

**Town of Boscawen
PLANNING BOARD
Boscawen Municipal Complex
FINAL MEETING MINUTES
Tuesday, June 7th, 2022**

Present: Mark Varney—Chair; Loren Martin—Vice Chair; Barbara Randall; Gary Tillman; Roberta Witham; Paul Dickey—Ex Officio

Excused: Rhoda Hardy; Lorrie Carey—Alternate Ex Officio

Staff Present: Kellee Jo Easler—Planning & Community Development Director and Kearsten O'Brien—Deputy Planning and Community Development Director

Guests: Tim Bernier-Surveyor, Ryan Audley- Applicant

Chair Varney opened the public meeting at 6:30 P.M.

Deputy PCD Director O'Brien completed roll call.

Minutes: Vice Chair Loren Martin motioned to accept the draft minutes as presented. Seconded by Mr. Gary Tillman. All in favor. None opposed. Chair Varney abstained.

New Business:

Land Development Regulation Update: PCD Director Easler requested the Planning Board think about a Public Hearing for an addition to the Land Use Regulations. We have added in the Typical Road Construction Manual into the Land Development Regulations. After going through the Town of Boscawen Road Policy for Acceptance and Town of Boscawen Planning Board Construction Procedure Manual she is recommending that the Planning Board add those as well.. If the Planning Board wishes to have a Public Hearing for it then can be all in the Land Development Regulations. Planning Board was in agreement to have the Public Hearing and asked PCD Director Easler to schedule the Public Hearing.

Conditional Use Permit & Amendment to Site Plan:

Deputy PCD Director O'Brien read the Public Notice as follows, Notice is hereby given in accordance with **NH RSA 676:4, I, D (1)** and the **Town of Boscawen Land Development Regulations** that the **Planning Board** will meet on **Tuesday, June 7, 2022** after **6:30 PM**, at 116 North Main Street, Boscawen NH during a regular meeting of the Board to hear an Application submitted by **Ryan Stacy LLC, 11 Vaughn Road, Bow NH, 03304** with a location of **Map 47 Lot 6** for a **Conditional Use Permit and Amendment to the Excavation Site Plan.**

Chair Varney asked if the application was complete for the Conditional Use Permit and the Amendment to the Site Plan. PCD Director Easler said the application is complete and the applicant did submit waivers.

Vice Chair Martin motioned to accept the application as complete for both the Conditional Use Permit and the Amendment to the Site Plan. Seconded by Ex-Officio Dickey. All in favor. None opposed.

Chair Varney asked if the application for the Conditional Use Permit and the Amendment to the Site Plan was of Regional Impact.

Chair Varney made a motion that the application for the Conditional Use Permit and the Amendment to the Site Plan is not of Regional Impact. Seconded by Mr. Tillman. All in favor. None opposed.

Chair Varney opened the Public Hearing at 6:42 PM.

Tim Bernier with T.F. Bernier INC. presented the application. The site is located at 243 Daniel Webster Highway, Map 47 Lot 6. The property is 249 acres in size. There is an access easement on the property that goes to a water tank owned by Penacook Boscawen Water Precinct. The parcel was previously approved for a mining operation of 2.25 acres. They went outside of the bounds by 3.35 acres. The owner is proposing to expand the gravel pit to 19.1 acres. They are proposing to remove some ledge and crush it for gravel. The site will be used by Audley Construction for when they have a project. It is not a daily operation it will be in use when they need it. There will be no equipment left on site; they will be using portable equipment. This material will not be marketed to the public. The proposed hours of operation; are Monday-Friday 7:00am to 4:30pm and Saturday 6:30am to 2:00pm. In the application they are asking for waivers. The first is for photographs of the sites. The Soil Wetland delineation is a partial waiver because they didn't map all the wetlands because they are only working a small area. The third waiver is the concern about the site distance and they will be striking that as a waiver request and will do a site analysis on the driveway. The fourth waiver is existing proposed parking with tabulation. There are not many employees and they do have a designated area for parking. They are asking for the waiver on the tabulation. The fifth waiver is on the landscaping plan. There is no landscaping proposed. The sixth waiver is the solid waste disposal; the property is going to be carry in, carry out. Seventh waiver is pictures of surrounding sites and structures because it is forest area and the houses are distant of the proposed property. The closest house is 200 feet from mining. There is supporting documentation they are asking relief from such as the development impact summery report. This is a gravel pit and drainage is done through AOT and Underwood and the waiver is basically for the development of buildings since there will be no buildings on site. The traffic will be sporadic. They did a wildlife assessment and a wetland and site specific soil survey which is required through the AOT permit. They will be drenching 3,475 square feet of a wetland.

Mr. Bernier said the excavation operation is complying with all of the regulations of 155-E. The excavation operation will comply with the Town of Boscawen Zoning Ordinance setbacks. The use will not materially endanger public health or safety. The proposed project will take place on private property approximately 550 feet off Route 3. Any existing vegetative buffer will remain. There is an existing NHDOT driveway permit and will make sure there is no site distance issue and correct it if there is. The use will be compatible with the abutting neighbors and the uses within the area. The excavation site is not visible from Route 3 and the run off issue will not increase. The use will not have a substantial adverse impact on highway or pedestrian safety. The use will not have a substantial adverse impact on the natural resources of the Town. The excavation operation is small and will have no impact to the wetlands or streams that run off the property. They adjusted some of the contours to redirect the runoff back to the pond. The Conservation Commission and Public Works Director did not have any concerns with the gravel pit. Central New Hampshire Regional Planning Commission comment about asking if the Merrimack River was within a quarter of a mile of the property because if so, they would have to go to the Upper Merrimack Local Advisory Commission for their comments. Mr. Bernier said the property is not within a quarter of a mile of the river. Ex-Officio Dickey asked how close the mining operation is from the water tank. Mr. Bernier said 2,200 feet is the closest they get to the water tank. They are currently in the process of addressing the comments from Underwood Engineers, the Wetland Bureau, and AOT. The Police Department would like to make sure the drivers respect the posted speed limits and to notify the Police Department of the times in which blasting will take place. Ex-Officio Dickey said the concern about the trucks following posted speeds are with the out of state contracted trucks. Mr. Bernier said it will only be Audley trucks going in and out of the gravel pit.

The Penacook Boscawen Water Precinct had concerns about the blasting with their water tank being close by. Mr. Bernier said the best they could do is go meet with the Water Precinct and address the concerns they have within a meeting. Mr. Bernier asked if he would like to go through Underwood Engineers comments. Chair Varney said he would but before they do so he had a couple of comments. The first being there was no Intent to Excavate submitted for 2021. Mr. Audley said he is aware of that and will meet with Deputy PCD Director to resolve that issue. Chair Varney said the second comment is that the original approval was for a 2.25 acre excavation permit. What is shown on the plan is over what was originally approved. Mr. Bernier said that Mr. Audley can speak to that, he is not sure what happened. Mr. Bernier said they did not mine the property they stripped it and stumped it. Mr. Audley said Mr. Bernier is correct, they cleared a natural hill they followed the hill and instead of stopping. Mr. Audley said they have only excavated 600 yards. Vice Chair Martin asked if the parcel is out of current use. Mr. Audley said he believes it is. Deputy PCD Director said that they provided them with a new current use map taking out the 19 acre piece. Chair Varney said the concern is they came to the Planning Board and were approved for the 2.25 acres and now within a year they are double the approval amount. Chair Varney asked what the current hours of operation of the other gravel pits in Town. Deputy PCD Director said Monday- Friday 7am-5pm and Saturday 7am-12pm and Audley's original are with these hours of operation. No Sunday operations. Ex-Officio Dickey asked what they will do to mitigate the dust and the noise from the crushers. Mr. Audley said its portable plants have dust suppression units or supplement with a water truck. Some of the

abutters have asked for berms to shield the activity, which they have and they have also been conscientious to go towards the middle of the site. Mr. Audley said it would be forested buffers to suppress the noise. Mrs. Barbara Randall asked if they use blasting mats. Mr. Audley said it would be up to the blaster. Ex-Officio Dickey asked if they would be blasting on Saturdays. Mr. Audley said he would like the flexibility to.

Kristin Bean-Warren of 221 Daniel Webster Highway, an abutter against the Conditional Use Permit, asked the Planning Board to consider the drainage analysis and the impact and how this can affect the Town's water quality especially where we are looking for new wells within our Town. Mr. Bernier said the analysis is a full analysis of the water sheds.

Bill Murphy and Nathan Young with the Penacook Boscawen Water Precinct spoke to some of the concerns. Mr. Murphy said the concern is with the repeated blasting. The tank is a precast concrete tank. The tank is almost 30 years old and the concern is that it will shorten the life of the tank. Mr. Young said they want to make sure they do their due diligence to make sure they protect the Town's water source. Mr. Murphy said this project will not impact the water quality of Town of Boscawen.

Tami Porter of 239 Daniel Webster Highway, said her concerns are with blasting and her foundation and if they have to wait until 7am to start, will there be trucks lined up waiting to get in. Mr. Audley said they will use a reputable blasting company and will do a pre-blast survey. The trucks will be parked within the site because they have gate key access.

Chair Varney said the Fire Chief had concerns, one being a knock box and the second being the fuel storage on site. Mr. Bernier said they will take care of the knock box and there is no fuel storage on site.

Mr. Bernier went through Underwood Engineers review. He said the site distance is something they will take a look at to see if there is a site line distance issue. The abutter set back to 50' is if there is an abutter against the set back and if there is one against they will fix the setback. There was a request for a geotechnical report, he is not sure where that is coming from because the blasting is really small and a surface query and not mining below grade. He has reached out to a hydrologist and geologist. The entire site will be an active site. There are two large ponds that capture 100 percent of the runoff. They will do their best to locate the stock piles. The equipment will be taken on and off the property. There will not be a permeant crusher. The question about the impact upon wetlands and ledge removal has been taken care of there will be a berm in between the wetland and the ledge. Mr. Bernier said he will provide Underwood with smaller drainage and grading plans. Mr. Bernier said they will investigate the concern about the culvert outside of the right of way. They are proposing 2 to 4 feet of natural material to be put back for the final restitution plan. Mr. Bernier said he will work with Underwood Engineer's questions and address their concerns. Mr. Bernier said AOT comments were similar to Underwood's. Mr. Bernier said he will add the wetland delineations to the plans. They will be reaching out to the Army Corp Engineers per AOT. They will be adding BMDs to the plan and maintenance plan.

Mrs. Randall recused herself from the application because she is an abutter.

Chair Varney closed the Public Hearing at 8:00pm.

Vice Chair Martin motioned to approve the Conditional Use Permit for Map 47 Lot 6. Ex-Officio Dickey seconded. All in favor. None opposed.

Chair Varney opened the Public Hearing for the Site Plan at 8:02pm.

Ex-Officio Dickey motioned to approve the waivers as presented. Seconded by Ms. Witham. All in favor. None opposed.

Mr. Melvin Furbush said as a director abutter, Mr. Audley has been great and addressed their original concerns they had when they first opened.

Chair Varney closed the Public Hearing at 8:11pm.

Chair Varney motioned to move the site plan to a date certain of July 5th, 2022 to address all concerns. Seconded by Mr. Tillman.

Vice Chair Martin said she will send Chair Varney and PCD Director Easler an email with her concerns for the July 5th meeting to be added to conditions.

PCD Director informed the Planning Board they received a notification of subdivision in Concord, the back piece of the subdivision is off of Elm Street. PCD Director Easler said she does not see any concerns and would recommend they approve.

Motion made by Vice Chair Varney to approve the Concord Subdivision plan. Seconded by Ex-Officio Dickey. All in favor. None opposed.

PCD Director Easler said there will a Capital Improvement Plan meeting in August and to think about if there is anything the Planning Board would like to add to it. PCD Director Easler said she met with CNHRPC this week and talked about Planned Unit Development and Manufactured Homes along with sewer hookup and Invest NH. PCD Director Easler asked if the Planning Board would like meet with CNHRPC in July to meet and get updated on what is going on. PCD Director Easler would like the Planning Board to think about the redevelopment of King Street and figuring out a way to get underground utilities.

Old Business:

Excavation Updates:

PCD Director Easler stated that Underwood Engineer provided her with the reclamation costs of \$12,000 to \$18,000 per acre. PCD Director Easler informed the Planning Board that the Gravel Pit on Commercial Street Map 183D Lot 134 and High Street Map 94 Lot 23 have new owners.

Kenney's Garage Update:

PCD Director Easler said the Planning Board needs to make a decision regarding Kenney's Garage. PCD Director Easler said she went out with Deputy PCD Director O'Brien and Code Enforcement Officer, Alan Hardy to inspect the progress that was made at the garage and take pictures with the owner Gary Kenney's permission. Deputy PCD Director presented the pictures to the Planning Board. Ex-Officio Paul Dickey and Ms. Roberta Witham said it is looking better and has cleaned it up a lot more since being asked. Chair Varney would like to make a recommendation that owner is within compliance at this point. Chair Varney would also like to recommend to the Select Board a stipulation that the property be inspected again in six months and then again at the one year mark to make sure he is staying within compliance. Vice Chair Martin said at the last Planning Board meeting there was a question about if the trailers would need to be removed off the property as well to be in compliance. Chair Varney also would like clarification on who owns the vehicles currently on the property that are unregistered and uninspected. PCD Director Easler said the Planning Board can schedule a compliance hearing for July 5th. Then PCD Director can report back to the Select Board after the Public Hearing to inform them of the decision from the compliance hearing.

The next meeting will be held July 5th @ 6:30 P.M.

Motioned to adjourn made by Mr. Tillman. Seconded by Ex Officio Dickey. All in favor. None opposed.

Respectfully submitted by Kearsten O'Brien.