

Minutes

Planning Board Meeting

June 13, 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. As Mr. Moreno arrived late, Paul Eaton advised that he had been asked by the Chairman to serve as Acting Chair. The Acting Chairman called the public meeting to order at 7:35 PM and announced the members present. The closing date for applications to appear on the agenda for the July 11, 2013 regular meeting is 5 p.m., Tuesday, June 18, 2013. The Chairman reminded the audience 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 April meeting. It was agreed to postpone consideration of the minutes until the end of the meeting in consideration of the audience.

There was 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 new business was to open a Public Hearing in Accordance with NH RSA 231: 158 and the Strafford Scenic Roads Ordinance on the request from PUBLIC SERVIC OF NEW HAMPSHIRE for permission to trim and/or remove trees and brush to install new poles and provide electrical service to a proposed new home located along Back Canaan Road, a designated Scenic Road in the Town of Strafford. Notice was posted and published in Foster's Daily Democrat on May 30 and May 31, 2013. Bob Berner, Regional Arborist for PSNH, was present. Charles Burnham, a resident of Back Canaan Road, and Greg Messenger, Strafford Road Agent, were present for the hearing. It was noted that the trees that PSNH proposes to remove have been flagged with blue and white tape and Board members were invited to check the area before the meeting. Mr. Berner advised the Board that PSNH requires removal of the tagged trees in order to string the lines to the new poles. He said that he is familiar with the Scenic Roads process and sensitive to the concerns. They have identified a minimal number of trees for removal and will do what they can to trim—7 trees have been marked. He noted that PSNH requests the same clearances for new construction as for maintenance along their lines: 8 feet to the side, 15 feet up, and 10 feet below the live service wire. Paul Eaton noted that a large tree in the road ROW seems to have been recently cut, and asked if PSNH had removed this tree. They said they had no knowledge, and the Road Agent said the same. Donald Coker and Paul Eaton both asked about procedure, asking when PSNH had identified the need for permission under RSA 231:158. Steve Leighton noted that the Selectmen had received a pole license application, which they had held pending tonight's hearing. However, Mr. Berner noted that Fairpoint or their contractor sets the poles, rather than PSNH. Paul Eaton noted that he understands what would be required for the new home now that the poles are in place, but said that it would be great not to have this happen again, as having the poles in place was putting the cart in front of the horse. Paul asked if it was a problem that the poles were set before the licenses were approved. Steve Leighton suggested that the Town could tell them to move the poles if necessary. Charles Burnham noted that most of the proposed tree removals seem reasonable, but asked about two; first, the twin trunk tree, and secondly, a nearby oak that he felt could be pruned. He also asked if Mr. Berner would help with some trimming concerns on his property located at 188 Back Canaan Road. Mr. Berner replied that they typically completely remove twin leader trees for standard tree health, although they certainly could remove only the front half. As regards the oak, he said that if you are removing a certain percentage of the crown, they feel it is better to remove the whole tree. Mr. Berner, in dialogue with the Board, noted that he tries to be sensible and to avoid butchering trees. Board members agree that PSNH should stick with their guidelines, while Mr. Eaton asked if they would look at the oak. Mr. Berner suggested that they would do their best. It was agreed that leaving the back trunk of the twin tree was a good compromise. Donald Coker made a motion to approve the request as so stated. Steve Leighton suggested that the Board may need to give PSNH some leeway in case they find a problem. Paul Eaton asked if Mr. Berner would be present on-site when the work was completed. Mr. Berner confirmed that he would be working with the crew and said that if additional trees needed to be cut, PSNH could trim the trees and return to the Board for permission for additional removals. Steve Leighton said that he has no problem if PSNH is given permission to cut within their criteria. In closing, Lynn Sweet seconded and restated the motion to send a letter to Public Service Company of New Hampshire in accordance with New Hampshire RSA 231: 158 II and the Strafford Scenic Roads Ordinance, giving written consent for Public Service Company to remove trees as marked to be cut

with the exception of the back of the twin trunk tree, with the remainder to be trimmed as needed within PSNH guidelines in order to install power distribution lines to four new poles located along Back Canaan Road, a designated Scenic Road in the Town of Strafford, as agreed upon in discussion with the Board. There was no further discussion and the Acting Chairman called the vote. The vote was unanimous in the affirmative. Mr. Berner was advised that he would receive a letter as noted above.

The second item of new 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, Shawn Barry, John Dupere, and several other abutters were present. Mr. Lenzi addressed the Board, stating that they hope to get permission for a borrow pit halfway between the Isinglass River and the Mohawk River at the base of Stiles Hill, north of Route 126/Parker Mountain Road. First, Mr. Lenzi advised that they have applied for three waivers from the Board: 1) a waiver to the requirement for a surveyed plan (the plans have been stamped by Mr. Lenzi, a P.E.); 2) a waiver to the requirement that metes and bounds and property corners shown on the plan (Mr. Lenzi noted that the pit area is well defined and located well away from property boundaries, which are well defined on the 2002 subdivision plan of the Barry land which also show wetlands and topography); 3) a waiver to the requirement that 6 full-size plan sets be submitted.

Mr. Lenzi then addressed the project, noting that the application to the Town is part of a bigger process involving State permitting under the Alteration of Terrain program. The plan set that they are submitting to the Town is a copy of the set prepared for AoT. The south side of the pit is about 400 feet off Route 126, and could be reached through Shawn Barry's property if there were no wetlands there. However, given a wetlands area on Shawn Barry's and the abutting Nelson lot, the best approach to the pit area is through John Dupere's property (Tax Map 12, Lot 28). They have permission from NH DOT to use the Strafford Pallet/John Dupere driveway entrance for access to the proposed pit. They will have to extend Mr. Dupere's driveway up to their site. The whole pit will be 41/4 acres out of an original 65 acre parcel that was split between Scott and Shawn Barry back in 2002. Mr. Lenzi then said that he wants people to understand the shape of the pit and how they intend to excavate. They expect to excavate 101,000 yards of material by taking out an existing knob and excavating the site down to a bowl. By excavating into a bowl shape, they plan to keep all the water on the site, which in turn exempts them from certain stormwater treatment requirements because no water is leaving the excavation. The plan to start at the 345 foot contour, cut a shelf, and then cut into the face of the knob, beginning the cut at a 4:1 gentle grade. The knob is now the height of land between the two rivers, he noted, so they believe they only have to handle water falling on the property as no water now flows into the pit site. In the course of the excavation, they will allow for the some grade differences so that some areas can naturally act as little settlement ponds and percolate into the soil. They plan to restore as they go so that the exposed areas are seeded and vegetated. The final plan shows a flat bottom bowl. The AoT package submitted to the Board includes a copy of the DHCR review and the NH Natural Heritage review. Because the Natural Heritage review showed protected turtles in the area, Mr. Lenzi noted that NH Fish & Game's Kim Tuttle has asked that they leave an area unrestored for nesting by Blandings and Spotted Turtles. They hope to honor that request. Regarding some of the items on the excavation checklist, Mr. Lenzi noted that they plan to phase the excavation into two 5-year phases. It will be a small operation and the majority of the time Mr. Barry will be the only person accessing the site. Phase I would be the southerly side and they would restore the area excavated in Phase I before beginning Phase II. They hope to be able to work Monday through Saturday, 7 AM to 17:30 PM. He again noted that access will be through Strafford Pallet and advised that Mr. Barry had asked for and received an extension until May 2014 to the NH DOT driveway permit for access through Mr. Dupere's property. Mr. Lenzi suggested that DOT requires operators to have a stone crossing so they do not track dirt onto the state road, although this is not included in the permit. Mr. Barry will have to extend Mr. Dupere's entrance road from the pallet yard an additional 200 feet to the pit area. Equipment on-site would be an excavator or rubber-tired loader. They cannot rule out that every two or three years, they would hire a portable crusher. Crushers are contract operators that are responsible for their own operations and separately licensed through DES, he noted. They may also bring in a portable screening plant from time to time. Mr. Lenzi will be helping Mr. Barry with OSHA and MSHA reporting. Mr. Lenzi then noted a number of regulations that they will be required to follow: they will have to follow BMPs to make sure that water does not run off the site; they will have to follow DES rules for fuels storage: they will have to meet requirements on noise, although given the distance from abutting homes and the bowl shape of the proposed final contours, they do not think that noise will be a problem for abutters; and the project will be far enough from abutters and the road that it cannot be seen unless people go into the area. Paul Eaton asked how much traffic would be generated. They suggested 4 to 5 loads per day, also noting that there may be weeks when Mr. Barry would not

be hauling and times when several trucks might be working. Mr. Lenzi noted that this is a borrow pit, not a true gravel pit. Donald Coker asked how far to the Isinglass River. Mr. Lenzi said that they are just beyond the designated river corridor at about 1383 feet to the floodplain area at the closest bend of the river and about 1460 feet to the river itself. The seasonal stream noted on the plan drains to the Mohawk River—the knob that they plan to excavate forms the divide between the Isinglass and Mohawk Rivers as noted above. The proposed excavation is about 170 to 180 feet from the jurisdictional wetlands shown on the plan; the closest they come to the wetlands area is 65 feet. Terry Hyland asked if the property was wooded. The Barrys replied that they had done a selective cut in 1999. They agreed that the operation would probably be visible from the road when the leaves are off.

The Board then reviewed the application with the checklist. It was noted that excavations are regulated by both the town and state under RSA 155-E, with the state focusing on water quality. Donald Coker asked about dust control. Mr. Lenzi said that they would water for dust control. Mr. Lenzi advised the Board that he has talked to the EPA and the Alteration of Terrain program at DES and that they have assured him that the Army Corps of Engineers gets the permit paperwork through DES and that EPA permits are not required if water will not be leaving the site. They have applied for the Alteration of Terrain permit, and Ridgley Mauck at AoT/DES has confirmed that they will be okay as long as water is not leaving the site. The following items on the plans were noted as missing or in need of clarification: owners' name and address; legend (line types); additional information and/or signatures regarding the two different property owners (joint application between Scott Barry and Shawn & Caryn Barry?). Mr. Lenzi said that he only proposed using silt fence when initially because silt fence can be a problem for wildlife. They will mulch the berms, he noted. They will be open-face digging, and no blasting is planned. They will not need topsoil storage because all the material is coming out as borrow. Mr. Lenzi noted that fuels storage is addressed in a note on Sheet 2, and would meet the double containment requirements of the AoT program. Regarding easements, Mr. Lenzi advised the group that John Dupere has granted Scott Barry a driveway easement referencing the NH DOT permit allowing a change of use of Mr. Dupere's driveway to include Mr. Barry's gravel operation. Shawn and Caryn Barry have granted mineral rights to Scott Barry. Copies of the documents were provided. Noting that the checklist was substantially complete, Lynn Sweet then made a motion, seconded by Donald Coker, to accept the plans as complete for consideration. Mr. Moreno had arrived, but deferred to Paul Eaton to continue as Acting Chair for the moment. Mr. Eaton then opened the public hearing on the application.

Abutters asked about runoff from the property. Mr. Lenzi said that they expect that flow will decrease because water that now runs off the property will be retained on-site. The proposed bowl will be 8 feet deep, he said. Concern was expressed about traffic. Mr. Lenzi said that people can request NH DOT Division 6 put up signs saying "Caution Trucks Entering". Donald Coker said that he'd like to see the site, and noted that the traffic on Parker Mountain Road can be quite heavy at certain times of day and that people often speed on the hill. Mr. Coker noted that he'd reviewed the files regarding the entryway location and had some concerns. Lynn Sweet said that John Dupere/Strafford Pallet is an abutter and has nothing to do with the project. DOT has given a driveway permit and Mr. Barry and Mr. Dupere have a business agreement. Mr. Coker noted concern with reviewing the access route to the project. Mr. Leighton noted that access onto Parker Mountain Road is controlled by the state and does not involve the town. There was some vigorous discussion about the access question and whether the access road through the adjacent Strafford Pallet property is an integral part of the gravel excavation project. It was noted that Mr. Barry could have accessed the gravel area from the west, but that route would have involved major wetlands crossings and would bring the trucks out onto the steeper section of Parker Mountain Road. It was felt that crossing through Strafford Pallet would be a better solution. Noting concerns, several Board members then agreed that they would like to schedule a site walk. There was renewed discussion of the access question. In response to a question, Mr. Lenzi said that NH DOT had not requested upgrades to the entry at Strafford Pallet when they approved a permit for change of use of the Strafford Pallet driveway to include the gravel excavation. Charles Moreno asked if Mr. Barry proposes selling the material directly from the site. Mr. Lenzi said that it would be mostly Scott Barry using the pit. Lynn Sweet said that she feels that Strafford Pallet is an agricultural business and that the Board should only be looking at the pit area. Paul Eaton asked if there would be any problem with the Board walking into the site through Strafford Pallet. John Dupere said that there might be, because he has had issues with the Town before which were resolved in Superior Court. It was asked whether DOT was requiring a stone apron at the driveway entrance to help clear material from truck tires before they enter Parker Mountain Road. Scott Barry said that he would probably put stone and tire scrubbers at the property boundary and noted that some of the proposed access route will travel over an existing hard surface. The Board then scheduled the site walk for Thursday, June 20th at 5:00 PM. Brian Lenzi will contact Mr. Nelson, an abutter, to see if the Board members may park there and walk into the site through Mr. Nelson's property. Board members looked briefly plans regarding the wetlands area.

Mr. Lenzi noted that the wetlands area is fairly flat and that the water has a long way to go at a slow velocity before reaching the culvert under Parker Mountain Road. There would be no culverts needed for the access road. They plan on keeping the area around the pit wooded to act as a natural buffer. 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 Nick Loiselle on-site at his property (Tax Map 16, Lot 4-1) to look at driveway locations at 6PM on the 20th, immediately following the site walk for the Barry pit. Board members agreed that Strafford has no larger economic development projects planned that would qualify for inclusion in the 5-year comprehensive economic development strategy report being updated by SRPC and it was agreed that NH DOT's list of post-1945 bridges in Strafford is accurate and that none of the bridges are historically significant structures. Board members then turned to the April minutes. Paul Eaton made a motion to approve the minutes as presented. Donald Coker seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative. Steve Leighton advised the Board that Mark Whitcher had offered to stay on as an Alternate Member. 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.

Planning Board Work Session/Site Walk

Thursday, June 20, 2013

Members present: Paul Eaton, Terry Hyland, Steve Leighton, Lynn Sweet, and Donald Coker, Alternate member.

Also present: Scott Barry, Brian Lenzi, John Dupere 5PM to 6PM; Nick Loiselle and Greg Messenger 6PM to 7PM.

Board members met at the Nelson property and walked into the Barry pit site. Mr. Lenzi and Mr. Barry explained the proposed use. From the Barry property, Board members could see some of the general area on Mr. Dupere's property where the proposed access road would be built. It was noted that the excavation will come within a few feet of Mr. Dupere's property and that a letter is needed from Mr. Dupere stating that he is not opposed to the operation and will allow a reduced setback. It was noted that Phase I crosscuts the property line between Shawn & Caryn Barry and Scott Barry. Phase I may or may not last approximately 5 years. It was noted that there are a number of large cobbles on-site. Mr. Barry confirmed that they would only need to bring in a crusher every couple of years because otherwise it is too costly, and noted that crushers only are used at other local pits every few years.

At 6PM, the Board adjourned to Sloper Road to meet with Nick Loiselle and Greg Messenger regarding driveway locations for one of the lots in the Huse subdivision (Tax Map 16, Lot 4-1). It was agreed that if the driveway location was moved, trees in the road ROW would need to be cut and several trees on Lot 4-2 might also need to be cut in order to provide adequate sight distance. It was agreed that a driveway could be put in the lower location, provided that sight distance was achieved and that the layout allowed a buffer to a wetlands area on Lot 4-2. If the driveway is kept at the upper location, it should be moved slightly to avoid the electric pole. There would be fewer drainage problems in the upper location, although perhaps less sight distance.

The site walks adjourned at 7 PM.