APPROVED

Planning Board Minutes

January 14, 2020

Members present: Nancy Teach, Chair; Art Urie, Vice-Chair; Randy Monti; Doug Phelps; John Hodgson; David Powers; Donna Duclos, Alternate and Dave Blinn, Ex-Officio

Also present: Pat Moyer, Planning &amp; Zoning Administrator; Paul Currier; Robin Boynton; Jay Boynton; Douglas Greiner (Chair of Salisbury planning Board); Jerry Hersey (Conservation Commission/CC) ; Paul Glorioso; Maria Glorioso; Frank Downes; Brian Molloy; Frank Anzalone; James DeAngelis; Karen Brule; Robin Wilterdink; Jeffrey Raymond; Jon Champagne; Joan Champagne; Nan Champagne Davis; Cheryl Bentley (Aries Engineering, Inc.); John Bentley (agent for Champagne); James M. Wieck (GZA, GEO Environmental, Inc.; Christopher Robert Champagne; Nancy Robart (CC ); F. Webster Stout (FWS Land Surveying); Christopher Seufert (attorney for the applicant); Jesse Schust (CC)

Teach opened the meeting at 7:00 p.m.

Minutes of 12-10-19

Urie – Motion to approve as amended

Blinn – Second

Vote – Unanimous to approve

Public Hearing – Zoning Changes and adjustments to the Andover and Cilleyville Village Districts.

Teach opened the hearing at 7:07 pm.

Paul Currier presented the maps of the current and proposed Village Zones and explained the boundaries.

Teach read the list of permitted uses for the Village Zone.

Greiner noted that the area near the Rail Trail and the Blackwater River could have recreational potential.

Powers stated that there were land owners who did not want those areas included in the Village Zone.

Next, the map of the the Cilleyville Village Zone was displayed by Currier who explained the boundaries of the current and proposed Village Zone.

Molloy, the owner of the Circle K and the Blackwater diner properties, stated that the properties he owns should also be in the Village Zone.

J. Boynton noted that, based on other towns he had observed, expanding the residential opportunities without considering the tax base could cause problems in the future. As well, he thought that, due to the constricted area on Lawrence Street, expanding the Village Zone further along that street was not a good idea.

Teach closed the hearing at 7:34 pm.

Public Hearing/completeness review – Frank Anzalone Associates as agent for Tri-Forge Autoworks – to

operate pre-owned vehicle sales – 156 Main Street- Tax Map: 19Lot 598,242, Village Zone

Teach opened the Hearing at 7:36 pm

Anzalone presented a revised site plan depicting a total of 22 cars on the lot. The plan showed 8 cars in the fenced in area and 14 cars in the area to the east of the building.

During the previous meeting with Tri-forge, a question was raised about whether the utility pole at the east end of the lot had a streetlight. Anzalone reported that there was not a streetlight on the utility pole.

The application fee was paid.

There were no comments or concerns from the public in attendance.

The Board voted to deem the application complete and it was approved.

Moved: Urie

Seconded: Blinn

Vote: Passed - Unanimous

Public Hearing Continuation – Jon & Joan Champagne, Chris Champagne, and Jeff & Kelly Raymond for a Site Plan Review for the installation of a gravel and stone excavation and sales business at 235 Salisbury Hwy and 424 Bay Road in Andover, NH Tax Map 4, Lots 443/37, 507;61 and 493:37 in the FA District.

Teach continued the hearing at 7:42 pm.

Teach requested that the process be extended until February 11th. The request was respectfully denied by the applicant.

With there being no further discussion on this topic the Board elected to review the GZA Consultant report which covered the site Plan and earth Excavation Permit, submitted on January 3, 2020.

From the GZA Report (in italics):

Section IX: Operational Standards

1. *(From Andover Excavation Regulations)*

*No excavation shall be permitted closer than 150 feet to an existing dwelling to a site for which a building permit has been issued at the time the excavation permit is granted.*

*(From the GZA Report)*

*Based on the proposed grading and restoration plans, excavation is not proposed within 150 feet of an existing or proposed dwelling.*

This was agreed to by all parties.

1. *(From Andover Excavation Regulations)*

*No excavation shall be permitted below road level within 50 feet of the right of way of any public highway as defined in RSA 229:1 unless such excavation is for the purpose of said highway.*

This item was highlighted due to confusion related to the elevation indicated on the Restoration plan.

Seufert noted that there is a typo on the map supplied with the application. The correct value should be 506 feet rather than 516 feet.

Seufert stated that the plan would be corrected by Webster Stout

1. *(From Andover Excavation Regulations)*

*Vegetation shall be maintained or provide within the peripheral areas of 1 and 2 of this section.*

*GZA Recommends that the existing conditions plan be revised to depict he limits and type of existing and proposed vegetation as a condition of approval.*

Seufert agreed to update the plan to include existing and proposed vegetation

1. *(From Andover Excavation Regulations)*

*No Fuels, lubricants or other toxic or polluting chemicals shall be stored on site unless in compliance with State laws or rules pertaining to the storage of such materials.*

*(From the GZA Report)*

*GZA recommends that the Applicant provide the Best Management Practices (BMP) recommended by Aries for review as a condition of approval. Additionally, sheet 5 of 5 include note that fuel will not be stored on the gravel removal area. GZA recommends that the note on sheet 5 of 5 be expanded to indicate that fuel oil and other chemical storage will be only within the area designated on the grading and restoration plan.*

Champagne stated that he has no plan for oil storage at the site.

He currently uses 100 gallon tanks on 4 trucks from which fuel is pumped to the larger trucks. He went on to say that he has the two 275 gallon tanks on the plan. If they were to be set up, he would do it in the designated area indicated on sheet 5 of 5.

Monti suggested that Aries summarize what the State requirements are applicable to a small operation, such as this project.

The Applicant agreed to add BMP’s to the application package.

Seufert stated that sheet 5 of 5 would be updated to indicate fuel oil storage would be in the designated area.

1. *(From Andover Excavation Regulations*)

*Where temporary slopes will exceed a 1: 1 grade, a fence or other suitable barricade shall be erected to warn of danger and/or to limit access to the site.*

*(From the GZA Report)*

*GZA recommends that the fence be constructed as a 6-foot high permanent fence enclosing the entire site to limit access. This recommendation considers the relatively steep proposed final grade (1:1 slope final proposed). GZA also recommends that bedrock slope stability including bedrock structure be considered when selecting the final slopes of the bedrock surface.*

Seufert stated that the applicant would install a 4 foot ‘welded wire stock’ fence at the top of the slope (about 900 feet of fencing). Also stated he had never seen a fence around an entire work site.

Wieck (GZA) noted that the Town Ordinance stated a fence should be around the entire site, a fence to limit access to the site, which could be interpreted to mean the entire site.

Teach asked if, for safety purposes, it would be wise to begin the installation of the fence at the start of the project.

Champagne stated that when excavation begins on the ledge he will “just put it in”, indicating that a permanent fence will be installed.

1. *(From Andover Excavation Regulations)*

*Appropriate drainage shall be provided to prevent the accumulation of freestanding water for prolonged periods.*

*(From the GZA Report)*

*While referenced in the check list as included on Sheet 3 and Sheet 4 of the plan set, features and detailed information summarizing the management of water are not depicted on the plans included in the Application. A note on Sheet 5 of 5 indicates that “operations and interim grades are to be such that all runoff is kept within the pit“. However, the Application does not demonstrate that this is technically feasible or describe the methods to be used.*

*Evaluation of surface water flow including assessment of site stormwater flow and preparation of*

*a Stormwater Pollution Prevention Plan are included in the proposed scope of services in Aries July 23,*

*2018 proposal to the Applicant, but this work has not been completed. GZA recommends the Applicant*

*prepare a stormwater management plan that addresses each phase of excavation as a condition of*

*approval. The plan should quantitatively assess the volume of surface water to be managed and*

*the method of infiltration. Additionally, we understand that approximately 300 gallons per day of water*

*will be used by the rock crushing equipment to control dust. The source of the water and*

*management of the water should be included in the stormwater management plan.*

*Additionally, while Aries indicates that “The removal of soil and bedrock above the saturated zone will*

*not impact the underlying saturated zone volume or yield in surrounding bedrock water supply wells...” it is GZA’s opinion that the alteration of ground surface topography may affect the location and rate of*

*infiltration of stormwater, thereby altering groundwater flow. The stormwater management plan*

*should quantify and manage infiltration to limit impacts to surface water and groundwater.*

*Important for rock quarries are details regarding the sequencing of the project and designs for*

*managing stormwater during all phases of the life of the quarry. The design of project sequencing*

*would be part of the full Alteration of Terrain application along with a NHHB determination regarding*

*critical habitats and rare species and NH DES Wetland Bureau determination regarding potential*

*primary and secondary impacts to wetlands.*

Wieck (GZA) reiterated that nothing had been submitted related to how stormwater would be managed during the operation.

Monti asked if there are details in the plan for water fences. Wieck (GZA) stated that the plan has typical details but noted that he was referring to how water would be managed within the excavation. He went on to state that the site is a large area and that water would be hitting the rock and flowing down into the excavation and needs to be managed somehow to avoid freestanding water.

Monti asked if the stormwater permit would be prepared by Aries.

Seufert replied, yes, and that Aries has already started on it.

Seufert stated that this item and a later item in the report would be handled by the Stormwater Permit process. He also stated that other concerns would be taken care of by way of the Alteration of Terrain permitting process to be submitted by the Applicant.

1. *(From Andover Excavation Regulations)*

*Excavation practices which result in continued siltation of surface waters or any degradation of water quality of any public or private water supplies are prohibited.*

*(From the GZA Report)*

*GZA recommends the Applicant prepare a stormwater management plan that addresses each phase of excavation as a condition of approval, as described above. GZA understands that under the Alteration of Terrain regulations a water quality monitoring plan is required when water supply wells are located within 2,000 feet of the excavation area and a volume of 5,000 cubic yards of material is excavated. The monitoring plan would include monitoring potential impacts relative to dewatering and nitrates from blasting. GZA recommends the Applicant obtain a written determination from NHDES regarding the applicability of this requirement and comply with NHDES guidance as a condition of approval.*

Teach asked if this item in the GZA report would be answered in the Alteration of Terrain permit.

Seufert replied that it would be handled in the Alteration of Terrain permit.

1. *(From Andover Excavation Regulations)*

*No excavation shall be permitted within 75 feet of any great pond, navigable river, or any other standing body of water 10 acres or more in area, or within 25 feet of any other stream, river or brook which normally flows throughout the year, or any naturally-occurring standing body of water less than 10 acres, prime wetland as designated in accordance with RSA 482-A:15, 1 or any other wetland greater than 5 acres in area as defined by the Wetlands Board.*

*(From GZA Report)*

*GZA recommends that the Applicant provide certification by a licensed*

*wetlands scientist that none of the above conditions apply to the proposed excavation as a condition of*

*approval.*

Teach read the text from the GZA report.

Monti read an excerpt from RSA 482 and went on to note that, based on the RSA, he did not recognize

any area of the site as ‘prime wetland’.

Schust stated Andover does have prime wetlands that have been designated and agreed to at town meeting. He stated that this site is not in the location of a prime wetland.

Wieck referred to a picture taken during the November site visit, and stated that there was likely a wetland at the site but recommended that a wetland scientist verify that there is or is not a wetland at the site. He went on to say that going through the Alteration of Terrain permit process should identify any wetlands, but wanted to specifically identify the location in the picture.

Seufert stated that this information would be identified in the Alteration of Terrain permit process.

Monti noted that the site map had an apparent area of wetlands identified by a dotted line and asked what the source of information was that was used to identify the area.

Stout stated that the area was identified by a soil scientist subcontracted by Aries.

The next section of the GZA report, labeled “Comments and Recommendations” was reviewed.

Item #1

*(From GZA Report)*

*RSA 155-E further requires that no excavation be permitted within 50 feet of the boundary of a disapproving abutter or 10 feet of an approving or disapproving abutter. GZA recommends that documentation of the status of the abutters (approving/disapproving) and the required setbacks be*

*included on the grading and restoration plans as a condition of approval.*

Champagne noted that there are no disapproving abutters.

Seufert noted that all abutters within 50 feet of the site would be added to the plan.

Item #2

*(From GZA Report)*

*It is GZA’s opinion that the proposed excavation may be subject to regulation under RSA 485-A:17 (Terrain Alteration) due to the size of the proposed excavation and degree to which natural runoff may be affected. According to requirements outlined in Env-Wq 1500, an Alteration of Terrain permit may be required when a project proposes to disturb more than 100,000 square feet of contiguous terrain (50,000 square feet, if any portion of the project is within the protected shoreland), or disturbs an area having a grade of 25 percent or greater within 50 feet of any surface water. GZA recommends that the Applicant obtain a written determination from the NH DES regarding the applicability of RSA 485-A:17*

*and meet all NH DES requirements as a condition of approval.*

Champaign stated that the Alteration of Terrain permit process would cover this item.

Hodgson asked, for clarification, what the size of the disturbed area would be.

Champaign replied that the area would be a little more than seven acres.

Item #3

*(From GZA Report)*

*As noted above regarding Operational Standard No. 6, it is GZS’s opinion that the alteration of ground surface topography may affect the location and rate of infiltration of stormwater, thereby altering groundwater flow. Aries states that the Applicant won’t excavate below the top of the saturated zone; however, the elevation of the top of the saturated zone has not been evaluated. GZA recommends the Applicant commission a hydrogeologic study to evaluate the depth to groundwater and direction of groundwater flow. The hydrogeologic study should evaluate the potential impacts on water levels within the private water supply wells to be included in the water quality monitoring program, and on surface water bodies and wetlands proximate to the site. The hydrogeologic study should identify all water supply wells within 2,000 feet of the site and propose an appropriate long-term monitoring program of water supply wells.*

Seufert stated that this concern would be covered by the Stormwater Pollution permit and the Alteration of Terrain permit processes.

Item #4

*(From the GZA Report)*

*During our site visit on November 21, 2019, GZA observed an area of surface water within the proposed excavation area. A photograph of the area is included as Photograph 5 in the attached*

*Photograph Log. The area is not depicted on the existing conditions plans. It is GZA’s opinion that this*

*area may be considered a wetland and/or surface water and issuance of a wetlands permit by NHDES allowing the removal of the wetland/surface water would be necessary to complete the proposed excavation. GZA recommends that a licensed wetlands scientist observe the proposed extent of the area of excavation and that all wetlands areas on the site are depicted on the existing conditions plans. If wetlands requiring a permit to be removed are identified, the Applicant should submit the necessary applications to the Andover Conservation Commission and NHDES as a condition of approval.*

Wieck reiterated that a wetland scientist should evaluate the site to identify if a wetland exists on the site an if so, a permit would be needed before excavation can proceed.

Seufert stated that the soil scientist has already delineated the wetland area.

Wieck countered that a wetland scientist should be hired to, at least, look at the wet area in the November site visit picture taken at the top of the hill because that area is not currently shown on the plans.

Monti asked if the soil scientist could look at the location of the GZA photo taken of the water at the top of the hill during the November site visit.

Seufert noted that just because standing water is found, it does not mean it is a wetland and noted that there are many criteria used to identify wetlands.

Schust asked if a soil scientist is the same as a licensed wetland scientist. (There was no answer.)

Monti asked if Aries has a wetland scientist on staff.

Seufert and Stout stated that Aries would get one.

Seufert noted that as a condition of approval, the scientist would verify there are no wetlands at the site.

Next, Section X of the GZA Report was reviewed.

Site Reclamation Standards.

1. *(From Andover Excavation Regulations)*

*Areas visible from a public way, from which trees have been removed, shall be replanted with tree*

*seedlings, set out in accordance with acceptable horticultural practices.*

*(From the GZA report) The existing conditions plan does not depict the limits of wooded areas on the site. GZA recommends that the existing conditions plans and grading and reclamation plans be revised to depict the limits of existing and proposed tree line as a condition of approval.*

Suefert noted that documenting the existing vegetation at the site was agreed to earlier in tonight’s hearing.

1. *(From Andover Excavation Regulations)*

*Except for exposed rock ledge, all disturbed areas shall be spread with topsoil or any other soil capable of maintaining vegetation, and shall be planted with seedlings or grass suitable to prevent erosion.*

*(From GZA Report)*

*The grading and reclamation plans do not depict the proposed location of exposed bedrock and soil.*

*GZA recommends that reclamation plan include depiction of areas of exposed bedrock and soil so*

*that soil slopes can be reviewed and approved by the Board.*

Seufert stated that the applicant already has the data which can be overlaid on a print.

1. *(From Andover Excavation Regulations)*

*All earth and vegetative debris resulting from the excavation shall be removed or otherwise lawfully disposed of.*

*(From GZA Report)*

*GZA recommends that the grading and reclamation plans be revised to include a note that indicates compliance with this requirement will be met by the Applicant or site owner.*

Seufert stated that they agree to revise the reclamation plan.

1. *(From Andover Excavation Regulations)*

*All slopes, except for exposed ledge, shall be graded to natural repose for the type of sail of which they are composed so as to control erosion or at a ratio of horizontal to vertical proposed by the owner and approved by the Board. Changes of slope shall not be abrupt, but shall blend with the surrounding terrain.*

*(From GZA Report)*

*The grading and reclamation plans do not depict the proposed location of exposed bedrock and soil. GZA recommends that reclamation plan include depiction of areas of exposed bedrock and soil so that soil slopes can be reviewed and approved by the Board as required under RSA 155-E:5 (Ill).*

Seufert stated that this item had been agree to in a previous discussion. Same as ‘2’ above.

1. *(From Andover Excavation Regulations)*

*Any standing bodies of water created by the excavation that are judged to constitute a hazard to health and safety shall be eliminated.*

*(From GZA Report)*

*GZA recommends that the grading and reclamation plans be revised to include a note that*

*indicates compliance with this requirement will be met by the Applicant or site owner.*

Seufert stated that they agree to revise the reclamation plan.

1. *(From Andover Excavation Regulations)*

*The topography of the land shall be left so that water draining from the site leaves the property at the*

*original, natural drainage points and in the natural proportions of flow.*

*(From GZA Report)*

*Features and information summarizing the management of stormwater is not depicted on the*

*plans included in the Application. As noted above, the proposed elevation of the bottom of the pit is*

*unclear and the proposed ground surface contours depicted suggest a potential for ponding of stormwater within the center of the excavation (the bottom of the excavation is shown at elevation 506 feet and ground surface topography to the east of the excavation is at elevation 510 feet). GZA notes that full compliance with this requirement is potentially infeasible due to the proposed alteration of the ground surface. For example, the existing ground surface topography would result in drainage to*

*the northwest and north within the western half of the excavation area, while the proposed ground*

*surface contours would result in drainage to the east throughout the excavation area. GZA*

*recommends a stormwater management plan and a revised grading and restoration plan be*

*prepared that addresses this requirement as a condition of approval.*

Seufert stated that this would be part of the Stormwater Permit and the Alteration of Terrain permit processes. Anything found will have to be dealt with at that time. He also stated the they will clarify the elevation, as agreed before.

1. *(From Andover Excavation Regulations)*

*For excavation projects requiring a permit from the Division of Water Supply and Pollution Control, the provisions of RSA 485-A: 17 shall supersede this regulation. Copies of all such permits shall be filed with the Board.*

*(From GZA Report)*

*As noted above, GZA recommends that the Applicant obtain a written determination from the NHDES*

*regarding the applicability of RSA 485-A:17 and meet all NH DES requirements as a condition of approval.*

Champaign stated this item will be covered in the Alteration of Terrain permit process.

The final paragraph in the GZA report was discussed.

*(From the GZA Report)*

*GZA recommends that the Town seek the advice of a professional to review any revisions to the*

*Application required by the Board relative to compliance with relevant town ordinance standards prior to*

*final approval of the Application. Further, the Town should consider retaining professionals to assist*

*with the compliance monitoring associated with this proposed operation during the life of the*

*facility. This could include site inspections, annual compliance reviews, and review of 5-year update*

*reports to maintain compliance with all permits. We would be pleased to provide further review if*

*requested by the Town.*

Seufert stated that he thought these will be covered by the Alteration of Terrain and Stormwater permits to be approved by those respective agencies and stamped by Aries.

Monti stated that the plans submitted to, and approved by, the State and subsequent approval by the town, seems like an adequate level of oversight.

Wieck (GZA) recommended that someone from the town or the Applicant perform an annual inspection to verify compliance with the terms of approval and regulations

Seufert noted that other town’s Selectmen send a person or two to inspect similar sites every year or two to walk the area, adding that they don’t hire engineers.

Blinn stated that the Conservation Commission could monitor compliance.

Schust stated that the Conservation Commission persons don’t have the expertise or knowledge to make a judgement related to the site and it would give the Conservation Commission confidence to know that the town had a plan to monitor the site.

Blinn asked that the Select Board meet to discuss this and other areas of the town and set up a procedure, and if outside expertise is needed, it would be addressed at that time.

Seufert stated that there will be an Alteration of Terrain number associated with the permit and every 5 years the Alteration of Terrain permit must be reviewed.

Stout stated that the topography must be checked for changes as part of the process.

Teach requested that the completion date for the process be moved to the next scheduled Planning Board meeting of January 28th.

Seufert noted that no new information will be changing between this hearing and the next Planning Board meeting, then thus saw no reason the board cannot vote on the proposal now.

Monti stated that the board would like time to assemble all of the conditions and review all of them together and then vote.

Teach proposed the hearing be closed at this meeting, and then use the time until the next scheduled meeting to compile all of the conditions for approval.

Seufert and the members of the planning board agreed to Teach’s proposal.

Teach asked anyone attending the hearing for comments, specifically asking the Chair of the Town of Salisbury Planning Board who stated that he agreed that all conditions for approval be consolidated.

Schust, speaking on behalf of the Conservation Commission, wanted to verify that the inspection/evaluation by the wetland scientist would be a condition of approval.

Seufert and the Board replied and confirmed that this was a condition of approval.

Corrections and Edits to earlier minutes

1. Teach proposed to amend the September 24, 2019, minutes as follows: The Earth Excavation

Application was received in the Town Office. It was not signed by Teach.

2. Teach proposed that the applicant Tri-Forge does not need a Special Exception for the sale of pre-

owned vehicles. For the record, a Special Exception was granted to a prior tenant/applicant. A

Special Exception runs with the land and is not tied to a particular properly owner ( see November 26, 2019 minutes).

Teach closed the public hearing at 8:41 pm.

There being no further discussion, Phelps made a motion to adjourn at 8:50 p.m. Urie seconded the motion and the board voted unanimously in favor of adjourning at 8:50 p.m.

Submitted by,

Doug Phelps