style event, demo runs, and manufacturers and vendors with equipment and apparel. He noted that the main impact on the roads would be at the different trail crossings which would be at Shaker Road, Gues Meadow Road, the north entrance, and Lower Ridge Road onto Gues Meadow Road. Mr. Gappens said they would not expect a lot of vehicular traffic. He said they have made Chief Fiske aware of the impact points for traffic safety. He noted that this is the first time that NHMS has hosted such an event so there is no history to use. Mr. Gappens said that they have researched other events of this nature and have met with people in the industry.

Bob Ordway asked if they will be using the main entrance. Mr. Gappens showed the main point of access, pointing out a staging area for trailers, and noted that they would have portable facilities onsite for restrooms, water, and food. He said the area to be used would run from the main entrance to the five lane area. Steve Ives said that Mr. Gappens told the selectmen that there would be no overnight camping. Mr. Gappens said they expect only day guests. Mr. Ives asked if they would be using internal security. Mr. Gappens said that they would be, as well as coordinating with Chief Fiske and the fire department for the safety aspect of the event. He said that the track would pick up all costs of town department services. Tom Dow asked if the south entrance would be the main access. Mr. Gappens showed the access and parking areas. He said the new terraced area would be a good viewing area.

Hillary Nelson referred to a 1999 hearing where twelve conditions were set, one being that race events would be held between April 1 and October 31. She stated that the Town of Canterbury feels that this proposed event would be in violation of that condition. Ms. Nelson also stated that it is felt that this should be considered to have regional impact due to the associated noise. She said she felt the Board should wait on this discussion until all are noticed. Chairman Dow said that the Board cannot permit events and they can only advise the selectmen or whoever gives out the permits. He said he understands the conditions that Ms. Nelson was reading from, noting that he has read through them as well. Mr. Dow said that those conditions were associated with the addition of 9,000 seats at the track. He said he also understands the racing aspect condition was from October 31 to April 1. Ms. Nelson said that condition addresses racing and testing. She said she would argue that this proposed event would fall into that condition. Chairman Dow asked the Board if they wanted to take a vote on this being a regional impact matter. He said the group had discussed it and did not feel that this event creates a regional impact. Ms. Nelson said that Mr. Gappens mentioned that there would be professional snowmobilers here. She said she lives one and a half miles from the track and she guarantees she will hear it. Ms. Nelson said a big part of the conditions was the noise issues, noting that she and others from Canterbury are very concerned about the noise.

Jim Snyder said that where this is not a public hearing he did not think the Board could vote on a regional impact ruling. He asked if a public hearing would be required to make this change to the conditions set in 1999. Mr. Snyder said this could be seen as a site plan change. The chairman said that he has considered that and this could go to a public hearing with abutter notification and everything would be binding should the Board make any voted decisions.

Tyson Miller asked if there would be drag racing at this event. Mr. Gappens said there would be demo runs. Mr. Miller asked if the machines would have mufflers. Mr. Gappens said that was his understanding. Bob Ordway pointed out that the location where this would be held is on a lower level than the main track. He said the noise level of snowmobiles is not in the same ballpark as 700 or 800 horsepower cars and he feels this event would not generate that kind of

noise. Theresa (?) Wyman of Canterbury said that it was stated that this event would be less noise but she feels that even fifty percent of race noise would still be objectionable. She said she has great concerns of this leading to night racing. Jim Snyder said that the noise level could be determined. Judy Elliott said that racing is the concern, noting that there is no foliage to muffle the sound at this time of year. Kim Bean pointed out that windows would be closed at the time of this event.

Mark Sargent of Richard D Bartlett and Associates asked what would be expected for an application as this is not the usual type of project seen for a site plan. Chairman Dow said that this event does not fall under any category of Planning Board applications; perhaps an amended site plan would be the closest. Henry Huntington said that a site plan would be based on a change of use and he does not see that with this situation. Mr. Sargent said that the 1999 conditions were stipulated for motor vehicles. Steve Ives noted that the condition states racing events. Kim Bean stated that he did not feel this event would be any louder than the noise produced by buzz saws that are being used at Shaker Village right near houses. He said they are not hearing any complaints about that noise.

The chairman read condition #2 from the 1999 hearing which was based on seating capacity for car races. He said the stipulations that were created pretty much restrict NHMS to what they are doing right now. Mr. Dow said that he feels they should be allowed to try this for a year, review it six months prior to doing it again, and then have good substantial reasons why they should or should not be able to do it. He pointed out that they have no idea at this point how many to expect at this event. Mr. Dow spoke about a similar event that has been held in Colebrook for a number of years and is not a big deal or the mass chaos that some might try to portray. He said he feels NHMS should be able to use their facility for this event which would be a good family event. Mr. Dow said that this would provide some history rather than speculation as to what it could be like. Hillary Nelson said that she would ask for the Regional Impact and public hearing. She said the Town of Canterbury will not be satisfied if there is no public hearing, again noting the concern of noise.

Tim Barton said this event would run from 9:00 a.m. to 4:00 p.m. He noted that there are a lot of other noises in town. Mr. Barton pointed out that this event would be in the parking lots which would limit the sound and he does not feel this would be much of an issue. Steve Jackson spoke about the idea of this being of regional impact. He pointed out that there were no abutters from Loudon present to oppose this event and they would be closer than those who have spoken in opposition this evening. He noted that this event would have a positive impact as well. Ms. Wyman asked him to explain how he sees this having a positive impact. Mr. Jackson said that it could be a big family event. Steve Ives said that the event would also be a boost to businesses in the area, considering gas, food, lodging, and other services while attendees are in the area.

Mr. Gappens said that they came tonight for information. He said the other factor of a public hearing is that it would be delaying a decision, if there is any decision to be made. Mr. Gappens said that they have to execute an event plan and do timely advertising if this event is to be successful. Tyson Miller asked if it could reasonably be construed to think this would be of regional impact to Canterbury and other towns based on RSA 36:56; if so the law says it should be declared. Mr. Miller said it could be done as a modified site plan, noting that the conditions clearly say no racing. He mentioned a cease and desist order. Bob Ordway said another point to consider with these snowmobile events is that there are one or two vehicles on a snow track at one time as compared to forty plus eight-cylinder, 700 horsepower vehicles on the main track. He said this would certainly be far less noise, noting once again that the location is in a hollow compared to the main track. Mr. Ordway said you cannot extrapolate what is known about NASCAR events to this type of event. He said he is not sure that people on the hill will be affected at all. Ms. Nelson said if there was a public hearing this information could be gathered.

Steve Jackson read RSA 36:56 and 36:57 which refer to regional impact for developments. He said everyone has been referring to this as an event, not a development. Mr. Jackson said this is an event or activity that would be held over two days from 9:00 a.m. to 4:00 p.m. and he does not believe the RSA is referring to this activity. Jim Snyder said the development that they would be considering is the original site plan and this would be an amendment to that plan. He said it appears that this all comes down to whether a public hearing is required. Mr. Snyder said his planning board would refer to their site plan regulations to determine what constitutes an amended site plan hearing and he would be curious to know if Loudon has similar language.

Chairman Dow closed the meeting to the public and opened it to the Board only. He said the Board has heard the pros and cons alike. He stated that he feels the track has done a good job with their events and sees no reason for an event of this kind and size to be prohibited. Mr. Dow noted that there would be no traffic jams, comparing to antique shows and other events that are held at Shaker Village. He said there would be some noise, noting that there are snowmobilers in the area all winter and cars and motorcycles all summer. Mr. Dow said some of those may be noisier than these over the two days. He said he did not think this has regional impact. The chairman stated that the Board is not going to grant a permit as that is not their duty. He said this falls within the regulations and zoning and NHMS has proven that they can manage security and parking and safety. Mr. Dow said he would suggest letting them try it for a year, set up a review six months before another event, and know the history. He said if he felt differently there would have been a public hearing.

Stan Prescott asked if anyone had talked with town counsel. The chairman and ex-officio each said they had not. Steve Ives said that he feels the event is a good idea and sees it as a boost for the town and the area. He said the Town has had some difficulties with NHMS officials but those have been corrected and NHMS have proven themselves to be professional and operate a first class facility. Stan Prescott pointed out that condition #3 refers to motor vehicle events and he is sure that snowmobiles are not motor vehicles. He said he feels this is an event and falls under the jurisdiction of the Board of Selectmen to give the permit. Chairman Dow asked the Board the best course to take. Tom Moore said there is no application to file in his opinion. The chairman said that he spoke with a track official to contact surrounding towns of their intent as a manner of communication and awareness. He said that was done as suggested. Tom Moore asked what could be proven or disproven by next month. He asked what would be gained as they would not know any more of the unknown factors by holding a public hearing. Stan Prescott said that 5% of the 100,000 that they normally have at the track is insignificant. Bob Ordway said they all want the track to succeed and he is in favor of trying this event. He said they would then have history to judge on. Chairman Dow asked if the members were in favor of notifying the Board of Selectmen that they feel that all is in order or if they want to go another way. He noted that there have been snow events at the track in the past. Tom Moore said he would agree to a one year permit as he is all for giving them a try. He said comparing a NASCAR event to a snow event is not apples and apples, adding that this is a family fun event and would be a nice thing to have in the area.

Chairman Dow said a letter would be drafted to the Board of Selectmen with the recommendation that this be a single event, a review of this event be conducted six months before a similar future event, and if need be a public hearing could be held at that time. Stan Prescott said that he had no problem with the event and that a site plan review is not required. He said they should see the selectmen, fire department, and police department and get a permit for the event. Henry Huntington said that he would agree and he sees no reason for this to come before the Planning Board. Steve Ives stated that the fire and police departments were at the Board of Selectmen's meeting where it was suggested that NHMS go to the Planning Board to

cover all the bases. He said if the decision is that they are to go to the selectmen then it will be handled at that meeting.

Old Business:

#09-14, Huckleberry Heating Oils, LLC – Amended Site Plan, Located on Chichester Road, in the C/I District, Map 11, Lot 34. There were no abutters present. David and Tracy Huckins presented their application. Mr. Huckins explained the project and location of the two 30,000 gallon propane tanks that they propose to install at their facility. He stated that the gas pumps have been removed and the island will be removed soon. Mr. Huckins said that the tank positions have been changed on the plans in order to keep them out of the setback. He noted that the required setback is 40' but they have made it a 50' setback per NFPA guidelines. Mr. Huckins said they will be removing some pavement with the repositioning of the tanks. He noted that there cannot be any vegetation under or around the tanks and that rock will be under them. Traffic in the area will be greatly decreased with the removal of the gas pumps. Mr. Huckins pointed out the traffic pattern that will be used by a tractor trailer to load the bulk tanks and their own trucks. He said they will fence the area now even though it is not required by code for another two years. Henry Huntington asked if it would be chain link fencing. Mr. Huckins said that it is chain link and noted the details on the plans. Stan Prescott noted that there is fencing there now. Mr. Huckins said there is fencing around the fueling area now and that will be extended to cover the new area. There will be a gate to fill the tanks from the tractor trailer. Mr. Huckins said that their trucks will park inside the fenced area, noting that there are other gates to allow for snow removal. Steve Jackson asked about fire suppression, noting that a recent plan on Shaker Road required that. Mr. Huckins said that they were not required to have a fire suppression system based on information included in the fire safety analysis that was done. The analysis noted that the fire department has the capability of taking care of a situation with mutual aid. Henry Huntington asked if there is a letter from the fire department in the fire analysis. Tracy Huckins said that the engineer told her that when he does an analysis he speaks with the fire department. If there is anything negative found with the project or any concerns they have to be in the report, and there are none. She said that the fire department has copies of the plan and their own fire safety analysis, as well as a video to be kept at their facility. Dave Huckins said that he has discussed this with the fire department and they would be in contact with the fire chief during construction. Jeff Green noted that this situation is different from the one on Shaker Road because this is propane whereas the other was for fuel which has the hazard of going into the ground.

Mr. Huckins explained the lighting to be used and the footings to be constructed to hold the tanks. Dan Geiger asked about the lighting specifications with regard to being down-lighting so as not to shine into traffic on Route 106. It was pointed out that there are lighting specs in the plan set and it was agreed they are down-lighting lamps as required and would not project out onto Route 106. Stan Prescott asked if they need 400 watt lamps. Mr. Huckins said he was not sure, noting that the lighting is for security and safety purposes.

Henry Huntington made a motion to accept the application as complete and move to public hearing; seconded by Steve Ives. All were in favor. Chairman Dow noted that everything discussed at the last hearing has been taken care of on the plans. He closed the hearing to the public and opened it to the Board only. Mr. Dow said that the applicants have done what the Board asked. Jeff Green and Stan Prescott said they would agree. Mr. Prescott pointed out that there is no surveyor's stamp on the plans. There was discussion on the original surveyed plan for a previous owner of the property, what needs to be shown and how this plan

can be corrected. Henry Huntington noted that this plan is much better than what was presented at the last hearing.

Chairman Dow read a waiver request for Section 13.6.24, Erosion and Drainage Plans. **Stan Prescott made a motion to grant the waiver; seconded by Henry Huntington. All were in favor.**

Chairman Dow read a waiver request for Section 13.6.25, Storm water Management Plan. **Bob Ordway made a motion to grant the waiver; seconded by Stan Prescott. All were in favor.**

Henry Huntington moved to approve the application with the conditions that either the references to boundaries are to be removed from the plans or they be stamped by a licensed land surveyor and a letter of approval is received from the Fire Chief; seconded by Tom Moore. All were in favor.

#09-15, Hermel Fortier – Major Subdivision, Located on Oak Hill Road, in the RR District, Map 28, Lot 12. Jason Hill of Holden Engineering represented the applicant. There were no abutters present. **Henry Huntington made a motion to accept the application as complete and move to public hearing; seconded by Steve Jackson. All were in favor.**

Mr. Hill stated that a couple of the Board members attended a site walk at the property. During that site walk the group looked at the proposed intersection of the new road with Oak Hill Road, the area of the temporary turn-around, the existing driveway location, and proposed pond location. Mr. Hill said that a line was moved to keep the existing driveway out of the setback and the comments of the Louis Berger reviewer have been incorporated into the revised plan. He said all Planning Board comments have also been addressed. Tom Moore asked if the sight distance had been addressed. Mr. Hill said that there was no concern based on the proposed development. Steve Jackson asked about the comment regarding monuments. Mr. Hill said that note #22 was added to address the monuments. He explained that they have removed the boulders that were proposed to be placed at the end of the road from the plan; that revision has not yet been submitted. Mr. Hill said that they have extended the pavement another 20' to give Lot 2 the required 200' of road frontage. He pointed out that the town engineer felt that the construction estimate was appropriate. Jeff Green asked how they shifted the line for the driveway to the existing house. Mr. Hill said that Lot 1 had just over two acres so he was able to move the back line to leave two acres for that lot and keep the driveway out of the setback on Lot 2.

Tom Dow said that he went on the site walk. He explained that they looked at the sight distance on Oak Hill Road. Mr. Dow said that the applicant has the opportunity for two other houses at this location and it was felt that the traffic would not be an issue with regard to the sight distance. He said if there was any further development they might have to address off-site improvements. Mr. Dow said they watched vehicles from the proposed intersection. He said that the fire department had recommended a cul-de-sac rather than the proposed hammerhead but it was felt that the hammerhead would be sufficient where there is only one house out there now. Tom Moore said they could look at a cul-de-sac if there is further development of the parcel.

Chairman Dow read a waiver request for Section 23.1.4, curvilinear design. **Henry Huntington moved to grant the waiver; seconded by Tom Moore. All were in favor.**

Chairman Dow read a waiver request for Section 12.4.10, Site Specific Soils Map. **Tom Moore moved to grant the waiver.** Dan Geiger said this is required with the disturbance of 100,000 sf. Jason Hill said this parcel's disturbance is calculated to be 60,000 sf. He said the outside of a right-of-way is not counted for site specific. Mr. Hill pointed out that the calculation includes the road, pond, and turn-around easement. Mr. Geiger said this would be required for future work. He then asked if maybe the limit had been reduced to 50,000 for a site specific to

be required and suggested that this be looked into. There was discussion of the requirements. Mr. Hill said he would attest that the figure is 100,000 sf. The definition of the site specific permit was read from the Land Development Regulations. **Stan Prescott seconded the motion to grant the waiver. All were in favor.**

Chairman Dow read a waiver request for Section 12.4.9. **Henry Huntington moved to grant the waiver; seconded by Stan Prescott. All were in favor.**

Chairman Dow read a waiver request for Section 12.4.12. **Stan Prescott moved to grant the waiver; seconded by Henry Huntington. All were in favor.**

Chairman Dow read a waiver request for Section 23.1.7. **Stan Prescott moved to grant the waiver; seconded by Steve Jackson. All were in favor.**

The chairman closed the hearing to the public and opened it to the Board only. Stan Prescott asked about the construction estimate. Chairman Dow said that the town engineer reviewed the estimate and found it to be in order. There was discussion of the amount of the required bond. It was noted that a 10% contingency has been added into the estimate and further noted that the contingency is for unforeseen expenses. It was stated that the Board would want to see a concept of build-out in the future.

Stan Prescott made a motion to approve the Fortier subdivision subject to the construction estimate of \$210,529 and a bond in the amount of \$231,582 which is 10% over the construction estimate; seconded by Henry Huntington. There was discussion about an impact fee being due and the road name being on the plans. **Mr. Prescott amended his motion to include that an impact fee of \$1,523 will be assessed on the newly created Lot 1 and the road name of Fieldview Lane is to be put on the plans. Henry Huntington seconded the additional conditions to the motion. All were in favor.**

Jeff Green stepped down from the table.

New Business:

#09-18 Pearl Revocable Living Trust – Lot Line Adjustment, Located on Dragonfly Drive, in the RR District, Map 38, Lots 24-4 & 24-8. Jeff Green of J L Green Enterprises represented the applicants, Russell and Brenda Pearl, who were present. There were no abutters present. **Tom Moore moved to accept the application as complete and move to a public hearing; seconded by Stan Prescott. All were in favor.** Mr. Green explained the location and the two parcels that are involved. He stated that a .352 acre piece of Lot 24-8 would be added to Lot 24-4, giving it a total of 3.009 acres. Lot 24-8 would have a total of 6.782 acres after the adjustment. Mr. Green said these are vacant lots and the adjustments do not affect any setbacks. Henry Huntington asked the purpose of the adjustment. Mr. Green said it is to make Lot 24-4 three acres and to extend the lot line straight to the boundary. Tom Dow said the application seems to be pretty straightforward. He closed the hearing to the public and opened it to the Board only. **Henry Huntington made a motion to approve the lot line adjustment; seconded by Steve Ives. All were in favor.**

#09-17, Lee Revocable Living Trust & Robert and Joellen Byrne – Lot Line Adjustment, Located on South Village Road, in the Village District, Map 20, Lots 17 & 18. Jeff Green of J L Green Enterprises represented the applicants. There were no abutters present. **Henry Huntington made a motion to accept the application as complete and move to a public hearing; seconded by Steve Jackson. All were in favor.** Mr. Green explained the property location and that the leachfield of Lot 18 is on Lot 17. This lot line adjustment is to add 848 sf to Lot 18, giving it a total of 6,456 sf. Lot 17 would have a total of 41,322 sf. Mr. Green explained

that all structures as they exist will still meet the same setbacks as they were before the adjustment and the new lot line would meet the setbacks of the closest building. He explained that this adjustment puts the leachfield on the right lot. Steve Jackson asked if there is an easement for the septic system now. Mr. Green said there was not. Stan Prescott asked if Map 20, Lot 18 is encumbered by an easement. Mr. Green explained that there is a driveway easement to the back property. He said he would put that on the plan. Tom Dow asked about adding a note of the lot line to be abandoned. Mr. Green said the space is tight because it is a small section but he could add it. Stan Prescott said that this could be done in the legend with dashed lines then there would be no questions. Chairman Dow closed the hearing to the public and opened it to the Board only. **Stan Prescott made a motion to approve the application subject to making a note that Map 20, Lot 18 is subject to a driveway easement and showing the abandoned lot line; seconded by Tom Moore. All were in favor.**

#09-19, George R Tombarello & Universal Grace Church – Lot Line Adjustment, Located on Bear Hill Road, in the RR District, Map 4, Lots 13 & 12. Jeff Green of J L Green Enterprises represented the applicants. There were no abutters present. **Tom Moore made a motion to accept the application as complete and move to a public hearing; seconded by Steve Jackson. All were in favor.** Mr. Green explained the location of these parcels on the East Ricker Road end of Bear Hill Road. He stated that Mr. Tombarello has an existing barn on Map 4, Lot 13. Mr. Tombarello has talked with the owners of the Universal Grace Church parcel about purchasing forty-five acres from Map 4, Lot 12. Mr. Green explained errors made on a previous lot line adjustment due to the fact that old tax maps were used and showed incorrect boundaries. He pointed out where the previous lot line adjustment attached a 50' strip to the wrong lot, therefore not really creating the required road frontage to make Map 4, Lot 13 a buildable lot. He said the matter was further complicated when the barn was picked up on the wrong map and lot. Mr. Green stated that the confusion will be clarified with this lot line adjustment. Chairman Dow closed the hearing to the public and opened it to the Board only. **Tom Moore made a motion to approve the lot line adjustment; seconded by Henry Huntington. All were in favor.**

Jeff Green returned to the table.

Board Discussion:

Dan Geiger spoke on behalf of the Conservation Commission. Mr. Geiger said that the Board approved the Villages at Loudon subdivision plan with a 150' buffer to the Soucook River on the back side of the property. He said he has been out there to tag the protected conservation area and found several areas where the buffer has been encroached upon. Mr. Geiger said that the developer did some cutting last year and they were made aware of the buffer. He said he has measured several locations, finding some in excess of 30' off and others that varied 10'-15' in some areas and 5'-7' in others. Mr. Geiger said this is clearly an infringement on the zone and they have to mark the line at 150'. He said there could be some mitigation done and he asked the Board how the Commission should proceed. Tom Dow asked if they have talked with the developer. Mr. Geiger said they have not yet talked with the developer. He said he spoke with Julie Robinson and she brought this up at the zoning workshop the night before this meeting. Steve Jackson asked what is being found. Mr. Geiger said it is sand and no vegetation. He explained that there is supposed to be a no cut zone. He said there is supposed to be a 150' buffer out from the wetland line. Mr. Geiger said it has been grubbed out and there are no trees. Roy Merrill asked if this is to be from the river. Mr. Geiger said it is from the top bank of the

river. Tom Dow asked what the Commission would recommend. Mr. Geiger said this is in the area of Phase 5 where the silt fence is down so it is not stable and the buffer is at risk. He said the developer should be aware of this and they could work out some alternatives. Tom Dow suggested that Tony Marcotte be contacted, and maybe they could meet onsite and point out the concerns. Jeff Green said he would like to see the approved plans because there could have been river wash from the heavy rains since the approval. He said the buffer has to be from the established line, not the current bank. Mr. Geiger said it is clear that the setback is from the river, the top of the bank. Chairman Dow said this will be looked into.

Report of the ZBA:

Donna reported that there are two applications before the ZBA this month; one is for fuel storage tanks at the store in the village and the other is for ESMI soil application at Pleasant View Gardens.

Report of the Board of Permit:

Stan Prescott reported that there were several items on the agenda, including:

1. Right-of-way width of Wiggins Road; there have been ongoing problems with residents dumping rocks and debris on another owner's property
2. Village store gas tanks
3. NHMS snodeo
4. Pleasant View Gardens request for ESMI soil application and their new pond

Adjournment: A motion to adjourn at 10:00 p.m. was made by Tom Moore; seconded by Stan Prescott. All were in favor.

Respectfully submitted,

Donna White