

Minutes

Planning Board Meeting

July 11, 2013

Members of the Planning Board in attendance were Charles Moreno, Chairman, Paul Eaton, Terry Hyland, Lynn Sweet, Steve Leighton, ex-officio member, and Donald Coker, Alternate member. The public meeting was called to order at 7:38 PM. Paul Eaton announced the members present and advised that the closing date for applications to appear on the agenda for the August 8, 2013 regular meeting is 5 p.m., Tuesday, July 16, 2013. He advised that the Board has a policy setting time limits for meetings and that the Board will not consider any new business after 10:30 PM. Board members then turned to the minutes of the June meeting. It was agreed to postpone consideration of the minutes until the end of the meeting in consideration of the audience.

There was still no news regarding the application of JANET CHASSE PREVATT AND TERRY PREVATT for 3-lot, revised to 2-lot, subdivision of their property located at 79 Ridge Farm Road (Tax Map 15, Lot 22). New notifications will be sent if new information is received from the applicant.

The first item of continuing business was the application of SCOTT BARRY for Excavation of Earth in accordance with NH RSA 155-E on Edrick Foss Road (Tax Map 12, Lot 23-1, Owner: Scott M. Barry) and 1437 Parker Mountain Road (Tax Map 12, Lot 23-3, Owners: Shawn & Caryn Barry). Brian Lenzi presented the application as agent for Mr. Barry. Scott Barry and John Dupere, an abutter, were present. Before the Chairman called on Mr. Lenzi, Donald Coker addressed the group to say that he had done some research and wanted people to know that he was wrong to tie the agreement made years ago between the Town and the abutter to the current application, noting that the agreement is a matter of concern for the Selectmen. The Chairman then called on Mr. Lenzi, after briefly summarizing the conversation to date. The Chairman noted that there are two areas of concern: the excavation area and the access. Mr. Lenzi advised that he did not bring revised plans as he intends to wait to see if the NH DES Alteration of Terrain program requires any changes. Reviewing items from last month, it was noted that the plans need the following changes: make the ownership of the properties clear; add a legend explaining line types; and the Town needs a signed statement from the abutter regarding setbacks. Mr. Lenzi noted that they have an agreement that they believe the abutter will sign. It was also noted that they will need silt fence on the downhill side of the access. The Chairman asked if there was a reclamation plan. Mr. Lenzi advised that the reclamation proposal could be understood between looking at Sheets 2 and 3 and reading the Executive Summary in the AoT application packet. Paul Eaton asked about hours of operation. Steve Leighton suggested the same hours of operation as he follows. Mr. Eaton suggested that he would prefer to stick with the application, given the residential neighborhood. They were asked about crushing. The applicants said again that crushing would only take place every couple of years, and would run for 10 days or two weeks once begun because the crushing operators want 3000 to 4000 yards of material to work with. The applicants agreed to follow the same hours of operation for crushing. It was noted that the state will require re-notification/renewal every 5 years. Paul Eaton noted the precedent set by the requirement for annual review for Mr. Leighton's gravel pit. It was noted that the annual reviews for Mr. Leighton depend on abutters coming forward if they have any concern.

The Board then turned to the waivers requested by the applicant—survey of the entire parcel, metes and bounds information, and submission of 6 full size plan sets. It was noted that the Board no longer requires 6 sets, so only the first two requests need to be addressed. It was also noted that although the plans do not show metes and bounds for the property line, boundary location information will be needed for gravel excavation tax reporting. It was noted that perhaps the applicant should have requested a waiver to the requirement for a wetlands scientist to delineate the wetlands because the plans are not stamped by a wetlands scientist. Mr. Lenzi then advised that Bruce Pohopek, a wetlands scientist, had delineated the wetlands and that Mr. Berlin had mapped them. Some of the wetlands areas away from the site also appear on the MSC subdivision reference plan. It was agreed that the wetlands scientist seal should appear on the final plans.

Discussion then returned to the question of access. Brian Lenzi noted that Mr. Leighton wants to be sure that silt fence is put on the downhill side, and then noted that the fence shows on Sheet 3. The Chairman noted that although he had missed the site walk, he had viewed the site with Mr. Barry, and had asked Mr. Barry to talk to Mr. Dupere about moving the trucks parked along Route 126 for sight distance. It was noted that one truck has been

moved. Mr. Coker asked that the record show that he had been denied access to the Dupere property when he wanted to look at the area during the site walk. Discussion turned to the proposed “trucks entering” signs. Mr. Lenzi said that they feel that it would minimize the impact of the signs if they were there all the time, but said that he thinks that Mr. Barry would be willing to put out signs on easels when he is doing an appreciable amount of hauling. Paul Eaton said that he would like to see the whole driveway out to Route 126 added to the plan. He said that they need to note where the stone wash and scrubbers will be, and said that it doesn’t make sense to put them on the Barry property and then cross a section of dirt. He said that he doesn’t know what the Board would stand on if mud was tracked onto the road otherwise. The Chairman confirmed that Mr. Eaton would like to see an illustration of the road and the rock scrubbers. Mr. Coker suggested that without additional information, the Board doesn’t know anything about the road—drainage, etc. He suggested that the Road Agent should inspect the driveway. He said that 200 feet of roadway will have an impact, whether it is public or private, and noted that disturbance for the road falls under the AoT permit review, so it is part of the project. The Chairman asked if Mr. Coker was asking for a plan for construction of the new part of the road and Mr. Coker suggested that he was. Mr. Lenzi confirmed that the new section of the road will be almost exactly 200 feet in length. Mr. Leighton advised that he disagreed in part regarding the request for engineering, noting that it is a gravel pit road, not a residential road, but he said that he did agree that the Board needs to see the contours and find out about water and drainage. Mr. Coker again said that he feels that the driveway is part of the project, and said that he was concerned about the Town’s liability if there should be problems. He said that he also feels that the access easement agreement between Mr. Barry and Mr. Dupere should be reviewed by the Town attorney to be sure that it meets requirements and said that he feels that the agreement should be recorded. Mr. Coker said that he feels that this is a road; other Board members disagreed. Mr. Hyland noted that part of the access road already exists. Mr. Coker noted that Planning Boards does have the right to consider off-site improvements. Paul Eaton also suggested that Town Counsel be asked if recording the agreement is necessary and if the agreement covers the Town’s responsibility.

The Chairman then summarized the questions regarding access: a request for mapping the access road; concern about the construction detail needed; concern about the easement document; and the proposed location for rock scrubbers. Brian Lenzi said that he could not add this detail to one of the existing plan sheets and would need an additional sheet. Board members agreed that this would be appropriate. Mr. Lenzi said that he will show the typical cross-section and contours, show the silt fence location, and show the route of the access. Board members can look at the new information at the next meeting to determine if their questions are answered. The Chairman and other Board members noted the similarity between this use and bigger logging operations. In response, it was noted that logging is a one-time operation while the pit will be used for a period of years. Mr. Leighton noted that it will be a private pit, like Mr. Leighton’s, and will not carry much traffic other than Mr. Barry’s trucks. Scott Barry suggested that he will probably still put rock scrubber coming out of the pit, but may also put more in near Route 126, noting that there is some rock there now. Brian Lenzi said that they can put a note on the plan stating that rock will be replenished to be sure that no material is tracked onto Route 126. Board members then returned to the waiver requests. The requests are to substitute the P.E. seal for a full survey and to waive the requirement for metes and bounds. Paul Eaton then made a motion, seconded by Donald Coker, to allow the waivers that there be no requirement for a surveyor’s seal or survey and to accept the plans as stamped by the engineer and that all metes and bounds need not be shown. Charlie Moreno added a request that a note be put on the plan showing the plans are tied into the USGS benchmark by the culvert under Route 126. There was no further discussion and the vote was unanimous in the affirmative. Further discussion will take place at the next meeting.

The Board then turned to the first order of new business, which was the application of R. STEPHEN LEIGHTON for pre-application design review conceptual consultation for a proposed major subdivision of an approximately 265 acre property located on Mohawk Trail Way and Cross Road (Tax Map 15, Lot 15). Mr. Leighton recused himself from the Board for this item. A number of abutting landowners from Mohawk Trail Way, Cross Road, and Johnsonboro Road were present. Corey Colwell of MSC Engineering presented an existing features plan of the property. Mr. Leighton explained that he was here to speak with the Board and get a feel for the Board’s thoughts on whether they would prefer a conservation development approach or a conventional subdivision approach. Mr. Colwell noted his previous experience with a large conservation style development and said that the requirements for a full yield plan would be very difficult to meet. Board members explained the 2011 updates to the Conservation Development ordinance that should make it easier to determine appropriate density for a conservation style development. It was agreed that a quick look at the plans suggests that a full yield plan might not be required in this case, Mr. Colwell was directed to the updated ordinance for guidance. Board members expressed a preference for conservation development for large parcels and noted particular natural resource features of this

property, including the Mohawk River corridor. The applicant noted that he does not want to create a problem with through traffic between Route 126 and the Crown Point section of town. The Chairman then opened up the discussion to abutters. Abutters noted various concerns, including some discussion of the lots already developed on Mohawk Trail Way. Mr. Leighton was asked about timing for his development. He noted that he and his surveyor will continue to work on the conceptual plans and return to the Board next month or in September. Full engineering would begin after they have determined if they will follow the conservation development approach. Donald Coker asked them to put together a quick "back of the envelope" sketch comparing conservation and conventional approaches to give the Board an idea of lot yield. It was agreed to keep this item on the agenda to allow a continuation of the discussion to the next meeting. There were no further questions or comments. Further discussion was continued to the next regular meeting.

The Board then considered several items of recent correspondence. It was agreed to meet at 6:45 PM on August 8th at Steve Leighton's gravel pit on Sloper Road for a review of the ongoing reclamation process at Steve Leighton's gravel pit as agreed at the December 2012 meeting of the Board. Board members then turned to the June minutes. A couple of typographical errors were noted. Lynn Sweet made a motion to approve the minutes as corrected. Paul Eaton seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative. Lynn Sweet then made a motion to approve the minutes of the June 20th site walk as presented. Donald Coker seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative. There being no further business before the Board, a motion to adjourn was made and seconded. There was no further discussion and the vote was unanimous in the affirmative. The meeting adjourned at 10 PM.