

Minutes

Planning Board Meeting

November 1, 2012

Members of the Planning Board in attendance were Charles Moreno, Chairman, Paul Eaton, Terry Hyland, Lynn Sweet, Mark Witcher, and Donald Coker, Alternate member. The Chairman called the public meeting to order at 7:32 PM and announced the members present. The closing date for applications to appear on the agenda for the December 2012 regular meeting is 5 p.m., Tuesday, November 20, 2012. 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. It was agreed to postpone consideration of the minutes due to the large audience.

The first item of continuing business was 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). There was nobody present for this item. Daniel O'Lone of Berry Surveying and Engineering has contacted the Board and requested a further continuation of this item.

The second item of continuing business was the application of KENNETH and MARY COOK for the 2-lot Conservation Subdivision of their property located at 700 Second Crown Point Road (Tax Map 19, Lot 27). This application was conditionally approved at the September meeting, and the applicants are working to draft deed language for the conservation area. The draft language will be presented to the Board and forwarded to the Town's attorney once completed.

The first item of new business was the application of the NANCY W. HILL for the 2-lot subdivision of her property located at 126 Old Ridge Road (Tax Map 7, Lot 19). David Vincent presented the application. Sharon Andrews, Mrs. Hill's daughter was present with two friends. Mr. Vincent explained the proposal. Mrs. Hill hopes to divide her 35.83 acre lot into two lots. Ms. Andrews will be purchasing the new 13.04 acre lot, and Mrs. Hill will retain the 22.78 acre remaining land. There is more than adequate frontage on Old Ridge Road. Topographic and wetlands details are shown for both lots to confirm adequate buildable area. Paul Eaton asked if there was a written request for waivers for showing full topography and wetlands. Wetlands have been delineated, but do not affect the proposed building areas. Curb cuts meeting requirements, 4K septic areas and well locations are shown in the building area detail for both lots. No DES permits would be needed to access the building sites. WSPCC subdivision approval is not required because both lots exceed 5 acres. There was a brief discussion of the location of the proposed 4K septic area for the new lot, which is close to the side boundary. Ms. Andrews indicated that there is ledge toward the front of the lot, and Mr. Vincent noted that the location had been chosen in order to design a gravity feed septic system. He also noted that it should not affect the use of the neighboring lot because of the location of the well on the Pantano lot. There is a snowmobile trail crossing the lot; proposed building areas have been located so as not to impact the trail.

Board members then reviewed the plans with the checklist. The following items are missing and/or need clarifications: plan set note; add the Groth plan for Lot 14 across the road to the list of reference plans; septic setback line. Donald Coker expressed some concern that future owners might not realize that there may be wetlands or other issues in the area of the lot outside the detailed survey. After extensive discussion, it was suggested that the Town's foundation certification requirements would mean that further wetlands delineations would be required if a future owner wished to build outside the area shown in detail, so additional notes would be redundant. The Chairman suggested that the Board should accept the plans before moving forward and asked for a motion. Mark Witcher then made a motion, seconded by Paul Eaton, to accept the plans as complete for consideration, conditional upon the completion of the items noted above. There were no further comments and the vote was unanimous in the affirmative. It was agreed to discuss the request for waivers after plan acceptance. David Vincent then submitted a written request for waivers. The Chairman invited discussion on the request. Board members agreed that the request was reasonable. A lengthy discussion of the foundation certification process followed, and after polling the Board, the Chairman agreed that further discussion of a note regarding further wetlands delineations for development outside the detail area would not be needed. The Chairman then opened the public hearing. There were no comments and the hearing was closed. Lynn Sweet then made a motion, seconded by Donald Coker, to grant the request for full topography and natural features and wetlands outside the detail area. It was agreed that waiving full topography for large lots was an established precedent. The vote was unanimous in the affirmative. Noting that all issues had been addressed and that the plans are substantially complete, Lynn Sweet then made a motion to accept and approve the plans for 2-lot subdivision, conditional upon the completion of the items noted above. Mark Witcher seconded the motion,

there was no further discussion, and the vote was unanimous in the affirmative. Mr. Vincent was directed to bring final copies to the office for signatures.

The second order of new business was the application of R. STEPHEN LEIGHTON for a renewal of his permit for Excavation of Earth in accordance with NH RSA 155-E for property located on Sloper Road (Tax Map 12, Lots 52-2 & 52). Lot 52 is owned by Irene Abels; Mr. Leighton owns Lot 52-2. Mr. Leighton addressed the Board and advised that he does not have a real presentation. Last year his permit was renewed for only one year, pending finalization of revised reclamation plans for Mrs. Abels's property. The idea is to get Mrs. Abels's land reclaimed before going onto Mr. Leighton's land. Since last year, they have completed the slopes except for the last 30 feet or so, and the pond is between $\frac{3}{4}$ and $\frac{7}{8}$ complete. He is running into the problem of getting rid of the material that is coming out of the bottom of the pond, due to the slow economy. He noted that he is supposed to stay within an acre of excavation by his permit, but now has only about $\frac{1}{10}$ of an acre to reclaim, which is far less. There was some brief discussion of the materials at the bottom of the pond, which Mr. Leighton characterized as "borrow". The slope that was sagging by the side boundary line has been redone and made shallower. Board members then looked at the current version of a revised reclamation plan for Lot 52. Mr. Leighton noted that this plan has not been finalized because Mrs. Abels would like a shallower slope at the last corner where it slopes into Mr. Leighton's land.

Board members then reviewed the discussion from December 2011 when the one-year permit was granted. The Chairman noted that there had been some concern about a small amount of debris, which has been moved. Paul Eaton asked if Mr. Leighton was working on his own lot. He advised that he has not really begun working on his own lot, and explained the difficulty of working in the small area that is left on Mrs. Abels's land. He noted that the materials from the bottom of the pond need to be drained. Mr. Eaton asked how much material is left on Lot 52-2 in comparison with Lot 52. Mr. Leighton said that Lot 52-2 is larger in area, but noted that they are running into unexpected ledge. Charlie Moreno asked about the timetable for completing the excavation. Mr. Leighton said that it depends on the markets and his ability to move the materials. Mark Whitcher asked about the state permit. Mr. Leighton indicated that the state permit is open-ended, with the requirement to report every 5 years. Board members then returned to reading the record of last year's meeting and reviewed a hand-out prepared by Mrs. Abels detailing her concerns. Based on the 2011 record, Mr. Moreno noted that there were several issues: concern about contamination of the Mohawk River, which was addressed at the November 2011 site review; reports of buried debris, which was addressed at the site review, and remaining materials have been moved to Lot 52-2; the steep slope at the side boundary which was subsiding in several areas and has now been regarded; and the question of hours of operation, which were substantially revised last year. Lynn Sweet noted that many items of concern are outside of the Board's purview and are purely between Mr. Leighton and Mrs. Abels, who need to work together to decide on how the reclamation of Lot 52 should be completed. She noted that she feels that the permit needs to stay open for work to move forward. Board members agreed that they were ready to open the discussion to the public.

Irene Abels began the discussion, noting that there were originally three lots involved in the excavation. One sold and was not excavated, and one of the remaining Mr. Leighton owned and worked on and then was purchased by Mrs. Abels with the excavation already in progress. She said that she did not intend to involve the Board in discussion of the private legal agreements between herself and Mr. Leighton regarding the purchase. However, Mrs. Abels suggested that since the Planning Board is responsible to regulate excavation operations under RSA 155-E, it is the purview of the Board to make decisions. She asked about the revised reclamation plan, which does not show the most recent agreements. The original reclamation plans are still on file, it was noted, and the revised reclamation plans are still in flux, based on the presentation earlier this evening. Mr. Moreno noted that the permit has been in place for 11 years, and if the parties have an agreement to close out part of the pit early, it is not an issue for the Board. Mrs. Abels then turned to the records from 2011 and said that she feels that the Board is responsible for reviewing all the items that were mentioned during the 2011 meetings. She explained the various items in the letter that she had written and given to Board members. There was a long discussion of the proposed slope. Mrs. Abels would prefer a 4:1 slope. In conclusion, she asked that the Board consider granting Mr. Leighton only a 6-month renewal due to her concerns. Lynn Sweet noted that a six-month extension only would carry through to the spring and might allow only minimal additional work. Mrs. Abels noted again her wish that the work could have been completed during this past year. Ms. Sweet advised that the agreement on time frames is between Mr. Leighton and Mrs. Abels. The terms of the original permit and renewal and the DES permits would allow a continuation of the work. Again, it was noted that Mr. Leighton will need an extension of the permit in order to do any more reclamation work and follow through on the agreement. Board members agreed that the discussion needed to move forward, but Donald Coker said that he appreciated Mrs. Abels holding the Board responsible.

Discussion turned to the question of a full five-year renewal. Jane Laurion noted that they were disappointed with the permit extensions and noted their concern that the excavation will affect their ability to sell their home. Donald Coker responded to Mrs. Abels's requests to move the project forward, saying that he noted a lack of urgency to complete the project. Paul Eaton noted that there are two separate issues—Mrs. Abels's lot and Mr. Leighton's lot. Discussion turned to excavation permits and how they are understood. It was explained that the state permits are granted for excavating to a certain depth, rather for a certain time, so permits are open-ended. Mr. Moreno noted that it is not up to the Board to rush the work, although the abutters' concerns are important. Mr. Leighton said that the state inspects the operation annually. Mr. Laurion said that if he knew then what he knows now, he would have had objections to granting the original permit, and said that they expected the operation to be over within the five years. Mr. Leighton noted that the original plan was to sell the materials and that the agreement never materialized, so he is now using the materials himself. Mr. Coker asked about diminution of value, and said that he'd like to see things pushed along. Terry Hyland noted that the real issue is the lack of a market for the materials in this economy. Mark Whitcher noted that probably everyone, including Mr. Leighton, would prefer if the excavation was complete, but it is not, and to move forward, he will need a permit renewal. He said that he feels that Mr. Leighton has made real progress and put in a effort and time into improving the situation. He is now working in a corner, and to move forward he will need the permit. Lynn Sweet said that she feels that the timetable question between Mrs. Abels and Mr. Leighton is outside the Board's jurisdiction. Mrs. Abels suggested that she feels that there are DES violations. Board members agreed that there is nothing to verify these concerns, but said that he wants to better understand RSA 155-E. Paul Eaton agreed that he wanted time to study. Mark Whitcher, seconded by Lynn Sweet, advised that the Board needs to grant a 30 day extension in order to allow Mr. Leighton to continue to work and for Mr. Leighton and Mrs. Abels to come to terms. If not, the Planning Board will still need to act, they noted. Mr. Leighton noted that the reclamation plans are a work in progress because Mrs. Abels is changing what she wants. Board members agreed that they might want to look at the site again, and Mr. Leighton invited Board members to drop in on the site anytime. Mr. Leighton asked the neighbors if they would agree to allow him to work the next three Sundays between 9 and 4. The Edmonds and Laurions agreed that this would be acceptable. Tom Edmonds advised that they also purchased their home knowing the pit was there. He said that there has been a lot of progress this year, and their biggest hope is getting it all done, and the Laurions agreed. Donald Coker then made a motion, seconded by Paul Eaton, to grant an extension of the permit for excavation for Lots 52 and 52-2 until the December Planning Board meeting to allow time for further study. There was no further discussion and the vote was unanimous in the affirmative.

Board members then turned to the minutes of the October meeting. Donald Coker then made a motion, seconded by Paul Eaton, to approve the minutes as presented. There was no further discussion and the vote was unanimous in the affirmative. The Board then turned to a question raised at the October meeting and noted in the minutes—new projects at the NH Army National Guard Training facility at Austin-Cate. Steve Leighton and Lynn Sweet explained the combat trail project as explained to the Selectmen when they were invited to the facility two years ago. Donald Coker and Paul Eaton agreed that they would like to invite the NHANG to attend a Board meeting to explain their future plans for the property. Both Selectmen noted that the plans for the facility seem to change often. Paul Eaton said that he would try and contact the local commander. It was agreed to schedule a work session to complete work on the Stormwater section for the subdivision regulations. Adele Fiorillo of Normandeau will attend to work through the final edits. Work under the grant must be completed by the end of the year. 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 10:00 PM.

Planning Board Work Session November 8, 2012

Members present: Charles Moreno, Chairman, Paul Eaton, Terry Hyland, Mark Whitcher, and Donald Coker, Alternate member. Adele Fiorillo of Normandeau Associates was present.

Ms. Fiorillo presented a power point program about stormwater regulations and erosion control and then reviewed the work that Normandeau had completed for Strafford under the grant from PREP. Board members then worked through the proposed language for a Stormwater Management Regulation and for a Stormwater checklist, as well as proposed language to add to the Subdivision Regulations regarding erosion control and requiring larger projects to meet the new stormwater standards.

It was moved, seconded and voted to adjourn without meeting for a work session. The meeting adjourned at 11:00 PM.