

**Town of Haverhill
PLANNING BOARD
Meeting Minutes
Tuesday, June 22, 2021, at 7:00 PM
R. E. Clifford Memorial Building
65 South Court St.
Woodsville, NH 03785
And on Zoom**

1. CALL TO ORDER: Gary Hebert, Chair, called the meeting to order at 7:05 PM.

Roll Call Attendance: Howard Hatch, Select Board liaison (Here); Joe Longacre, Vice Chair (Here); John Nelepovitz (Here); Don Hammond (Absent); Gary Hebert, Chair (Here). A quorum was met.

End of Emergency Protocol

Hebert stated that with the end of emergency orders, the Board will be voting by voice vote and not roll call vote.

Town Employees Present:

- Jennifer Boucher, Assistant Town Manager
- Joanna Bligh, Planning Board Clerk, Project Coordinator

Member of the Public Present: Harry Burgess (surveyor).

2. Designation of Alternates: None.

3. AGENDA APPROVAL

MOTION #1: Longacre made a motion and Nelepovitz seconded the motion to approve the Agenda as written.

Voice Vote: All approved, none opposed, none abstained. The motion passed.

4. APPROVAL OF MINUTES FROM THE PREVIOUS MEETING

MOTION #2: Hebert made a motion and Longacre seconded the motion to approve the Minutes from **May 25, 2021**, as written.

Voice Vote: All approved, none opposed, none abstained. The motion passed.

5. PUBLIC APPEARANCES (previously scheduled): None.

6. PUBLIC HEARING: None.

7. NEW BUSINESS

Lot Line Adjustment for Gilbert and Rebecca Daniels (Map 103, Lots 133, 134)

Harry Burgess presented the lot line adjustment plan for the Gilbert and Rebecca Daniels, 8 Wilson Ave., Woodsville, which was filed months ago, stating that the owners purchased a .06-acre property adjacent to their garage from the Haverhill Cooperative School District. Burgess noted that he contacted the Daniels' lawyer to obtain the

documentation of the transfer. Burgess stated that finally the Superintendent of Schools Laurie Melanson visited the Town Administrative office and signed the application form and provided minutes to the School Board Annual Meeting, which show a positive vote on the transfer of the .06 acres to the Daniels. Burgess stated that the .06 acres equates to moving the lot line 40 feet.

Burgess will correct a wrong name on the survey map and will deliver new maps to the Town. Hebert stated that all documents from the SAU have been received, including the School Board meeting with the vote on Article 5.

Hebert asked if there was any discussion.

MOTION #3: Nelepovitz made a motion and Longacre seconded the motion to approve the application of Gilbert and Rebecca Daniels for a lot line adjustment (Map 103, Lots 133, 134).

Voice Vote: All approved, none opposed, none abstained. The motion passed.

Lot Line Adjustment: Cheryl and Brian Young, Carroll and Verna Young, Michael and Rebekah Young (Map 410, Lots 34, 35)

Burgess stated that the properties are on Woodward Road north of the golf course. Cheryl and Brian Young (Lot 35) wish to convey 3.85 acres to Lot 34 owned by Carroll, Verna, and Michael Young to increase access to Lot 34. Burgess stated that there are no new lot creations, and the lot line adjustment reduces Lot 35 to 5.78 acres from 9.5 acres.

Hebert asked if Board members has questions.

MOTION #4: Longacre made a motion and Nelepovitz seconded the motion to approve the application of the Youngs (Cheryl, Brian, Carroll, Verna, Michael, and Rebekah) for a lot line adjustment (Map 410, Lots 34, 35).

Voice Vote: All approved, none opposed, none abstained. The motion passed.

Hebert asked Burgess how many copies of the maps are needed. Burgess replied that two paper maps are with the application, and the copy with all the signatures will be at the Registry of Deeds, which he gives a copy of the signed document with the registry number to the client.

Prior Lot Line Adjustment for Carl Begley, Barber Rd.

Boucher discussed the current Begley Building Permit and his seeking an e-911 address that are on hold because of an irregularity in two of the three 2017 lot line adjustments of the Begley property. Boucher stated that to complete the 2017 plans, the Town needs copies of the mylars of the two lot line adjustments for signing and recording. Burgess recalls a problem with drainage to be corrected via a culvert, and the Board would not sign the mylar until the work was done. Burgess stated that he has pictures of the completed work. Discussion of the history of the lots continued. Boucher brought up the tax map to further discuss the issue.

Hebert asked how to fix this issue. Boucher suggested forwarding the Minutes from 2017 to Burgess, and Burgess stated he can make a new mylar. Boucher noted that the Board may have to reaffirm the vote of the Board from 2017. Boucher suggested a site visit to the culvert and that she has spoken to the landowner. Hatch suggested expediting the process.

The members agreed to reaffirm the 2017 Board vote at the next meeting with a review of the minutes from 2017, new mylars, and photos.

Building Permits / Jeff Elliott / Map 413, Lots 48.5, 48.7

Hebert stated that these Building Permits for Fieldstone Drive lots are for comment only. Boucher confirmed septic approval and log houses to be built on each lot. Elliott will be required to sign a confirmation that he understands that when building on a private road, EMS services and fire services may be delayed.

Longacre noted the lack of frontage for Lot 48.7 on the private road. Boucher stated that there is appropriate frontage in two 50-foot measurements. Discussion continued.

Hebert asked for Board comments.

Hatch: None.

Nelepovitz: None.

Longacre: None.

Hebert: None.

PENDING BUSINESS:

Master Plan Updates

Hebert discussed the Master Plan updates noting that the RFP is being redistributed to a larger audience of vendors and the proposals will be due July 9.

Hebert requested volunteers from the Board to act as reviewers of the proposals and/or subcommittee members for the Master Plan rewrite. Hebert volunteered to be part of the vendor selection process and the Master Plan rewrite, and Longacre volunteered to work on any committee that is needed.

[The Town Manager is the point of contact for any questions related to the Master Plan.]

Blaisdell's Pit Follow Up

Report on Site Visit

Longacre provided a written and verbal report on the site visit:

- Hammond, Longacre, Hatch met with Carl Blaisdell on **Saturday, May 29, 2021, at 1:00 PM** at the pit on Airport and County Roads in North Haverhill. The members measured the water level to ground water at 55 feet.
- The members reviewed the excavated slopes and safety barriers. All in attendance agreed that they were in compliance.

- The members observed initial reclamation on slopes by Airport and County Roads and agreed that the work performed on reclamation was in compliance with state statutes.
- Hatch identified an area on a slope by Airport Road that had questionable reclamation material. Blaisdell said he would check with Chief (gravel pit operator) to verify material in question.
- The Planning Board members acknowledged that the Blaisdell Pit Trustees should receive a copy of this report.

The report was signed by Joe Longacre, Planning Board, Vice Chair

Discussion

Hebert asked the members how often they should follow up with inspections. Hatch suggested seasonally – spring and fall – and annually on the water level. (Longacre noted that the previous water level reading was 52 feet.)

Hatch mentioned an area on Airport Road where he observed a disruption of the ground on the side of the road under a tree line, but was not part of the gravel pit work. Hebert suggested that Hatch bring this issue to the Town Manager and then to the Select Board. Boucher contacted Colton Grant, Road Agent, by email, and he will address it.

Longacre suggested a quarterly approach, and Hebert suggested a graduated approach. Hebert then stated April and October, and the members agreed. Boucher noted that the engineers from Fuss & O’Neill are available whenever the Planning Board wishes to use their expertise.

Whitcher Pit Update

Hebert stated that an Intent-to-Excavate is under review. Boucher noted that the bond has been submitted, and the next step would be like at Blaisdell’s to go out and examine the compliance to the recommendations by the engineer from August 27, 2020.

Hebert described the site of the Whitcher pit with two pits – front and back. Longacre noted that the back pit is very steep. Hebert stated that every 25 feet is to be stepped if there is blasting on the pit face. Boucher provided the summary of findings and recommendations for the Whitcher pit. The report will be provided for the Board members. Hebert asked for a letter to send to the Whitcher owners about the engineering report recommendations.

Town Pit Update

Hebert asked the members if they should go out to the Town pit and inspect it themselves or have the engineer provide an inspection and report. Hebert emphasized the need for safety compliance for the Town pit. Longacre stated that the Town pit has berms and a gate. Discussion continued. The members agreed that an orange construction fencing would resolve safety issues at the Town pit.

Hebert asked the members if they should write a letter to the Select Board to request more stringent requirements for the Town pit. Hatch suggested that he address the Town pit at the Select Board meeting rather than writing letters, and the members agreed. Hebert noted that Hatch will present to the Select Board

Woodsville Pit

Hebert discussed that he and Kevin Shelton, Woodsville Administrator, have talked about the pit issues noting information from RSA 155:E regarding reclamation bonds for grandfathered pits, which are not required, with the exception of when the work in the pit is done.

Boucher provided an email from the engineer and read:

“Jennifer,

Brigitte’s email mentioned that the Woodsville gravel pit serves the public. So, it is not exclusively for use by the Town for highway construction/maintenance. It does however meet the grandfathered status and does not require a permit. In order to operate they need to follow the “express operational standards” and “express reclamation standards”. I pulled a few sections below for reference:

155-E:2 Permit Required. I. Existing Excavations (c) Such an excavation shall be performed in compliance with the express operational standards of RSA 155-E:4-a and the express reclamation standards of RSA 155-E:5 and 155-E:5-a. Any violations of those standards shall be enforceable pursuant to RSA 155-E:10.

The express operational standards state that any area where new topsoil is being removed should have a bond sufficient to reclaim newly excavated land. Does Woodsville pit have any area where topsoil was removed?

155-E:4-a Minimum and Express Operational Standards VII. Prior to the removal of topsoil or other overburden material from any land area that has not yet been excavated, the excavator shall file a reclamation bond or other security as prescribed by the regulator, sufficient to secure the reclamation of the land area to be excavated.

The express reclamation standards state that a reclamation plan and timetable is required once the site is depleted of materials

155-E:5-a Incremental Reclamation. I. ... any excavated area of 5 contiguous acres or more, which is depleted of commercial earth materials, excluding bedrock, or any excavation from which earth materials of sufficient weight or volume to be commercially useful have not been removed for a 2-year period, shall be reclaimed in accordance with RSA 155-E:5, within 12 months following such depletion or 2-year non-use, regardless of whether other excavation is occurring on adjacent land in contiguous ownership. Each operator ... shall prepare and submit for the regulator's record a reclamation plan for the affected land, including a timetable for reclamation of the depleted areas within the reclamation site.

The regulator (Town planning board) may waive these requirements for good cause

155-E:5-b Exceptions. – The regulator, upon application and following a hearing held in accordance with RSA 155-E:7, may grant an exception in writing to the standards contained in RSA 155-E:4-a, 155-E:5 and 155-E:5-a for good cause shown. The written decision shall state specifically what standards, if any, are being relaxed, and include reasonable alternative conditions or standards. The regulator's decision on any request for such exception may be appealed in accordance with RSA 155-E:9.

If the planning board doesn't relax or waive the requirements, the reclamation plan needs to follow 155-E:5 above and a bond is required in E:4-a if there are new areas being worked that remove topsoil.

Link to complete RSA: Chapter 155-E LOCAL REGULATION EXCAVATIONS (state.nh.us)

Daniel Monette, PE
Project Manager
Fuss & O'Neill, Inc”

Boucher responded to Monette and let him know that the pit was no longer just used for highway maintenance and asked if the reclamation bond and plan are necessary, and Monette replied:

“Yes, if they are highway excavations they still need to comply with E:4-a, E:5 and E:5-a. Typically the pit agreement with the town waives the need for the bond though. They need to have the pit agreement and be exclusive only to the Town.

If it is an active pit and is not being expanded into new areas where topsoil is removed, they can just follow 5:E and a ‘reclamation plan’ is not needed. Just have to stay working in the grandfathered already disturbed pit area.

Daniel Monette, PE”

Boucher clarified that if the operators move to a new area of the pit, the pit is no longer grandfathered. Discussion continued. Hebert stated that he would like a response from the Woodsville attorney.

8. CORRESPONDENCE / COMMUNICATION: None.

9. COMMENTS OF TOWN STAFF:

- Bligh discussed the premeeting materials process of getting materials to the members on the Wednesday prior to the meeting by email and hardcopies in their mailboxes. Hebert complimented the staff for getting materials early to the members.
- Site Visit Report form: Hebert suggested either a verbal or written report from a site visit is acceptable.

10. COMMENTS of the PLANNING BOARD MEMBERS

Hatch: None.

Longacre: None.

Nelepovitz: None.

Hammond: None.

Hebert: None.

11. NEXT MEETING

Regular Meeting: Tuesday, July 27, 2021, at 7:00 PM.

12. ADJOURNMENT

MOTION #5: Longacre made a motion and Hatch seconded the motion to adjourn the meeting at 8:30 PM.

Voice Vote: All approved, none opposed, none abstained. The motion passed.

Joanna Bligh, Transcriptionist