

Haverhill Planning Board Minutes

May 27, 2014

Draft Subject to Review, Correction, and Approval at Following Meeting

1. Call to Order

The Chair called the meeting to order at 7:00 p.m.

Planning Board members present:

Don Hammond – Chair

Mike Bonanno

Bill Daley

Tara Krause -- excused at 7:45 pm.

Tom Friel

Mike Simpson

Also present: Ed Ballam, Clerk

Members of the public included: Robert Roudebush

2. Designation of Alternates

No alternates to designate

3. Agenda Approval

Mike S. made a motion to approve the agenda. The motion was seconded by Mike B. The vote was unanimous.

4. Approve Minutes of Previous Meeting

Bill D. made a motion to approve the minutes of the last meeting. Mike B. seconded the motion. The vote was in the affirmative with one abstention, Mike S. as he was not present at the last meeting.

5. Scheduled Public Appearances previously scheduled.

Robert Roudebush appeared before the board to request consideration of a voluntary lot merger of Tax Map 204 lot 238 and Lot 240. Robert R. said he's completed the application for the merger, had the document notarized and has a map of the two lots along with a quit claim deed from the town for the parcel he wishes to merge with his present lot. He said the lot, which is on Hanover road is not buildable and he purchased it to keep others from clear cutting on it and leaving it empty. He characterized the lot as a pretty much wetland. It's about a half-acre in size.

Ed B. said if the board decided to approve the request, it would require a \$13 fee payable to the town for recording purposes.

Mike B. said he lives in Mountain Lakes and is familiar with the area. He saw no issues with the request and made a motion to approve the lot merger of Tax Map 204 Lots 238 and 240. It was seconded by Bill D.

Don H. asked if there were any questions. Ed B. asked if there were any liens on either of the lots, just for the record as a letter of consent from the lender would be required for approval. Robert R. said there were no liens on the property.

There being no other questions, the vote was taken which was unanimous. Robert R. wrote a check to the Town for \$13 for the recording fee and turned it into the clerk.

7. Correspondence/Communications

Ed B. said he had talked to Tyler Phillips, a consultant/engineer, representing the Whitchers who seek to expand their gravel pit on Route 25 in Pike. Mr. Phillips said he and the owners of the pit would like the board to determine if the proposed expansion was “grandfathered” under the umbrella of the current permit. Ed B. said the permit for the pit on the property is current and it appears it is for the whole parcel and it might be grandfathered. Ed B. also said the owners have permission from the state to expand, which is in writing and before the board. He pointed out that the state approval does not exempt the applicant from any local requirements, which is why the board is being asked to consider the expansion request. Ed B. said the owners would like a letter from the planning board indicating they are ok with the expansion, if they so determine the site to be grandfathered.

Bill D. asked if the expansion is grandfathered. Ed B. said in his opinion, it is only because the permit is for the entire parcel. The planning board could, however, determine it is not and decide whether to consider it new and go through a local permitting process.

Tara K. said she’d like to see the file and the current application to make sure there are no issues. Ed B. retrieved the file.

Bill D. said he wanted to make sure the abutters were aware of any expansion, if necessary. Don H. said he thought there may already be a ledge excavating site on the property in the area of the proposed expansion.

Tara K. reviewed the original application and learned that the owners got the permit in 2009 and it is valid through Oct. 2015. She found a letter from an abutter named Peschkes from New York, who had concerns about mining near his property. At the time, the owner was told the proposed mining was not going to be near his line. Maps were reviewed and no one with the name of Peschkes was found. Current tax maps were also reviewed with no results. There was speculation that the party could have sold the property since the original approval.

Tom F. said he did not believe that excavation could be done within 50 feet of the property line by regulations. It was noted that the original gravel pit was professionally surveyed and documented by the same company doing work on the proposed expansion. Tom F. said he figured the 50 foot border and state regulations covered the issue. Tom F. said he does not believe the planning board has the authority to say no if he meets the regulations.

Tara K. asked what the board should or could do with the request. Ed B. said if the board determined it was grandfathered and needed no additional review, the board should vote to do that and he would write a letter to the owners. Mike B. asked if the board should specify borders and boundaries for the new expansion.

Don H. said he thought the board should go look at the property before making any determination. He said he thought mining and excavation at the new location had already begun because he’s seen a large pile of rock and mined ledge material stored at the existing pit and noticed heavy activity way in the back of the property, in the area where the proposed expansion has been marked out.

Don H. said he wouldn’t make a determination on the grandfathering until he saw the property. Tom F. made a motion to physically inspect the property owned by David and Judy Whitcher for North Ledge Pit

Tax Map 422 lot 20 before approving a grandfathered status. Mike B. seconded the motion. The vote was unanimous. Ed B. said he would send a letter to Tyler P. advising the property owners of the board's decision.

Other correspondence, Ed B. said he had received notice from the state of New Hampshire Division of Historical Resources asking whether or not the planning board has any interest or any say in the new Cumberland Farms site on Central Street at the site of the former Grafton Motor Sales location. There was some discussion about whether or not there was any historic value at the site. Don H. said he remembers stories of the site being used as a rag picking dump years ago. The board determined it did not have any knowledge about any historic significance of the site.

Ed B. brought up, under other correspondence notice of a major subdivision to be considered by the Haverhill Corner Planning Board for property at 155 Dartmouth College Highway. He said the town is an abutter to the property and he was alerting the board of the meeting. There was discussion about an historic site at the top of the land called Powder House Hill. Don H. said there's a stone fort on the site. Ed B. said he was told there was evidence of a cemetery on the town own land as well. Tom F. said the town will need to be careful with the property and the use if there's a cemetery on the land.

Don H. said he was concerned about a road down to the site. He said the road would have to zig-zag down to the site. Ed B. said that was for the Haverhill Corner Planning Board to decide. Don H. asked if the HCPB regulations fall in line with the town of Haverhill regulations. Ed B. said that in many cases, the HCPB regulations are more stringent than the town's regulations.

Ed B. said the town is receiving notice of the hearing as an abutter. If the town has issues with the proposed subdivision, it should make them known at the meeting or in writing before the June 4 meeting at 7 p.m. at the fire station. Don H. said he may go. Bill D. asked if the existing house was going to be a lot, Ed B. said yes, that was the proposal and two other lots in back of the home. Tara K. said there's a big plateau in back of the house. Ed B. agreed and said it appears the lot is going to be subdivided topographically. Ed B. said he is on the Haverhill Corner Planning Board and that board is aware of some of the issues, as is the applicant. He said the issues are for the HCPB to deal with, not that Haverhill Planning Board.

Ed B. also pointed out the North Country Council correspondence regarding a survey for planning board members to look at and complete at their convenience. It was agreed the members would take the surveys home and bring them back at the next meeting. Ed B. said he would send the completed surveys back when completed.

8. Reports of Committees

None

9. Pending Business

Ed B. said he had not heard any news about any opinion the town's lawyer may have made regarding the town's sludge ordinance. Tom F. said he asked the town manager in anticipation of this meeting and he was told the lawyer has not offered an opinion yet. Tom F. said he suggested the town manager make a connection with the lawyer about the ordinance. As there was no new news, Tara K. made a motion to table any discussion of the biosludge ordinance to the next meeting. It was seconded by Mike S. The vote was unanimous.

Under discussion of the gravel pits, Ed B. presented a list of permits that have active permits on file presently. The sheet had the application date, the previous inspection date and the dates for inspections and renewal. The sheet was already on file with the Planning Board material and Ed B. said he went through the files to cross reference the paperwork. He commented that the Edwin and Katherine Blaisdell pit has changed names to the Edwin and Katherine Blaisdell Irrevocable Trust with Kenneth Blaisdell named as the trustee. The date of the name change was noted as May 2, 2011.

Don H. said there may be a change in the trustee and it may no longer be Kenneth Blaisdell. He directed Ed B. to send a letter to the Blaisdells seeking the contact information.

Don H. said he thought it might be a good idea for the planning board to renew all gravel pit permits this year so they'll all be done and all on the same schedule. He said some might not be due until next year, or later, but he thought it might pay off to have them all done at once. Tom F. agreed. Don H. said he'd like to see all the permits be issued for five years.

There was discussion about visiting and inspecting all the pits in one day. Don H. said he did not think the board would spend more than an hour at any of the locations.

Ed B. said from what it looks like in the past, the board members meet at the town office building to convene a warned meeting and then they travel to the different locations from there. He said the last time an inspection was done it convened at 8:30 a.m. Don H. said the owners of the pit need to be warned and about the inspections. Ed B. agreed. Ed B. said he needs the board to come up with a day to organize the inspection.

After some discussion, it was decided to do the inspections on July 12, starting at 8:30 a.m. Don H. said all the owners should be warned of the meeting and asked to have someone at the site to let the board in and answer questions. Ed B. said he could do that. He said while he understood the board couldn't say exactly when the members would be at a certain location, he asked the board break it down to at least afternoon or morning. Don H. said the board would do Roystan, Horne and Blaisdell's pits in the morning and Boutille, Whitcomb and Whitcher in the afternoon. It was discussed that the board might need some device to measure distances. Tom F. said he had a range finder that will determine measurements up to 500 yards away and is accurate to within plus or minus two yards.

10. Other New Business

Ed B. said the town has a request for permission to build on a private road. He said Carl Begley has asked permission to build a house on a Class 6, non-maintained road and, by the town's regulations, the request must come before the planning board for review before it is considered by the selectboard. Ed B. said the request is to build a structure on Map 411 Lot 55 which is a big lot on the end of the road.

Tom F. the regulations say the land owner needs to assume all responsibilities for damage done to other people's land resulting from any road improvement and change of terrain.

Ed B. said the request is before the planning board largely as a double check and a way to provide the selectboard with any information the planning board might have which the selectmen might not have themselves.

Don H. said there should be a clause on the application regarding fire protection and ambulance access. He said the application should say something about the town can't be held liable if the vehicles can't get to the property. Tom F. said the planning board can relay that to the selectboard for their consideration.

Don H. said the clause should have been included in the original application. Tom F. said he will make sure the selectmen know about the board's concerns.

Don H. said he has no problem with him building on the road as long as the applicant knows the fire department is not going to get a truck to his property if they can't do it safely. He said the fire department has had apparatus up Barber Road during the summer, but it's not likely it will be able to do so in the winter. He said there's a very steep grade on the road which is one of the reasons why it is not a town road because it would have to be paved.

Mike B. made motion to forward the application to build on a private road, submitted by Carl Begley to the selectboard for approval with the condition and understanding that the town may not be able to provide emergency police, fire or ambulance services due to road conditions and the Town will not be held liable for any consequences if the said services cannot be provided if needed. Bill D. seconded the motion. The vote was unanimous. Tara K. was excused from the meeting just prior to the vote being taken.

11. Public Appearances (Not Previously Scheduled)

None

12. Comments of the Clerk

Ed B. said some of the time constraints and conflicts he had which made it difficult to prepare the minutes of the meeting in a timely fashion have been reduced. Therefore, the minutes should be able to be produced within five business days per the state's RSAs.

13. Comments of the Planning Board

None

14. Other

None

15. Adjournment/Next Regular Meeting

The meeting was adjourned at 8:15 p.m. The next meeting is scheduled for June 24.

Respectfully submitted,

Ed Ballam, Planning Board Clerk