

**Town of Boscawen
PLANNING BOARD
Boscawen Municipal Complex
FINAL MEETING MINUTES
Tuesday, September 6, 2022**

Members Present: Mark Varney—Chair; Loren Martin—Vice Chair; Barbara Randall; Gary Tillman; Roberta Witham; Lorrie Carey—Alternate Ex Officio

Members Excused: Paul Dickey—Ex Officio

Members Absent: Rhoda Hardy

Staff Present: Kearsten O'Brien—Deputy Planning & Community Development Director and Kara Gallagher—Planning & Community Development Assistant; Alan Hardy—Code Enforcement Officers; Tim Kenney-Fire Chief; Allison Rees- Underwood Engineers; Robert Saunders- Underwood Engineers.

Guests: Tim Bernier—T.F. Bernier, Inc. and Ryan Audley—R.S. Audley, Inc., Spencer Tate-Meridian Land Surveying, Eric Munroe.

Chair Varney opened the public meeting at 6:30 p.m.

PCD Assistant Gallagher completed roll call.

Minutes:

Mr. Tillman requested one change to line 41, sentence to read “to continue to a date certain ...”

Mr. Tillman motioned to accept the 07.05.22 draft minutes as amended. Seconded by Alternate Ex-Officio Carey. All in favor. None opposed.

Old Business:

Continuation of Conditional Use Permit and Amendment to the Excavation Site Plan for Map 47 Lot 6: Chair Varney requested staff to ask Underwood Engineers if they could be present at the meeting rather than to continue to go back and forth through email. Chair Varney asked Mr. Bernier to walk the Planning Board and UE through his response. Mr. Bernier said the AoT finished their review and they are waiting on the Wetlands Bureau and the Army Core of Engineers to finish their review to receive the AoT permit. The first concern UE had was the site distance of trucks pulling out of the driveway. TF Bernier and Ryan Stacy LLC agreed to work with the State on the site distance to have a safe site distance at the intersection. The second concern UE had was a disapproving abutter. Mr. Bernier said there was not a disapproving abutter about the set back the abutter was disapproving about the water quality because of the water tank being nearby and potential issues with blasting. The third concern UE had was

phasing planning and reclamation. Mr. Bernier said there will not be a time where they reach the Town's reclamation regulation because they will reclaim as they go. Mr. Bernier said they have concerns about the phasing plan because it prevents them from being able to mine in certain areas unless approved and can be problematic if the material is not available in the phased plan. Mr. Bernier said in the phasing plan they defined steps in which the mining operation will commence instead of stating they mine in specific areas. There is a SWIP put in place with regular inspections which are defined in the phasing plan. As they mine and get close to the slope, they will be stabilizing the slopes as they go. The fourth concern UE had was the reclamation bond. Mr. Bernier said he and Ryan Audley will work with UE on coming to an agreement on an appropriate amount. The fifth concern UE had was the interim mining. Mr. Bernier asked what was meant by interim grading during mining. Mr. Bernier said while mining, the best practice is to pitch the face into the mining operation. They will be closing as they go to eliminate ponding. Mr. Bernier said they are purposing to put overburden back into the site. Mr. Bernier said they have spoken with a couple of geologists and there is really no risk to the tank. It all boils down to the blaster; if they disrupt the tank it will be the blasters insurance covering it. Mr. Audley stated that they agreed to a pre-blast survey on the tank even though it is outside of linear distance. There will also be vibration monitoring on the tank as well. Mr. Audley said the Penacook Boscawen Water Precinct requested a six week notice to the initial blast. There is very little risk to the ground water. Mr. Bernier proposed that they could put PBC pipes that can monitor the water table. He proposed going down about two feet and is open to other suggestions that UE may have.

Robert Saunders, with Underwood Engineers, said they are happier with how the plan has progressed. The idea of a performance spec phasing plan is a vast improvement over the original submission. Mr. Saunders explained that five acres is never five acres with staging area and the gravel area. Mr. Saunders said the concern they have is making sure the exposure agrees with the bonding. He said he likes what he is hearing, but for the time being UE has something to come back to and inspect to make sure what is promised is happening. Mr. Saunders said he is pretty comfortable with the phasing piece of this project. What he is uncomfortable with is trying to understand the testing piece. He said he is guessing they are going to do a boat blast once or twice a year. Mr. Audley said that is correct, they will need to do a series of small blasts to start the face and then after that it will be one or two a year. Mr. Saunders asked if at each blast monitoring would occur. Mr. Audley said at the first blast and then moving forward, if it needs to be monitored, they will. It will depend on the results from the first blast. Mr. Saunders asked if 2,200 feet was the closest to the tank. Mr. Bernier said it is the closest, and they are more likely 2,700 feet. Mr. Saunders said that more of their comments are towards the wetlands at the top of the mining operation and making sure it does not become dewatered. Mr. Saunders asked if they are going to dewater that wetland when they blast close to it. They would like to see a ledge profiling that shows it will protect the wetland. Mr. Bernier said he understands but ledge in New Hampshire is pretty fractured. They can look for an over burden connection. Mr. Bernier said they are meeting the statutory requirement for the wetland. Mr. Saunders said the 404 water certification process is a protective measure and this extends down every water source. If the Army Core says its 404, then this conversation can pick back up. Alternate Ex-Officio Carey said to clarify and make sure everyone is on the same page, they are waiting for AoT, an Army Core review, Penacook Boscawen Water Precinct would like a six week notification for the initial blast, identify the overburden connection, and the agreement of the bonding for

reclamation between Ryan Stacy LLC and UE. Mrs. Randall recused herself as an abutter. Chair Varney said to verify the disapproving abutter was on the conditional use permit which since has been approved.

Chair Varney opened the Public Hearing at 7:35pm.

Chair Varney closed the Public Hearing at 7:36pm due to no public comment.

Chair Varney motioned to approve the waivers. Seconded by Vice-Chair Martin. All in favor. None opposed. One abstention.

Chair Varney motioned to approve the amendment to the site plan with the following conditions;

Conditions precedent:

1. Bond to be agreed upon by Underwood Engineers and Ryan Stacy LLC;
2. Receipt of all local and State of NH permits;
3. Receipt of Performance Spec Phasing Plan;
4. Identify the over burden connection
5. Current Use Map

Conditions subsequent:

1. Annual Review by Town Engineer;
2. Notification to the Town for each blast at least 24 to 48 hours in advance;
3. Notification to the Penacook Boscawen Water Precinct six weeks to the initial blast;
4. Hours of operation Monday- Friday 7am to 5pm and Saturday 7am to noon;
5. Work with the Association of Bosniaks to find out times of services.

Seconded by Alternate Ex-Officio Carey. All in favor. None opposed. One abstention.

Compliance Hearing regarding Site Plan Review for Map 81D Lot 35: Chair Varney said that the Compliance Hearing is being moved to a date certain being October 4th because of the applicant getting COVID-19 and the court moving their hearing to a date certain.

Chair Varney motioned to continue the Compliance Hearing to a date certain of October 4th, 2022. Seconded by Alternate Ex Officio Carey. All in favor. None opposed.

New Business:

Nonbinding Conceptual: Director Easler informed the Planning Board that this is a nonbinding conceptual. They have been before the TRC and now come before the Planning Board before submitting an application. Spencer Tate with Meridian Land Surveying, and Eric Munroe, the new owner of the gravel pit on High street Tax Map 94 Lot 23, came before the Planning Board to present a conceptual plan of a subdivision. The parcel is located on route 4, closest to Salisbury on the left hand side with 90.2 buildable acres. They were in front of the TRC, and

they now are contemplating doing a hybrid approach. They are considering doing some lots conventional and some lots being a cluster subdivision. They likely would be filing for a Conditional Use permit because of the cluster subdivision and planned unit development. This parcel can support 53 lots. They are hopeful to be back in front of the Planning Board in a couple of months to start with the four conventional lots. Mr. Tate said because it is a large ponding area they are considering a drafting base. They would follow the NFPA requirement. Alternate Ex-Officio Carey asked which is the PUD and which is the cluster. Mr. Tate said they are both; some will meet the cluster requirements and some will meet the PUD requirements. The recreation area will be used for some of the septic area. Alternate Ex-Officio asked if they would be proposing a Town road for this project. Mr. Tate said yes. Chair Varney asked them to consider where the snow will be going. Mr. Tate said they will have the right of way width and that's where the snow can go. Chair Varney informed them that in a previous major subdivision the USPS has a handbook which indicates where the mailboxes can be placed and there needs to be a central mailbox unit. Deputy Director O'Brien said she will send Mr. Tate the handbook. Fire Chief Kenney said the Fire pond needs to be able to maintain itself. The Town will not take ownership of the fire pond because it will need maintenance but the Town would be more likely to take over a cistern. If the HOA has ownership of the Fire Pond that would be okay. Mr. Tate said they are not opposed to a cistern and they will do more research.

Municipal Transportation Tax: Deputy PCD Director O'Brien informed the Planning Board that it would be helpful if they would be in support of this. She explained with the King Street project coming down the pipe this will allow for extra funds to be contributed to this project. This tax could also help with creating bike lanes, repaving sidewalks, EV charging stations and more. Mr. Tillman would like to know what projects they will have in mind for spending the funds. Deputy O'Brien said the RSA limits the uses of the money to only be for improvements to transportation. She stated that she currently does not have a running list of what projects the funds will be used for since it has not been established yet. She stated that it could be something that Public Works Director Hollins uses for improving the sidewalks or repaving cross walks.

Chair Varney made a motion to support the Municipal Transportation Tax for the \$5.00 on the 2023 Town warrant. Seconded by Mrs. Randall. Motion passes by a four to two vote.

CIP Discussion: Deputy PCD Director O'Brien and PCD Director Easler met with CNHRPC commission about the CIP. Stephanie Alexander has updated forms and they will have this on the agenda for October.

Brownfields Conference: PCD Director Easler and Town Administrator Phelps went to Oklahoma for the Brownfield conference and it was amazing to see the redevelopment. She will be in touch with a couple investors.

The next meeting will be held October 4th @ 6:30 pm

Motioned to adjourn made by Vice Chair Martin. Seconded by Mr. Tillman. All in favor. None opposed.

Respectfully submitted by Kearsten O'Brien.