

MINUTES
PLANNING BOARD
August 16, 2023 7:00pm
In-person/Zoom

Present: Deirdre Daley (Chair), Josh Muhonen (Co-Chair)-in person, Liz Freeman- in person, Tim Somero-in person, Lou Guarino- in person, Jennifer Minckler- in person.

Citizens in attendance – Sam Benedict- in person, David Somero-in person, Ed Rogers of Rogers Engineering Solutions-in person, Nancy Clark-in person, Mike Ploof of Fieldstone Land Consultants, PLLC- in person, Ray Aho- in person, Anthony aho-in person, Abram Aho-in person

Note: Zoom intermittent due to Wi-Fi issue

Open meeting with the pledge of allegiance – 7:05PM

Roll Call taken by Chair Deirdre. She requested Lou Guarino sit in for Bruce Ruotsala.

Selectmen/Chair/Land Use Report: Selectman Talbot was absent and there was nothing to report. The Land Use Clerk reported the following:

- The special exception for Prime Roofing does not expire until 6 months after the Planning Board decision is made. There is no need for an extension from the ZBA.
- Per RSA 676:3 III final written decision shall be recorded with the plat so the Land Use Clerk will update the Fee Schedule to reflect Decision letter recording fee –See Hillsborough County Recording Fees.
- It was found that 4 Settlement Hill Road has two houses on the property and the Building Inspector is to confirm the status of the lot with the owner.
- The Welfare Office is not able to attend the 9/20/2023 Planning Board Meeting to discuss housing. Chair Deirdre asked if she would be able to attend 10/4/2023. The Land Use Clerk will confirm with the Welfare Officer and the Board of Selectmen

The Chair, Deirdre had nothing to report. There are two documents for review this evening, one is the draft waiver request application which we will discuss and then have a hearing. The other document is related to the hand-off and handshakes between Planning, Building, Road Agent and Planning Board Engineer. This may lead us discussion of inspection schedules.

7:15 Discussion with David Somero/Davis Village Properties and Ed Rogers regarding Map 7 Lot 11 from a letter dated 7/31/2023 sent from the Planning Board regarding the abandoned gravel pit. Ed spoke on the status of the gravel pit. About 10 years ago there was a reclamation plan proposed on the property. Oremos had planned to get more material out of that pit (under the name of Oremos at the time) as it is directly geographically connected to the Koivula's gravel pit (now Brook Haven Farm, LLC). There is a section that they are unable to get to as it is close to the boundary line. The pit has remained inactive because of this. There are some ongoing operations but Mr. Somero would like to prepare an excavation plan and then reclaim it. Ed Rogers questioned what active or inactive is.

Chair Deirdre advised that it is a 2-year period of no reporting or notices of intent to excavate that constitutes a gravel pit being considered abandoned. This has come before the Board three times for reclamation but nothing has ever been done and no communication has been received in more than 5 years. Ed Rogers suggested a new application be prepared to activate it. Chair Deirdre confirmed that there are wetlands on the property but not sure if on the South side or the North West side. Ed Rogers would include this on an updated excavation plan. The material remaining is valuable to both Davis Village and Brook Haven Farm LLC and Ed Rogers confirmed it could be taken out to Turnpike Road. Chair Deirdre asked if this should be retained on the inspection list. Liz read Excavation RSA which states reclamation must be within 2-year of no removal of material in order to extend and provide a bond. Chair Deirdre advised that if the Planning Board were to formally abandon it, it would need to be noticed and abutters notified.

Chair Deirdre advised some reclamation should be done this year. Discussion continued on what is needed. Tim suggested an inspection be done. Chair Deirdre suggested David Somero and Ed Rogers come no later than November 1, 2023. Liz questioned if everything but the one slope could be reclaimed. David Somero advised it is complex as there is reinforced steel stored on part of the property. Chair Deirdre suggested taking a part of it and reclaiming it and then amending the boundaries so the storage area is not in the gravel pit and there is no mixed use. Ed Rogers advised they will come back for 11/1/2023. He will provide abutter list, proposed bond amount and reclamation and may not have fully plans for excavation but will have full concept of what they intend to do. Soil testing may be delayed as well as AoT permit.

8:15 Public Hearing – 5 Lot Subdivision Ray Aho Map 7 Lot 1, Turnpike Road, New Ipswich NH 03071 continued from August 2, 2023. Michael Pool of Fieldstone Land Consultants, LLC spoke and advised the Planning Board that note 10 is to be revised to state Subdivision will comply with underground utilities as outlined in the Subdivision Regulations. All utilities must be underground unless waived by the Planning Board

Michael also mentioned the discussion of the 10' wide driveways and he advised the proposed are actually wider than 10' and shoulders of 2' on either side which brings the driveway to 14'. Regulations state driveway is to be 12'.

Lou Guarino, not being present at the last hearing on August 2, 2023, questioned the common driveway noted on page 2 first paragraph of which the Town has no requirement to maintain. Mike Ploof confirmed that this is a private driveway and will be privately maintained. Chair Deirdre advised this is a private shared driveway and doesn't qualify for town services. A Common Driveway Declaration was submitted as part of the application.

Lou questioned natural vegetation due to the steep slopes and questioned why clearing so much. Mike advised that they are trying to maintain cuts and fills. Lou asked what year rain event this is and Mike believes it is a 25 year rain event but needs to confirm with the Engineer.

There was discussion about the building block and Liz confirmed it is not as building block, it is a 75" X 75" square. The buildings do not have to go in that square. That square demonstrates that non-wet, non- steep area is an appropriate contiguous area. Building blocks are not required.

Lou stated on lot 7/4-4 it shows two leach fields as reflected on page 2 of 2 on topographic plan. There were actually two test pits done on this lot.

Lou pointed out the on wetlands on the side of the road on the plan. Mike confirmed.

Liz asked Lou what his concern is. Lou stated the overflow of the water. Co-Chair Josh advised not all water is going to the swale. Mike Ploof advised that the water is not a concern. Chair Deirdre asked Lou if deforestation is what he is trying to capture. Lou advised that natural vegetation close to the driveway will minimize the water impact. Discussion continued on this matter. Chair Deirdre suggested, like in the Rheaume subdivision, the driveway be built prior to the houses so that the driveway can be inspection for evidence of erosion.

Chair Deirdre mentioned the clearing of land as discussed at initial hearing. The need to know how much land is to be cleared and the impact on the driveway. She asked the applicant and the Engineer if they had any ideas on this. Mike Ploof stated he was going to add note 17 which states any future modifications to the lots depicted within the subdivision shall comply to all local, state and federal regulations as applicable to prevent impacts to downstream areas. Chair Deirdre suggested limiting clearing during the build timeframe to 15% grade. Discussion of this topic continues between the Planning Board and the Applicant's Engineer.

8:45-8:53- Break taken

Discussion continued on clearing of the land after the break as well as need for erosion control, ability to extend driveway if needed (to allow or incentivize building in areas less than 15%), construction of the driveway and when to indicate paving should occur when making conditions.

9:30pm Chair Deirdre suggested the group may be ready to start working on a motion then discussion continued on driveways and slope stabilization, Chair Deirdre also advised that an AoT permit is required prior to any excavation. One condition discussed is where slopes are greater than 15% and less than 25%, no more than 1/2 acre shall be cleared for the purpose of building any structures other than a driveway. This 1/2 acre must be contiguous with slopes of 15% or less. It was determined that is regarding the area on plans reflected as the color blue.

(Chair Deirdre noted there is a new regulation that states no bond can be required prior to the building of the first house (but can be a condition of a certificate of occupancy) as a general comment that the Board may need to consider in the future when a subdivision has infrastructure).

Chair Deirdre made a motion on compliance with the following conditions. Josh seconded the motion. No further discussion or public comment. Roll call vote. Motion carries. The conditions are:

1. Note 10 on the Planning Profile will include language on underground utilities meeting the subdivision regulations
2. A shared driveway name will be proposed to and approved by the Select Board
3. Copy of an executed shared driveway declaration
4. Receipt of State DOT driveway approval
5. Receipt of subdivision and AOT approval from the state
6. Receipt of Mylar
7. Payment of Fees

Conditions Subsequent

8. Before house construction commences on any given lot, driveways and associated infrastructure constructed according to the design plans with the exception of paving. Paving will be completed prior to obtaining a certificate of occupancy.
9. Clearing and building will be limited to the slopes up to 15%, excepting the proposed driveway. Where slopes are greater than 15% and less than 25%, no more than 1/2 acre shall be cleared for the purpose of building any structures other than a driveway. This 1/2 acre must be contiguous with slopes of 15% or less.
10. Driveways may be extended in length to allow building on the 0-12% slopes. The driveway on lot 7-1-1 may be extended up to 50 ft
11. Setting of boundaries markers

Chair Deirdre asked the Board to look at the waiver. Lou Guarino interjected and began speaking of the slopes and potentially limiting building on slopes. Based on member feedback, Chair Deirdre advised that must be in a warrant. Chair Deirdre advised we will do the minutes next week as well as the waiver.

Tim questioned the best date for the gravel Pit inspections and suggested October 19 2023. He asked Lou to be involved in this. Chair Deirdre wants the inspection letters to go out early so that we can respond to Brook Haven Farm LLC if they discourage or restrict access.

Motion to adjourn at 10:16 made by Josh and seconded by Liz.