

**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 – Vice Chair  
Tara Krause  
Tom Friel  
Mike Simpson  
Bill Daley

Also present: Ed Ballam, Clerk

Members of the public were: Shirley Grilli, Susie Tann, Darwin Clogston, Polly Bonanno, Tiffany Duval, Jim Newcomb, Bill Emig, Homer May, Doug Henson, Elaine Woodside, Dick Woodside, Paula Campbell, Barbara Marshall, Dick Fabrizio, Wayne Fortier, Susan Brown, Lynn Wheeler, Lara Saffo, Michael (Roddy) and Nancy Emley

**2. Designation of Alternates**

No alternates to designate

**3. Agenda Approval**

Bill D. made a motion to accept the agenda as presented, seconded by Tom F. The vote was unanimous.

**4. Public hearing on a Citizens' Petition regarding the use of sludge on property in Haverhill.**

Don H. said the town had been petitioned to place on the written ballot an article that asks the townspeople to repeal the existing ordinance governing the use of sludge and replace it with the state's regulations which are Eqv 800 and 1600.

Clerk Ed B. said the petition had been signed by a sufficient number of people, verified and properly noticed for a hearing. He said the hearing was designed to let people know it was going to be on the ballot and give them an opportunity to voice their opinions about the proposed ordinance.

Don H. asked that people who speak state their names for the record and told everyone the meeting was being recorded.

Don H. called upon Susie Tann of Haverhill. Susie T. asked where and when the public hearing was warned.

Ed B. said it was warned with notices posted in all four Haverhill U.S. Post Offices, in the town office building and, because of time constraints, in the Valley News in the Jan. 18. He said he had wanted to put it in the Bridge Weekly, but because of publication deadlines and state RSA rules about notifications, he had to use the Valley News which is a daily paper locally circulated.

Susie T. said it was her understanding that the planning board had agreed the notice would be in a local paper. Ed B. said the state statute says it has to be a paper of local record and circulation and the Valley News is. Ed B. repeated it wasn't his first choice for publication, but it was the only choice given the time frame.

Susie T. said she was surprised there is only one hearing. Ed B. said he looked it up and he understands the statute only requires one. The Planning Board had two in 2012 when a similar petition was submitted because no one showed up for the first one.

Susie T. asked would the board have two hearing if the public felt it was necessary. Ed B. said it would be up to the board to make that decision.

Susie T. asked what does the notice require to notify the public. Ed B. said it has to notify where and when the hearing will be held. He said he included the entire petition, except the signatures, in the posted notices and in the advertisement as a courtesy to the public. He said it was his understanding that it was not a requirement. Susie T. asked if the entire petition be posted was required. Ed B. said it was the Planning Board's practice to do so. He said when the board considers lot line adjustments, subdivisions, mergers and the like, the advertisements and notices usually include some details about the proposal.

Susie T. said the entire petition was not published. She said it appears a line was omitted. She said wanted to make the board aware. She said she wants to make sure all procedures were followed properly. She said the last line is the "guts" of the petition. She asked that the state law be checked and followed properly.

Bill D. asked for clarification about what Susie T. was asking. Susie T. asked that the law be followed and double checked. She said it was nothing that had to be done immediately, but she wanted it checked. She said there were other thing that were far more pressing that the omitted line. Bill D. suggested the board move forward with the public hearing.

Susan Brown of Haverhill said she had concerns about the citizens' petition. She mentioned that years ago, sludge from Lawrence, Mass., was being dumped on the meadows near Bedell Bridge State Park. She said there was concerns about what was in it. She said one of the major concerns about sludge is its hormone contents affecting fish and frogs. She said she didn't know how hormones would affect corn that is fed to cows, or how it might affect humans in the long run. She said it was something the town should consider.

Doug Henson of North Haverhill said he would like to request another public hearing seeing the first one was not fully explained. He didn't think there were many people attending the hearing because they didn't know about it. Ed B. said there is an issue about being ready for the town meeting and the ballot and getting things in on time. He said there could be an informational meeting but it would also require 10-days' notice and would not influence any recommendation the planning board might have because the deadline for town report and ballot printing will have already past.

Bill D. asked what part Doug H. did not feel was fully noticed. Doug H. said the omission of the last line means the public hearing may not be valid. He said Susie T. had already explained that. Doug H. said it was his belief that two public hearings were necessary. Bill D. said it's his understanding that there's only one required.

Bill D. said he hopes everyone understands that one way or the other, this citizens' petition is going to be voted on at town meeting. He said the board has three options, it can say we like the idea, we don't like the idea, or we can say nothing.

Doug H. said it's only fair that the people who are for it should attend and have their voices heard so the public can pick up information.

Susan B. asked the board to explain what the rules are as outlined by the state. Don H. said Susan B. is welcomed to read through the state rules which are 126 pages long. Susan B. approached the table and retrieved the 800 and 1600 state documents.

Ed B. pointed out the Planning Board did not initiate the article and it comes from a citizens' petition. Susan B. said she understands that, but commented that if the board is going to ask the townspeople to put dangerous stuff on land, the board better know what they're asking.

Ed B. said the board is not asking for permission to allow anyone to do anything or spread anything anywhere. Ed B. said the board is just the venue or conduit for the public hearing to take place.

Susie T. asked if there was anyone who signed the petition who could explain what was being asked and the rules. Don H. said there isn't anyone who signed the petition in attendance. He said he checked and notices no one.

Susie T. said the 800 state regulation is in regards to the land application of sludge. She said it was the state's regulations that spell out testing and requirements. She said 1600 concerns only sludge that comes out of septic tanks. She said all the regulations were from the state's Department of Environmental Services.

Ed B. told Chairman Don H. that he had the state RSA rules regarding public notices and asked to share them. He said the notice needs to be placed in two public places, and this one was posted in five, and a paper of general circulation 10 days in advance of the meeting. He said the state law says the entire text does not need to be included in the ordinance as long as there's adequate indication regarding what the hearing was going to be about. Ed B. said he believe that even though there was a line omitted, it met the requirements of the law. He said the RSA is 675:7.

Shirley Grilli of Haverhill asked how many people signed the petition. Don H. said it was signed by 29 and it appears that two were disqualified as they have X next to their names.

Board member Tara K. pointed out the board did not solicit the signatures and the signatures on the petition do not belong to the board.

Shirley G. said she understands the signatures do not belong to the board. She wonder how many were required to be on the ballot. Don H. said 25 is required to be on the ballot. Shirley G. said she remembers the last time the petition was submitted in 2012, the petitioners had to "scramble" to get the required number because they didn't have enough. Shirley G. said she thought it was 30 and 29 was not enough. Don H. reiterated only 25 signatures were required.

Dick Woodside of Haverhill said he understands there is no one in attendance who signed the petition, but he was hoping to learn how the petition article differed from what the town already has for regulation of sludge.

Don H. said he thought Susie T. might be able to describe the differences and he called upon her to do so. Susie T. said she would try. She said the way she understands the state ordinance is a health ordinance as is the town's current ordinance. She outlined some of the differences between the state rule and the town rules. She added she had spoken with the local waste water treatment plant operator who said the plant only produces class "A" sludge.

Susie T. said the difference between Class A and Class B sludge is the amount of pathogens in the two classes. She said Class A sludge has very minimal risks, although there are risks in everything in life. Class B., Susie T. said, is an unknown risk and it becomes very dangerous.

Susie T. said we pay RMI, to pick up Class A sludge and they sell it to our local farmers. They have the ability to spread our own sludge, but he claimed they don't go far with it because the economics of trucking our sludge to another town. If farmers want it, they have access to it. Susie T. the current ordinance in town does not support, but doesn't ban, the application of Class B sludge. Susie T. said Class B is a risk and it is becoming more of a risk. She said it shouldn't be spread without local control with a local ordinance.

Planning Board member Mike B. had a comment about Class B sludge, 5.4 on page 6, requires a permit from DES. He said that means people can't spread Class B just for the sake of spreading it without a permit from the state.

Susie T. said she believes the town is covered with the current ordinance with local control. The ordinance she said might not be perfect but it does afford the town local control.

Don H. said he believed the local ordinance as written does not allow the spreading of Class A sludge, produced in Woodsville, to be applied in the town of Haverhill.

Susie T. said that was not true.

Board member Tara K. said the board had the same conversation two years ago and learned that spreading of any sludge anywhere in Haverhill because it was prohibitively expensive to get permits. She said the land surveying and topographical mapping required made it difficult for local farmers to use local sludge. Tara K. said the board talked with proponents and opponents two years ago to see if the language could be more clear and to have the current ordinance reworked to more effectively allow Class A sludge to be used in town, but it never happened.

Susie T. said she recommended the Planning Board not recommend the citizens' petition. She continued to say that because the issue impacts the whole town, a diverse committee should be formed where the issues could be identified and then craft an ordinance based on best practices and science and the data. Susie T. said the local plant operator is more than willing to talk to anyone who wants to learn about the sludge and the issues and present all the facts.

Susie T. said there are a lot of people out there who have the expertise that we don't have who can come up with something that reflects best practices.

Tara K. said that is exactly what the board had tried to do two years ago. Susie T. said although there were mentions in the minutes about that topic, she was never contacted. She said in the September minutes mentioned that there should be a committee formed.

Ed B. said he recalled making a contact with Susie T. about the very topic. He said he didn't know why there was a disconnect, but he did make contact with her. He said it appears that there is a polarization on the two sides and the planning board was trying to be the intermediary and bring the two sides together.

Susie T. said there was mention of it in the September minutes that she saw, but she said no one from the board made any contact with anyone.

Don H. said the board tried. Susie T. said that no matter what happens, there is always going to be two opposing sides and controversy. She said she cautioned the board recommending something where the board hasn't allowed the public to come together to work out the problem.

Ed B. said the issue will be on the ballot no matter what. The planning board cannot prevent it from being on the ballot.

Susie T. said she understands the board can decide to recommend or not recommend or leave it blank. Ed B. said the board cannot recommend it not be included on the ballot.

Susan B. asked where the question would be presented to the voters. Ed B. said it will be on the written ballot as it was last time.

Don H. said the board has no say where it goes. He said once the citizens' petition has been submitted and verified, it has to be on the ballot.

Susan B. said she thought it had to be on the warrant. Ed B. said all articles have to be on the warrant, but some are decided by paper ballot and others are decided on the floor. Susan B. said the items are not the same and they are totally different. Susan B. said the ballot is not part of the warrant. She said the issue should be discussed and decided at the meeting itself and not on the ballot.

Lynn Wheeler of Haverhill said she was on the board when the first attempt at changing the sludge ordinance came up and she does recall the board trying to bring together people to work on the ordinance to make it work better.

Don H. said the planning board is trying to make things work and to listen to as many people as possible. He said if the ordinance passes, it passes, if it doesn't it doesn't and the board will then definitely re-write the current sludge.

Shirley G. said two years ago when the town went through the same thing, New Hampshire was importing sludge from Massachusetts, Vermont, Maine and other states. She said sludge is very risky and other states don't test like New Hampshire does and it means N.H. is at a terrible risk. She wants to make sure that whatever the town it stays just with Class A.

Board member Tom F. asked what the general feeling of the audience was regarding the spreading of Class A sludge.

Lara Saffo of Benton (not a Haverhill resident), said she didn't want anyone to think Class A sludge is perfect and it is not sufficiently tested for heavy metals. She added that's why the current ordinance in place with the town has a lot of testing requirements. She said she wished she had more time to be better prepared but she only heard about the public hearing on Sunday night. She said if the notice had been posted in a local paper, and not just the Valley News, she believes there would be more people who would have been better prepared to speak. No one knew about the public hearing because it was only in the Valley News. She said she understands the process, but feels the planning board needs to have information because the townspeople are looking to the board for guidance and get it in an organized fashion. She said the planning board needs to be experts, but she also realizes that the board is volunteer and it is difficult to learn all there is to know. She said she wants to

make sure the record shows that no one thinks that Class A sludge is good stuff, but it is way better than Class B sludge.

Tom F. said he doesn't want people to think the board believes that Class A sludge is good, but would like to get a reference point for the future. He said he had a perception that isn't anyone in the room who wants to have Class B sludge used, but he wanted to know what people thought about Class A. Tom F. said there are a lot of people here who are against the proposed ordinance. He also said there are people who believe that Class A sludge is OK under certain circumstances. Tom F. said he believes that most people in the room are saying Class B is definitely out.

Susie T. said people should know organic food regulations do not allow Class A to be used.

Tara K. said the alternative to sludge is chemical fertilizer, she said that has risks as well and she said she would like people to recognize those have risks as well.

Lara Saffo said she has research that she did six years ago when she helped draft the current ordinance that she would like to submit to the planning board when she finds it.

Susie T. said there are risks to everything and she doesn't want to compare sludge to other fertilizers. She said she wants to stay focused on just sludge. Researching everything would become too overwhelming, she said.

Susan B. said the board should not support the petition article and should support a committee to work on the issue. That would mean that next year, the town could consider an informed ordinance, and the town would be informed and the voters would be informed. She said she learned about the hearing Sunday night. She said she did not have time to look at the state rules and would ask the planning board to not support the petition article.

Elaine Woodside of Haverhill said she understands there is no recourse except to vote on the issue and given the importance of it, she asked the planning board vote to not recommend the petition article.

Dick Fabrizio of Haverhill asked if there was any sludge being spread anywhere in town. Don H. said no there was no sludge being spread in Haverhill. Dick F. asked where the material being produced in town is being spread. Don H. said he thought it was being used in Bath. Bill D. said he believes some is being spread in Vermont and Piermont as well.

Dick F. asked about the rules governing the other towns in the area. Don H. said he couldn't speak for other towns.

Susie T. said the state rules govern other towns. She said the town only produces Class A sludge. Dick F. asked why Class A sludge can't be used in town.

Ed B. said he recalls from the 2012 hearing, in which the proponents of sludge spreading, had a consultant attend the meeting who said Haverhill's current requirements, which include topographical mapping at five-foot intervals, is very expensive. Ed B. said he was not commenting on the merits, simply providing information. He said the need for baseline data makes sense, but from what he understands, farmers who want to use sludge say it is too costly and restrictive. Ed B. said he understands the farmers also object to the testing of every load on site which they say is prohibitively expensive, costing more than commercially available chemical fertilizer.

Ed B. said the work of Shirley Grille, Susie Tann and Lara Saffo produced the town's current ordinance which is in effect today. He said the town's ordinance is more restrictive than the state's requirements. Ed B. said the people who brought forth the petition article being considered at this public hearing are essentially saying we don't like the ordinance that governs the use of sludge today and we want to replace it with the state rules.

Susie T. said she was looking for "boiler plate" ordinance material from the state, but she couldn't find any because that portion of the state government no longer exists. Ed B. said the DES is the department that makes the rules and make the regulation the petitioners want to use.

Bill D. said the 2012 hearing predates his appointment to the planning board. He asked how many people show up for that meeting. Don H. said not as many as showed up for this public hearing.

Susie T. said nobody knew about the 2012 public hearing. Ed B. said that hearing was noticed just as this public hearing was and a local paper was used for advertising.

Bill D. said the planning board can make its comments at the bottom of the article, pro, con or neutral as the board decides, but it seems like it's difficult to get people to come together on the issue.

Ed B. said with the exception of dates and names, the petition received in Dec. 2011 is exactly the same as the one received in Dec. 2013. He said the board is going through déjà vu again.

Susie T. said the vote in 2012 was about 480 against the petition to about 120 in favor. Ed B. agreed that the previous petition was overwhelmingly defeated.

A member of the audience who could not be identified on the recording said the vote was 169 for, 462 against. He asked how many people attended the hearings.

Ed B. said no one attended the first public hearing and the board decided to have a second one which was attended by a number of proponents of the petition and a consultant from Holderness.

Susie T. said nobody knew about the 2012 hearings. Ed B. repeated that they were warned just as this current one and a local paper was used to promote both of the hearings. Therefore the use of the Valley News didn't make any difference. Ed B. said the Bridge Weekly was used because he was the one who put them in the paper.

Lara Saffo said that whatever paper was used, apparently a lot of people missed the paper that day. Lara S. said a committee should be formed right now to take the current ordinance and rework it and present a new ordinance next year. She said why wait, just do it and invite everyone. She said if there was better notice, a lot more people would have been at the meeting. She said public education is important.

On a related topic, Lara S. said that because of the way the U.S. Constitution is drafted, there's no way the town could make an ordinance that says just local sludge can be used in town because of the commerce laws. She said she would need to do more research, but she believes that if the town decides that Class A sludge can be used in Haverhill, there's no

way it can regulate that only sludge produced in town can be used in town. She said it's all or nothing. That means the sludge can be trucked in from anywhere which is why the local ordinance requires so much testing, Lara S. said. She said she didn't know what the option would be except not to test and that was not a viable option.

Lara S. asked that the board call a meeting in a couple of weeks to look at our current ordinance and make adjustments and improvements. She said the petition article seeks to have the health officer become more involved and she is not sure our health officer is prepared to take on the additional responsibilities. The petition article is misleading because it might cause people not to worry because it says the local health officer will be watching, Lara S. said. She said there are a number of issues that need to be hashed out before the vote is taken.

She asked the board to call a meeting and appoint a committee to look at the ordinance. She said maybe it should have been done earlier, but there's no reason not to do it now.

Ed B. said he did not think it was a good idea at this moment to appoint a new committee and start working on a new ordinance while a citizens' petition is pending. He said it would be better to wait until after Town Meeting and after the issue has been voted on and then make a decision about the next step.

Doug H. asked about well head protection ordinances in town. Don H. said there are some in town. Doug H. said he noticed that a number of the petitioners live in the vicinity of wellhead protection areas. Don H. asked if Doug H. was referring to Dale Lewis who lives on Court Street and owns a farm next to the Haverhill Corner Precinct water source. Doug H. said yes. Don H. said he didn't think Dale Lewis planned to use sludge in that area. Don H. said he believes that Dale L. would like to use it in the Connecticut River meadow area. Don H. said he believes that's what Dale L. said two years ago at a public hearing then.

Doug H. said how the town would know where the sludge is being spread and where it isn't. Don H. said ordinances can regulate where it can be used and where it is not. Tara K. said the application process now requires disclosure about where the sludge will be used.

Susie T. said the local waste water treatment plant operator was notified of all sludge spreading in town.

Ed B. and Don H. said there isn't any sludge being spread anywhere in town now. She said local sludge is bought on line and then trucked from the plant. Don H. said he believes all of it goes out of town to Bath, Piermont and into Vermont. Don H. said the farmers objected to not being able to use material from their own town.

Tara K. said that's only because of the cost and the complexity of the permitting process.

Don H. said the requirement of five-foot topographical grading is more restrictive than the planning board requires for any development and is very costly.

Susie T. said the local waste water treatment operator said anyone can come and get the sludge.

Lara Saffo said we trust our own sludge and there's no reason why it shouldn't be used in town. She said she's not worried about Haverhill's sludge. She repeated that there's no way to say only Haverhill's sludge can be used in Haverhill.

Wayne Fortier of Haverhill said that as a town official all this sludge ordinance information is new to him. He asked that from what he has learned, the town's ordinance is more restrictive than the state's rules. Don H. confirmed his thought. Wayne F. said that he also understands the reason why Class A is not used in town is because it cost too much to meet the current rules. Bill D. confirmed his thought. Wayne F. said that the town's current ordinance is the only tool the town has to prevent any sludge from anywhere being spread in town. He said the selectmen would have to have permits and certificates to spread sludge and the board doesn't have any currently. He said he would like to be more informed about testing and how the process works. He said any changes to the ordinance that require more attention from the health officer, that is going to put a fiduciary burden on the town. Wayne F. added that the health officer is already being asked to do a lot and more and more all the time for the safety and welfare of the townspeople. He said if the town decides to add the monitoring of sludge to the health officer's job description, it will cost more money than we have in the budget now. He said he is not saying he's against doing that, but just noting the town would have to prepare to take on that additional cost. Wayne F. said if the town has to accept sludge from anywhere, he wondered who tests it or will be testing it and he doesn't know the answer.

Susie T. said no one knows the answer to that. She said it's tested in the town in which it comes. After that, there's only random testing of Class B that is done by the state, she said.

Wayne F. asked if there was any testing by the state of Class A material. Susie T. said there is some limited testing she thought on a yearly basis.

Bill D. asked if the sludge that is generated in town is an income stream for Haverhill or is someone being paid to haul it away. Ed B. said that regardless, the cost, or benefit, of the sludge would be absorbed the waste water treatment facility which is user paid, not taxpayer paid. He added it is completely separate from the town of Haverhill and has no effect on Haverhill taxpayers.

Homer May of Haverhill said there's some sludge being brought into the region where farmers are being paid to take the sludge. He said it's so bad, some communities can't give it away. He said it's an issue worth looking into. Don H. said the planning board is not going to be looking into that issue or any other regarding sludge, he said the planning board can't be expected to become experts on sludge. He said the board will help with the ordinance and hold public hearings, but it can't go much further than that.

Homer M. said he highly recommends the board put a sentence on the ballot that says the board agrees with the citizens' petition, or it does not agree with the petition.

Lynn Wheeler cautioned the board to be careful with election laws and what they can and can't do with material going into the voting booth. She said the board can't tamper with, or make recommendations on a ballot that people take into the voting booth.

Don H. said the board could, and should, make its recommendation known somewhere in the town report – either the board supports it or doesn't, or put nothing.

Ed B. said Lynn W. might be right because there are laws that govern propaganda material, or leaflet that gets handed out at elections and how they can't go into the balloting area.

Don H. said the selectboard make recommendation on many of the warrant articles. Lynn W. said that's different. She said the board making a recommendation on the ballot would be lobbying. Don H. said the board had no intention of doing that.

Dick Woodside of Haverhill said he really wished there was representatives from the other side to more fully vet the issue. He said he is troubled by the process. He asked the clerk when he received the petition. Ed B. said the petition was turned in to the town in December. It then had to go through the process of verifying the names. Ed B. said he was made aware of the petition in January and called the public hearing as soon as possible. He said because of the timing, he could not get it into the Bridge Weekly because it is a weekly newspaper with deadlines that didn't meet the requirements. He said the letter of the law was met with publication in the Valley News. He said it wasn't an ideal process, but the planning board was not in control, it was a petition article submitted by the citizens of Haverhill.

Mike B. said the holidays in December may interfered with the process as well.

Ed B. said the planning board was scheduled to meet this evening. He said the board is comprised of volunteers and he didn't want to have them come out for another separate night for the public hearing, so he made it work for the night the board was scheduled to meet. Ed B. said it was posted in five separate places, not just two the law requires, and it was published in paper of local record. He said it was not his preference, but it was the only option to meet the requirement. He said the process was not ideal, but the board is only in a reactionary mode to a petition to which it is required to conduct a public hearing with or without the people who submitted it.

An unidentified person in the audience asked if it was exactly the same as the ordinance voted on in 2012. Ed B. repeated it was and said he would be happy to pass out the 2012 petition to anyone who wanted it. The person who was speaking said the planning board should take a position and also ask the health officer to take a position and put both on the ballot. The speaker asked for some clarification about what will happen and what the ordinance means.

Ed B. said the petitioners have asked the town's current law be repealed, removed, and replaced with the state's rules. He said the science in the rules probably exceeds the capabilities of most people in the room to understand fully. However, he said, it is what other Haverhill citizens have asked the towns voters to consider. Ed B. said it was the audience's peers, fellow citizens' have asked, not the planning board making the request for change. He agreed it would be better to have the proponents of the petition available to explain their position, but it didn't happen. Ed B. said ironically two years ago, the farmers and the proponents of the using sludge turned out for the hearing and two years hence, the opponents turned out. And all the while the planning board has been trying to get the two sides together to work on an ordinance. Ed B. said for those who would like to know more about the farmers' position, he recommended going to the town's web site and reviewing the Jan. 31, 2012, minutes where they outlined their position. He said he was sure their position would be the same because the most recent petition is exactly the same.

Ed B. said the farmers used the same rights and privileges every resident of Haverhill have, including those in attendance of this public hearing to petition the town to adopt an ordinance. He suggested 25 people get together and petition another ordinance, for next year as it is too late for consideration this year.

Shirley G. asked about the number of people it requires to get on the ballot she thought it was governed by a percentage of the population. Ed B. said whatever the requirements are, they are spelled out in the state RSA.

Susie T. said going back to the 2012 public hearing, she said RMI said more than the farmers said and she questioned whether the verbiage of the petition came from the farmers themselves. She wondered whether it was from the citizens or the industry leaders. She said the ordinance could be amended to accommodate their concerns about the economic of the town's ordinance.

Ed B. said by state law, a citizens' petition can't be amended. It has to appear on the ballot as presented.

Susie T. said perhaps the petition ordinance could have amended, rather than repealed the town's ordinance. Don H. said it could have, but it didn't and that's what the board wanted to do.

Tara K. agreed saying that is exactly what the board wanted to do two years ago.

Don H. said he's not saying he's for or against the petition article. He has heard both sides. And he understands both sides. Farmers do not have as many cows as they have had in the past and, therefore not as much manure to fertilize the fields so they have to spend more money to buy commercial materials. He also said that he believes the farmers might not object to paying for the testing, but the mapping required by the town's current ordinance is a killer. Don H. said that's the most expensive kind of topographical mapping there is.

Susie T. cautioned about 'throwing the baby out with the bath water' and omit the requirement for mapping. She said there's a lot of information available to support the need for mapping for public protection.

Don H. said maybe a compromise of the standard 20 feet is better. Don H. said if the measure doesn't pass, then maybe both sides should sit down and talk about it and the board will warn the issue in plenty of time so any one who is interested can come and talk about it. Then, the planning board can help come up with an ordinance that makes sense, he said. Don H. said he personally doesn't want Class B sludge from unknown places being spread in Haverhill.

Susie T. said there's a problem with that in that the town can't allow one kind without allowing the other kind of sludge. She said stringent guidelines and regulations are required to protect the town. She said maybe the only way to protect the town is through an economic gate way.

Bill Emig of Haverhill commented about the flood plain in the Connecticut River valley and questioned whether the state prohibited anything from being spread in those areas, particularly both sides of Bedell Bridge Road. He said the area has historically flooded year after year.

Susie T. said she knows the farmers can't stockpile material in the flood plain. Don H. said farmers are obviously not going to spread during flooding.

An unidentified audience asked for a definition of stockpiling. Susie T. said it means a pile of material stored on land.

An unidentified audience member asked how the planning board member will decide on its recommendation.

Ed B. reminded the audience that the board only has the authority and power to influence the vote, it does not have the authority to prevent the vote.

Another person asked if the board was going to make a recommendation tonight. Don H. said there would be discussion about that after the hearing is closed.

Mike B. made a motion to close the public hearing. Tom Friel seconded the motion. The motion carried with a unanimous vote. The hearing was closed at 7:55 pm.

#### **5. Approve Minutes of Previous Meeting**

Tara K. made a motion to approve the minutes of the Dec. 17 meeting. Bill D. seconded the minutes. The vote was unanimous with Mike S. abstaining as he was not present for that meeting.

#### **6. Scheduled Public Appearances**

None

#### **7. Correspondence/Communications**

Ed B. said he crafted an annual report for the Planning Board to be included the 2013 town report. He asked the planning board to look at it and make comments. There were a few comments and changes noted. Ed B. said he would make the changes, get the chairman to sign it and get it into the town.

#### **8. Reports of Committees**

None

#### **9. Pending Business**

Ed B. said he found a gravel pit check list in the planning board's files to be used for gravel pit renewals. He also said it's something the full board will have to do and he can't just do it administratively as he previously thought. Don H. ask the clerk to determine how many will have to be done and then determine when we can organize a meeting to do the inspections. Don H. said the process is not that hard. It would require a trip to the individual pit and a meeting with the pit operator to see what's happening with the operation. Ed B. said he would come up with a list and a plan for next meeting.

#### **10. Other New Business**

Don H. asked the board for its views on what action to take regarding the citizens' petition sludge ordinance. Tara K. said the board members are not experts and there's no way the board could make a meaningful recommendation based on the information it has. Tara K. said she would like to propose the recommendation of a committee to study the issue. Don H. said that would be his feeling, that the issue needs more study. Ed B. said that's been the board's position all along.

Tom F. said the board has to make a decision on the ordinance itself, whether to recommend it or not recommend it or be neutral.

There was discussion about the wording of the recommendation. It was clear that none of the board members felt they had enough information about the subject, but none were in favor adopting the petition article as is.

On a motion made by Tara K., seconded by Mike B. the board voted unanimously to say the board doesn't feel it has enough information to render an opinion on the petition article and recommends further study.

To clarify the vote, and to get a yes or no for the ballot, the clerk polled the board via email and in person after the meeting. The consensus of the board was to say on the ballot "The Haverhill Planning Board does not recommend adoption of the citizens' petition article" to

comply with the state regulations that require a clear, definitive recommendation on the ballot.

**11. Public Appearances (Not Previously Scheduled)**

none

**12. Comments of the Clerk**

none

**13. Comments of the Planning Board**

none

**14. Other**

None

**15. Adjournment/Next Regular Meeting**

The meeting was adjourned 8:30 p.m. on a motion made by Mike B., seconded by Bill D. The next meeting will be held Feb. 25.

Respectfully submitted,

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Ed Ballam, Planning Board Clerk