

## PLANNING BOARD MINUTES

September 24, 2008

### ROLL CALL:

Phil LoChiatto, Chairman – Present

Rick Okerman, Secretary – Present

Ruth-Ellen Post, Regular Member – Present

Louis Hersch, Alternate Member – Excused

Sy Wrenn, Alternate Member – Excused

Galen Stearns, Selectmen Alternate – Excused

Nancy Prendergast, Vice Chairman – Present

Walter Kolodziej, Regular Member – Present

Pam Skinner, Regular Member – Excused

Kristi St. Laurent, Alternate Member – Arrived 7:05

Bruce Breton, Selectmen Member – Present

### STAFF:

Al Turner, Director of Planning and Development – Present

Mr. LoChiatto opened the meeting at 7:00 pm. The Board stood and recited the Pledge of Allegiance.

### MINUTES:

- Mr. Kolodziej motioned to approve the September 10 site walk minutes. Mr. Breton seconded. Passed 6-0;

*Ms. St. Laurent replaced Ms. Skinner.*

- Ms. Prendergast motioned to approve the September 17 site walk minutes. Mr. Breton seconded. Passed 5-0-2. Mr. Kolodziej and Ms. Post abstained.

### CORRESPONDENCE:

- Letter from Mr. Sullivan regarding CIP submissions and the Board of Selectmen's decision. Board discussion regarding a letter being sent to the Board of Selectmen, a precedent is being set, get a legal opinion of RSA 674:7 as to who has jurisdiction, and the Board of Selectmen have asked the Planning Board to define what a capital improvement item is. Ms. Post motioned to get a legal opinion in regards to the Planning Board's authority over the CIP in regards to RSA 674:7. Board discussion regarding the RSAs, present the whole issue of the change from \$50,000 to \$100,000, department heads are under the authority of the Selectmen, and CIP is under the Planning Board's jurisdiction. Ms. Prendergast seconded. Passed 2-4-1. Ms. Prendergast, Mr. Kolodziej, Mr. Okerman, and Mr. LoChiatto opposed. Mr. Breton abstained. Board discussion regarding discussing the definition of a capital improvement items;
- Flyer regarding a seminar for the Shoreland Protection Act;
- Letter from DES regarding retaining wall construction at 70 Turtle Rock Road;
- Letter from DES regarding an Alteration of Terrain Permit for The Willows;
- Letter from Stuart Onsrud suggesting that irrigation systems require permits;
- Booklet for the 67th annual local government conference;
- Letter to Charles McMahan regarding Rt 111 and surplus properties;
- Email to Mr. LoChiatto regarding the order of the October 1 agenda;
- Letter to Phil LoChiatto regarding outstanding planning issues;
- Letter from Margaret Crisler requesting a letter of support for the application for I-93 CTAP funding.

### PUBLIC MATTERS:

#### Ledge Road Business Park – Public Discussion

#### Ledge Road, lot 11-A-50

Mr. Turner stated the plan was originally approved June 12, 2006 for a 3-lot subdivision with a road to be 1400' long, one of the conditions of approval by Sept 20, 2008 was for the subdivision to be

substantially complete, the applicant has requested an extension but has not scheduled for a public hearing as yet, the applicant is proposing to amend the previously approved plan and reduce the road to 1100', and a waiver was granted to make the road longer. Previous reviews include staff review, CLD, John Thorndike, and the traffic study is pending. He discussed the department comments, there were 4 previous waivers, the traffic report stated that the traffic should exit through the traffic light at Ledge Road, and a wildlife impact assessment was done. He discussed potential issues. Board discussion regarding this is an amendment to the approved plan and to make the road shorter and pull it away from the residential district.

Bruce Marshall, attorney for the applicant, discussed the blasting problems with the site and nitrates found in some wells, they are waiting for a response from DES, are requesting an extension of the subdivision approval, the Town has concerns with the amount of rock being taken out, shortening the road by 300' will mean less rock being taken off site, and waiting for the response from DES before requesting a public hearing for the extension. Board discussion regarding the waiver requested for the longer road was granted because it was supposed to have less impact. Mr. Marshall stated the road would have a steeper driveway entrance. Board discussion regarding this evening's discussion is about the shortened road.

Tom True, True Engineering, described the difference in the excavation between the two plans, the maximum road grade is 8% expecting to have a 6% grade, driveways are allowed to have a 10% grade, all the drainage and road specifications are similar, and he described the side slopes. Board discussion of the "as built" contours. Mr. True further described the work that has been done to date.

Board discussion with Mr. True regarding the cubic yards of materials removed and to be removed, how much is being taken from the site, the 2006 minutes discuss 700,000 cubic yards being removed, road will be the same grade until the cul-de-sac, how much has been taken off the site and how much more will go, more being taken off when the sites are developed but how much is unknown, there will be a 3:1 wall, driveways will require blasting, the Board will need the full calculations of what has been removed and what will be removed, and Mr. Breton asked if the assessor could give a full report of what has been taken off the property. Mr. Turner suggested that the driveways be put in at the time of the road, a neighboring driveway is at 8%, and what's the difference between the 6% and 8% driveway.

Board asked about their plans for blasting based on the problems they've had. Attorney Marshall reviewed their work with DES, they are meeting with DES tomorrow evening regarding site specific, blasting specification have changed in NH based on the work done by Nobis Engineering for Meadowcroft Development, and DES needs to make their decision before the Planning Board can make a decision. Mr. Turner stated that Nobis Engineering is making a presentation tomorrow evening, but they also will need to make a presentation to the Planning Board.

Board discussion continued regarding the Board will need to know how much blasting will be required as it has effected the neighbors so much, also need information for tentative driveways or different scenarios for the driveways, and concerned with slopes and blasting that will be needed.

Public comment from Steven Allan, 2 Meetinghouse Road; Greg Kindrat, 61 Haverhill Road; Joaquim Hamburger, 57 Haverhill Road; Terri Marescia, 6 Meetinghouse Road; Joanne Vignos, 4 Meetinghouse Road; and Attorney Arthur Cunningham, Hopkinton, NH. Comments included: concerned with the slopes, no easy way to put the road in, haven't built the road in the 2 year timeframe, when does the Town take the bond and finish the road, the neighbors homes have been impacted by noise and air pollution and are worth less, the wetland across the street has no water, can't refinance homes, it should

be a 6% road for safety reasons, upset because it is a continuous saga, confused because Mrs. Crisler asked at a previous Planning Board meeting whether the road could be shortened and the answer was no, but now the road can be shortened with less taken off site, needed a water filtration system, how much exactly will be removed? looking at removing several million cubic yards and how long is it going to take, it is a gravel pit/strip mine, a lot of money is being made, this project will take seven years to complete, tax assessors say \$1400 has been collected, when you call the company they call it a gravel pit, this meeting should be to discuss stopping the project, there were on average 2-3 blasts a day, whole house shakes during the blasting, well water is contaminated, Planning Board should have insisted on more water tests, the air has been polluted and verified by DES, no matter the size of the road there will be blasting, the blasting has caused damage to homes and health including allergies and asthma, there will be even more blasting after the road goes in, were told that damage would be taken care of and nothing has been taken care of, never had a water filter problem for the last 14 years, 6 months after the blasting started needed a \$14,000 filtration system, could the Planning Board stop this project, is it the responsibility of the Planning Board that one property has destroyed abutter properties, one persons property should not be able to affect others properties, attorney hired by the Kindrats and Wissels, read from the site specific permit request, this property is not an office park, avoiding the zoning ordinance and running a gravel pit, ignoring the rules of RSA 155E, and hopes the Board decides that this development should not be extended but denied.

Responses were that the 700,000 cubic yards removed was for the right-of-way, no guarantee that the road will go in, need a legal opinion as to whether the plan could be denied. Board discussion regarding having a site walk, what is the benefit to the Town regarding changing the length of the road, need more information from the applicant, the rationale for the waivers was for less material to be taken off the site, want to see side-by-side comparison drawings and how much will be excavated for the whole site, what has been done so far and what needs to be done to be complete, what is the feasibility of the development, were the original plans for an office park? an extensive sports complex was to be put on the site which was the selling point, didn't have a true appreciation of what would come out of it, thought it would be good for economic development but it has boomeranged on us, was proposed as a office park subdivision with a sports complex and other unknown tenants, and it was a subdivision application and there has been no site plan applications.

Mr. Turner read a list of items that the Board would like more information about: Amount of rock removed so far to date; Amount of rock to be removed including the road, detention ponds, and driveways; Nobis Engineering presentation; Restoration plan and a bond; What would be the impact with an 8% road; Feasibility of lot development; Driveway entrances should be blasted; Mitigation and monitoring plan for groundwater, noise, and dust. He stated that this was a 2 year project that expired on September 20, 2008, it was interrupted when the blasting got stopped, it is not a 7 year project, and also get the intent to excavate from the Assessor's Office. Mr. Turner reviewed the Board's options. Mr. Breton motioned to have the applicant get the information discussed and continue the public discussion to November 5. Mr. Kolodziej seconded. Passed 7-0. Ms. Prendergast motioned to have a site walk for Ledge Road Business Park on October 18 at 2:00 pm. Mr. Breton seconded. Passed 7-0. Members to meet at the entrance to the construction road.

Board discussion regarding Mr. Turner's letter regarding outstanding issues. Ms. Prendergast motioned to have the Stump Burial regulations public hearing be re-advertised for October 15 at 7:30 pm. Mr. Kolodziej seconded. Passed 7-0.

Board to discuss impact fees on October 8, and post that Planning Board members may be attending the DES meeting tomorrow evening.

Mr. Kolodziej motioned to adjourn. Mr. Breton seconded. Passed 7-0. Meeting adjourned at 9:06 pm.

These minutes are in draft form and have not yet been reviewed and approved.

Respectfully submitted, Nancy Charland