

MILFORD PLANNING BOARD PUBLIC HEARING
August 20, 2013 Board of Selectmen's Meeting Room, 6:30 PM

Present:

Members:

Janet Langdell, Chairperson
Paul Amato
Kathy Bauer
Chris Beer
Steve Duncanson
Susan Robinson, Alternate
Tom Sloan

Staff:

Jodie Levandowski, Town Planner
Shirley Wilson, Recording Secretary
Mike McMann, Videographer

Excused:

Judy Plant

MINUTES:

1. Approval of minutes from the 6/18/13 meeting.

SCENIC ROAD HEARINGS:

2. **Town of Milford** for proposed revisions and improvements to the Emerson Rd/Armory Rd/NH Rte 13S intersection.

NEW BUSINESS:

3. **Cole Mt Milford NH, LLC/ Spirit Mt Milford NH, LLC/McDonald's USA, LLC – Nashua St – Map 44, Lot 10; Public Hearing for a site plan amendment for building and site improvements**, and; associated waivers from Milford Development Regulations: 6.04.3.D *Guidelines, Roof forms and materials*, 6.015.2 *Utility Plan*, 6.08.7.A.2 *Landscaping*.
4. **Carlos Andrade/Dunkin Donuts – Elm St - Map 12, Lots 13 & 13-1;** Public Hearing for a minor site plan amendment to construct a 512 SF pump house building with storage tank and associated site work.
5. **St. Joseph Hospital – Nashua St – Map 31, Lot 32; Public Hearing for design review of a new medical building with associated site improvements**, and; associated waivers from Milford Development Regulations: 6.05.3, *Parking Space Dimensions*.

OTHER BUSINESS:

6. **S. Fournier request – Gravel pit / Brox property – Map 38, Lot 58;** Request by email dated 6/14/13.

Chairperson Langdell called the meeting to order at 6:30PM. She then explained the process for the public hearing, introduced the Board and Staff, and read the agenda.

MINUTES:

P. Amato made a motion to approve the amended minutes from the 6/18/13 meeting with the corrections as discussed. S. Duncanson seconded and all in favor. T. Sloan and C. Beer abstained and all else in favor.

SCENIC ROAD HEARING:

Bill Parker, on behalf of the Town of Milford presented plans dated 11/19/12 and July, 2013 and explained the intersection and signalization project which is located at the Rte 13 South, Armory Rd and Emerson Rd intersection. It was approved by the town in 2011 giving authorization for 20% or a \$90,000 match to obtain the Federal Congestion Mitigation Air Quality (CMAQ) grant money and the Town received \$360,000 towards the total cost of \$450,000. The project is primarily for safety improvements at the intersection; left turn lanes for westbound and eastbound traffic and the widening of pavement northbound, westbound and eastbound to allow for right turn movements without going onto the adjacent shoulders, as is currently done. These improvements involve approximately 275ft on Emerson Rd which is a scenic road and the Town will be doing maintenance and improvements in the ROW. A hearing is necessary although there will not be any impact on stonewalls or trees with a diameter of 15” or more. There is no wetland impact, the project is totally outside of the wetlands; however, there will be minor encroachment within the buffer and impact will be minimized by the three (3’) ft retaining wall to avoid grading farther into the buffer.

P. Amato inquired about the timetable. B. Parker said the State DOT has the preliminary engineering plans and we are waiting for their comments, but the anticipated schedule is try to get the project advertised and start some of the construction this fall and finish in the spring. There will be temporary signals there during the construction.

J. Langdell asked if there was any support for additional landscaping or beautification, as this is a gateway area. B. Parker said if there is room within the budget, certainly. J. Langdell referenced intersections in Boscawen that had small plantings and looked very nice.

Chairperson Langdell opened the meeting to the public; there being no comments, the public portion of the meeting was closed.

K. Bauer stated that this project is really needed. The rating for this intersection has been bad for a very long time and these enhancements will improve it dramatically.

S. Duncanson made a motion that the Board determined a finding of no impact for the scenic road process. C. Beer seconded and all in favor.

NEW BUSINESS:

Cole Mt Milford NH, LLC/ Spirit Mt Milford NH, LLC/McDonald’s USA, LLC – Nashua St – Map 44, Lot 10; Public Hearing for a site plan amendment for building and site improvements, and; associated waivers from Milford Development Regulations: 6.04.3.D *Guidelines, Roof forms and materials*, 6.015.2 *Utility Plan*, 6.08.7.A.2 *Landscaping*.

No abutters were present.

Chairperson Langdell recognized:

- Matt Smith, Bohler Engineering
- Steve Fredericks, McDonalds
- Allison Brickette, McDonalds
- Neil Hadad, Site operator
- Alex Hadad, Site operator

C. Beer made a motion to accept the application. S. Duncanson seconded and all in favor. C. Beer made a motion that this application did not pose potential regional impact. S. Duncanson seconded and all in favor. S. Wilson read the abutters list into the record.

M. Smith presented plans dated 5/16/13 and distributed a color rendering of sheet C-4 dated 5/16/13 with the landscaping overlaid. The few proposed improvements are shown in red. The current 3,600SF McDonalds facility will be adding an 180SF bump up on the north side. The driveway location is not optimal today; it is an awkward design for the drive-thru so we are proposing to move the curb cut further west on Nashua St to improve traffic flow on site. Additionally we are proposing a double order board set-up which has become very common at McDonalds' facilities. It essentially moves the queue and keeps traffic flowing. There will be the same amount of parking and there will be minimal changes to the site for some very positive improvements with the relocation of that driveway. We are looking for three waivers that all deal with existing conditions. We have not submitted a utility plan because we are not proposing any utility changes, just renovations to the building. We are proposing to keep the flat roof although the architectural do show some relief and while we are in excess of the required number of shrubs and plantings on the site, it is short from a tree perspective along the frontages. We are proposing to stay at four (4) trees. We will be going to the ZBA for a variance for the proposed free standing monument sign with electric message board. It is appropriately sized but we are sharing the one big Stop n Shop lot. If this were a separate lot, on its own, it would comply.

J. Langdell noted that the modifications to the two catch basins have been documented on the drainage plans. E. Smith said yes.

C. Beer asked if there would be any impact on the open space, as this is one large lot. E. Smith said they are adding paved area, but it is such a small change that it wouldn't impact the open space of the overall lot. There is a note stating the open space is greater than 30%.

S. Duncanson inquired about the four light poles to be moved. E. Smith located them on the plan and stated that there won't be an increase in the lumen levels as they will be using the same lights.

J. Langdell reviewed the staff comments and recommendations. She then asked if the driveway relocation permit had been applied for. E. Smith replied not yet. J. Langdell read the email from Bill Parker, Zoning Administrator, dated 8/20/13 stating there were no zoning issues.

J. Langdell posed a technical question to the Board; if the building exists today with a flat roof, even though our Development Regulations discourage flat roofs, and if we are not changing or removing the building, why would we need a waiver. Discussion among the Board members followed.

Chairperson Langdell opened the hearing to the public; there being no comments, the public portion of the meeting was closed.

E. Smith distributed an example of the scheme for the proposed building with the colors and building elements. The light tone is a high quality exterior tile and the gray clapboard will be Efis and there will be new defining elements at the entryways. The existing landscaping is nice today and it will be replaced in kind. We will expand the landscaping to the rear of the building, add some up against the building itself and between the islands. We have four trees where the regulations require one (1) tree every thirty (30) ft totaling eight (8) trees along the frontage and we'd like to keep it at four (4). There is a lot of existing screening on the westerly side as well. P. Amato asked if the trees on Nashua St would be adversely impacted. E. Smith said the trees are twelve years old and are a good size, but one will be relocated due to the new driveway location.

S. Duncanson asked if the proposed parapet was new. E. Smith said structurally no and there will not be an increase in height.

K. Bauer made a motion to grant a waiver from Development Regulations Section 6.04.3.0, Roof form. P. Amato seconded and all in favor.

S. Duncanson made a motion to grant the waiver from Development Regulations Section 6.01.5.2, Utility Plan. T. Sloan seconded and all in favor.

J. Langdell stated that the four (4) trees along the frontage have existed since 2002 and are large enough now so they should be better overall. P. Amato made a motion to grant a waiver from Development Regulations 6.08.7:A.2, Landscaping. K. Bauer seconded for discussion saying four (4) seems to work but asked if there is a good reason not to put more trees there? E. Smith said he suspects that any trees near the free standing sign for the plaza could grow and impact visibility which is critical to grocers or whoever moves into that building. All voted in favor.

J. Langdell reviewed the staff memo dated 8/20/13 and stated that the waivers should be added to the plan. A lengthy discussion on the sign variance followed. J. Langdell clarified that the Planning Board decision would not be conditional upon the ZBA variance for the monument sign.

T. Sloan brought up the new entry relocation. We've had traffic studies done before and the speed there is a little in excess of what is posted, so will there be some type of speed bump on the entry way there so slow or prohibit interaction with those parking spaces there? E. Smith said the driveway design has a raised grade so it will be a traffic calmer, but not officially a speed bump. The spaces have decent visibility from the site and are not the most often used spaces; it is a lot more logical with the proposed layout. J. Langdell inquired about the reference on the staff memo to avoid current back-ups on Nashua St. E. Smith clarified that was more for on-site backups and although not likely, traffic could back up on Nashua St from the existing driveway.

P. Amato made a motion to approve the application subject to the staff recommendations on the Staff Memo dated 8/20/13 and to add the waivers on the plan. C. Beer seconded and all in favor.

Carlos Andrade/Dunkin Donuts – Elm St - Map 12, Lots 13 & 13-1; Public Hearing for a minor site plan amendment to construct a 512 SF pump house building with storage tank and associated site work.

Abutters present:

Gary Balcom, 776 Elm Street, LLC

Chairperson Langdell recognized:

Jay Heavisides, Meridian Land Services, Inc.

Carlos Andrade, owner

S. Duncanson made a motion to accept the application. C. Beer seconded and all in favor. S. Duncanson made a motion that this application did not pose potential regional impact. C. Beer seconded and all in favor. S. Wilson read the abutters list into the record.

J. Heavisides presented plans dated 7/31/13 and explained that there have been water supply issues over the years. Several wells were drilled, but there were still quality problems in the summer, so this past year Mr. Andrade purchased the abutting property that has a nice well with a higher volume and output and we are proposing a water treatment system with storage tank to pipe the water over to Dunkin Donuts. We sited the water shed in the proposed location because we did not want to impede any future plans for the site. He then reviewed a conceptual plan on sheet SP3. Right now, the only changes to the site will be 300+/- SF of pervious surface and a small 512 SF building. J. Langdell said theoretically, if Milford or Wilton's water system went out there, you wouldn't need to go through this. It is also good that you brought forward possible future plans and referenced the Heritage Commission's comments; however, this Board is not addressing that at this time.

K. Bauer brought up the Building Department comment regarding putting the pump house on a separate lot and asked when the lot merger would take place. J. Heavisides said it hasn't been discussed, but possibly when we come back with the site plan. There is no timeframe yet.

J. Langdell read Dana McAllister's comments and asked if an easement could suffice to meet building code regulations. Discussion followed and although the cleanest way would be to merge the two lots, there was consensus by the Board that an easement would be fine.

S. Duncanson inquired about the current wells and piping. J. Heavisides explained that one well was abandoned and the existing connection will be severed at the well. The pump house is not adding a well but will route all the wells to the storage tank. S. Duncanson noted that they will still have the ability to have water on each site with keeping the two wells.

P. Amato referenced note #4 on the staff memo and suggested changing it to read either do a lot merger or obtain an easement to allow the water to go between sites. S. Robinson referenced note #5. J. Langdell suggested that a lot merger or an easement be completed prior to obtaining a building permit.

Chairperson Langdell opened the meeting to the public.

G. Balcom said he was all for the pump house but inquired about the State's proposed road improvements and whether a water main would be extended. J. Levandowski said the State is moving forward with the proposed road improvements but it could be many years from now. There is nothing formal at this time and no plans have been submitted yet, but there has been discussion regarding the water service. G. Balcom asked if the Town would be looking at doing this at the same time as the State is doing the massive road improvements there. J. Levandowski said we are but there is no timeframe yet. G. Balcom also referenced a simple well ROW that was used in the past.

Chairperson Langdell closed the public portion was closed.

T. Sloan made a motion to approve the application subject to staff recommendations, including the language revisions. C. Beer seconded and all in favor.

J. Langdell commented that there is a continued desire to have water on the west end of Milford.

St. Joseph Hospital – Nashua St – Map 31, Lot 32; Public Hearing for design review of a new medical building with associated site improvements, and; associated waivers from Milford Development Regulations: 6.05.3, Parking Space Dimensions.

Abutters present:

Tim Maguire, representing Gloria Maguire, Nashua St

Charles & Bonnie Vanetti, Riverview St

Janet Porter, Linden St

Angela Sennott, Linden St

Chairperson Langdell recognized:

Kyle Bouchard, Meridian Land Services, Inc.

Melissa Sears, VP of Strategy and Business Development for St. Joseph's Hospital

Bob Demers, St. Joseph's Hospital

Brad Westgate, Legal Counsel

C. Beer made a motion to accept the design review application. S. Duncanson seconded and all in favor. P. Amato noted that this facility was close to the border and would serve more than just Milford. C. Beer agreed and made a motion that this application did pose potential regional impact. M. Sears confirmed that the patient volume comes from the towns of Amherst, Brookline, Hollis, Mont Vernon and Wilton. P. Amato seconded and all in favor. S. Wilson read the abutters list into the record.

K. Bouchard presented plans dated 7/30/13 and gave a brief history of the site. All the original pervious area and buildings are to be replaced with a 28,000SF medical facility and associated parking, loading, trash and access facilities. There will also be associated stormwater, landscaping and site lighting and those plans are in progress. There are 59 spaces required for the uses based on the number of physicians and employees and, as of right, now there are 120 spaces provided. The design has progressed, but overall the geometrics are the same. The stormwater and utilities were reviewed in general and it was noted that one pole in the front will need to be moved a little closer to the road and that we are working with DPW. We are also working with staff regarding the

requirements for the localized widening of Nashua St, proposed turning movements and center turning lane. There will be ongoing discussion with Water Utilities for the infrastructure. There will be access to the side of the building to accommodate the mobile MRI and a turnaround for the semi-transport.

Also to ensure life safety access, fire trucks can route through and get across the proposed area but we will have further discussion with the Fire Department regarding the pad. The dumpster will be located adjacent to the MRI access pad. From subsequent discussions with staff, the reduced widening of Nashua St and the waiver for shorter parking spaces, the berm will remain. The reduced space surface will be 4-5ft below the level of Nashua St. A short retaining wall will achieve this and it does leave an 8-10 ft strip for landscaping, but again the utilities cause limitation. There is a sidewalk in front of the length of the building as well as a four (4) ft asphalt walk along the length of the frontage. The link between the two has not been established yet nor has a final determination on any crosswalk on Nashua St been established. The location is to be worked out and the entrance may be more appropriate further west. The site straddles three (3) properties and there are many reasons why it is desirable to have one contiguous property with appropriate access easements across for Kaley Park and the facility. We are working with Bill Parker and counsel for the easement language and the requisite steps to accomplish that.

J. Langdell noted that there were no architectural drawings in the packet for this meeting. K. Bouchard said they were previously presented and there are only a few changes in the appearance from Nashua St. The sign and the size will be handled on the zoning side. J. Langdell stated that the sign is excluded from tonight's discussion.

P. Amato asked if the waiver for the reduction of the 18ft spaces shown on the plan will allow for a larger berm between the parking lot and Nashua St? K. Bouchard replied yes and we are working on the plan. Depending where you are along Nashua St the amount of landscaping that will fit within that berm will vary with the amount of utilities, and easements.

P. Amato said he would like to see a conceptual plan looking from Nashua St showing the proposed building and site with or without the waiver. We were told it would fit into the neighborhood, but we can't see how the building, the landscaping or the berm will look. J. Langdell added that those items were requested at the last meeting. P. Amato said we need to see what it will look like from across the street and what it will look like from a passing car, coming from the east along Nashua St. The southeast corner is a focal point and the entrance to your building; what will it look like? J. Langdell agreed and added what you see now as you drive west on Nashua St is a barn. The architectural drawings will be helpful to those of us who want to see what the gateway will look like. P. Amato said what he doesn't want are any surprises. K. Bouchard said he understood and will accommodate that request.

K. Bauer asked what zoning action was required. J. Langdell said to allow the alteration of a non-conforming use and possible signage. K. Bouchard said there may be other elements but Mr. Parker is helping to resolve questions and give direction. After some discussion on the matter, Chairperson Langdell stated that any Planning Board actions will be dependent on ZBA approval.

K. Bouchard stated that there are 120 spaces on the overall site but the only spaces included in the waiver would be the seventeen and eighteen spaces along the Nashua St frontage and there would not be any reduction for the head to head spaces. A lengthy discussion on the waiver request included: parking calculations, the exact location and number of spaces, the design specifications and the types of vehicles.

P. Amato said one of the Nashua/Elm St overlay district guidelines is to not have the parking out by the road, so he wants to be sure we can accomplish hiding the parking otherwise it's just a parking lot right on the road. J. Langdell said if we hide the parking with good landscaping and have a good berm she is willing to reduce the size of some of the spaces. K. Bauer said if we grant the waiver then the conceptual rendering would be scaled accordingly. K. Bouchard said yes but the rendering wouldn't show much difference between the two sizes. T. Sloan said it was good to bring up our efforts to maintain a certain look about town, and one of the other components is to break up large parking areas. 120 parking spaces are proposed where 60 spaces are required, so some of those spaces could possibly be used for planting islands to break up the expanse. J. Langdell asked the applicant if there are any parking problems currently. M. Sears said yes there is a bit of a parking problem with

the existing 90-100 spaces. There is a dynamic with the Milford Medical Center that is different with a straight medical office facility. Doctors' offices are largely scheduled but a portion of this medical center is a walk in clinic. It is unscheduled and not as controllable. T. Sloan said one of the important factors is that they put up 120 spaces for a reason and I am trying to come to an accommodation for allowing this waiver by implementing some design aesthetics that make it more accommodating to those of us who live in town. M. Sears added that they have never built a facility, anywhere, where the parking has been enough, including the hospital proper. J. Langdell suggested purchasing the property across the street for additional parking.

P. Amato made a motion to grant a waiver to go from 18ft to 16ft for the parking spaces along Nashua St only. T. Sloan seconded.

Chairperson Langdell opened the hearing to the public.

B. Vanetti expressed concern with wetlands and the water factor. When they built the new office building in 2004, they filled in wetlands. We have a swale, but it is ineffective in the spring. We lived in that house for thirty-five years without any problems and now we have two sump pumps in the basement, so we want to know how this will affect the water because our yard can't handle any more. Also, we had some neighborhood meetings with the St. Joseph's staff, but this was before the emergency room was going to be closed. They had said that the parking lot by the emergency room was going to be used for staff parking only. Will the emergency room be used for the urgent care facility and what will the parking lot make more noise and traffic for the Sennotts? Getting out of Linden St is almost impossible between 4-5pm; the traffic is horrendous and if you add more traffic we will need a stop light. M. Sears said the former emergency area will be a walk in clinic and the parking area will remain as a staff parking lot. J. Langdell noted that drainage and stormwater will be a huge consideration and this Board and staff will review the drainage calculations. In regards to traffic, will this project add more? M. Sears replied that the current volume of patient care and traffic is the lowest she's seen in the nine years she's been with St. Joseph's Hospital. The traffic you are experiencing now is less than ever for patients at that facility. We are not building this facility for growth but for the current size and volume near term. It is not a markedly bigger building and it will take many years to get back to the previous levels from 2008-2009. B. Vanetti asked if Kaley Park can stay as a secondary park. M. Sears said the design of the parking lot was structured for some ease of traffic on Nashua St as well as Linden St. It is a thoughtful and better designed parking lot for cars to turn into and out of.

T. Maguire said he was concerned with the new traffic pattern within the facility itself that everything will directly unload across from his mother's house and he will challenge the Vanetti's that getting out of his mother's house is more difficult than getting out of Linden St. The restaurant, Ciardelli Fuel, the cemetery and the potential of three lanes of traffic will make that driveway almost inaccessible. We are lucky if cars go 35 mph around that corner which also has the train crossing. It is as busy a section of Nashua St as you can get and my fear is that no one will be able to get in and out of that house with the current design of traffic flow coming out of the hospital. I urge you to look at traffic flow and how the three lane proposal will affect traffic for that 75-100 yard area. J. Langdell agreed it does need to be addressed. S. Duncanson added that point was made at a previous meeting and also that headlights would shine directly into that house.

A. Sennott asked if the plans changed going from an emergency room to an urgent care facility. M. Sears said the building plans will be the same and the exterior is not changing. A. Sennott said she likes the trees on the side and would like for someone to come out and explain what will be coming out and where the fence will go. M. Sears said we can do that. A. Sennott then inquired if this will affect real estate value? M. Sears said she would hope it would improve, but property value is out of our control. J. Langdell said that is also in the eye of the beholder.

Suzanne Fournier, Milford citizen, said she has used the medical center and I am in opposition to locating the new medical building at this residential location on Nashua Street. As you know, the A residential district extends outwards for a long way on both sides of this parcel of land. This river side area of Nashua Street is beautifully residential. The current medical facility sticks out like a sore thumb. Let me explain further why this is the wrong place for a new medical facility.

J. Langdell interjected that what you are bringing up is Zoning Board related, not Planning Board. S. Fournier explained to the Chairperson that the Planning Board is now dealing with a zoning issue. If you make a decision with which I disagree then I will end up appealing to the Zoning Board as this is a zoning issue. J. Langdell explained that the Planning Board is not making any decisions relative to the final plans tonight or until St. Josephs has gone to the Zoning Board. S. Fournier said I would still like to give my testimony.

M. Sears asked if Ms. Fournier's issues are related to having a medical facility there at all or an issue going from the old building to the new building. S. Fournier replied anything commercial and asked for five minutes to present her testimony. Chairperson Langdell agreed to give Ms. Fournier five minutes who then read from a prepared document dated 8/20/13.

Chairperson Langdell closed the public portion of the meeting.

J. Langdell stated that St. Joseph's has been in Milford since 1976 when it opened and from the time the Selectmen granted the first building permit, she has never heard a question or complaint about where it is located and it has never been challenged in court. M. Sears also said not to her knowledge.

Chairperson Langdell called for a vote on the waiver request. All voted in favor.

K. Bauer questioned the notes on the plan referencing the ambulance loading dock and access. Will there still be any ambulance service at this facility? M. Sears answered that since it will not be an emergency department, they will not be able to accept ambulances due to licensure restrictions, but they can receive outbound ambulances for patient transport and we will still need a place for them to pull up to, so the notes are still applicable. K. Bauer then inquired about a note on sheet SP2.4 regarding the trailer and temporary traffic control. M. Sears explained that the note pertains to traffic control for the mobile MRI machine and they will work with the town to have appropriate control with police or a flagger when the transport backs out. This will not happen on a daily basis. We would know ahead of time and it would be done at low traffic times. It is harder to back the truck in then to back out and also to line up the doors with the building. Also, the plans for an MRI are for the future; however, we wanted to include it in the design. The MRI facility would be based on the needs of the town and it is hard to answer the frequency as they don't currently have a mobile unit anywhere. Discussion ensued.

P. Amato inquired about the H2O fire truck. K. Bouchard said that should read H-20 and added that there will be further discussion with the Fire Department regarding pavement design and access.

P. Amato said he would like to see the abutter's question regarding drainage clearly answered at a future meeting. K. Bouchard said we would not be proposing any additional drainage on her lot. J. Langdell inquired when the plans would be ready. K. Bouchard replied within the next few weeks.

P. Amato made a motion to table the application to the October 15th meeting. S. Duncanson seconded and all in favor.

Chairperson Langdell called a five minutes recess.

OTHER BUSINESS:

S. Fournier request – Gravel pit / Brox property – Map 38, Lot 58; Request by email dated 6/14/13.

Chairperson Langdell recognized:

Suzanne Fournier, Coordinator of the Brox Environmental Citizens group.

Chairperson Langdell read the email from Ms. Fournier dated 6/21/13 relative to the gravel pit on the Brox property and the permitting process. In that email, the request was *for a review and evaluation in order to determine the current permit status of the town owned Brox Property gravel pit on Heron Pond Rd.* The email closed with *if the Town wants to remove gravel and sand from the gravel pit and/or expand the gravel pit, does it need to apply for a permit and have it reviewed by the State. I request the Planning Board investigate this matter. I also request to be informed of the results.* J. Langdell asked if Ms. Fournier had been informed of the results, with the packet of information that the Board received. S. Fournier replied yes.

J. Langdell addressed the following:

Whether or not the town has to abide by the rules for new and expanded gravel pits. If the town was to develop a new gravel pit or sand pit in town and if the town owned the land, then yes they would have to abide by Town and State law and obtain all permits including an AoT permit through DES, so that question is answered. S. Fournier asked for clarification; are you saying that activities within the gravel pit now do not require compliance with the gravel ordinance? J. Langdell stated that wasn't the question.

Review and evaluation in order to determine the current permit status of the town owned Brox Property gravel pit on Heron Pond Rd. We asked Mr. Parker to pull the files and to gather all pertinent information. You have had access to all those files through the Right to Know requests. It is my understanding that Mr. Parker has provided us with a complete packet including documents from 1991 signed by then Planning Director, who is now one of our Selectmen, Mark Fougere including the excavation report that was required at that time.

J. Langdell said based on what I've read in the packet, it would seem that the Town has a grandfathered gravel pit in legal standing and that have been no violations found although allegations made and filed by Ms. Fournier to DES about errors happening there at this time. S. Duncanson agreed. K. Bauer stated that the informational packet was very thorough and reading that I do not see any problems with what the town is doing now. S. Robinson said she felt all steps have been followed correctly. C. Beer stated he had no issues with the material provided or with the current activities ongoing. T. Sloan agreed; we have a comprehensive analysis performed with records indicating that it is grandfathered and the Town has allowance to remove stockpiled gravel, earth material. P. Amato agreed.

S. Fournier agreed that Mr. Parker provided evidence that in 1991 the Brox Company gave its report so it was an existing grandfathered use. When the town purchased the property, was it an active gravel pit or not? She then read an email from Bill Parker and discussion ensued. J. Langdell stated that Mr. Parker may have written an incorrect statement because there is clear information from the Assessor that it was in operation. S. Fournier read from a prepared document dated 8/20/13. She asked if we are abiding by operational standards for what we are doing. Do we have any reclamation going on? J. Langdell said it is well documented that this is still in use by DPW and this particular area of the Brox land is part of the Brox Community Master Plan that does have some potential use down the road as future recreational field areas. B. Parker confirmed that the 2005 plan shows recreation, school facilities, and cemetery property as well as possible other community uses there so that is what the town has been operating under, up to this point and knowing that could occur. J. Langdell added that the Planning Board is working to get MCAA, Recreation, DPW, Cemeteries, Conservation and the Schools together to review this plan to see how we will move forward. That would be where reclamation would come in to play. DPW does report to the Selectmen. P. Amato noted that one reason for the reports is so that the Town can collect the gravel tax and the Town would not be subject to the gravel tax; they're not selling the gravel. They are putting it on our roads in the winter as sand and thereby saving money by not having to purchase sand from other providers. There was discussion amongst the Board in regards to NH DES reporting and permitting. S. Fournier added that one of the reasons for reporting is that it tells you how much is left; it's a way of accounting. We've lost all the data that came with reporting and the footprint of the gravel pit and that is what DES looks for. The Brox Environmental Citizens filed a complaint with the NH DES only after attempting several times to get answers from the Town about activities observed within the gravel pit and about the permits and work orders. We observed activities that were questionable; the berms are being destroyed that protect what is a vernal pool. 50' by 130' had to be restored by the Town and not satisfactorily. J. Langdell asked if the concern was brought to DPW. S. Fournier said your Board can bring that to DPW as they are not on speaking terms with me. A brief discussion on procedure between S. Fournier and the Chair ensued.

P. Amato referenced the letter from NH DES to Mr. Parker dated 5/2/13 and asked if that information had been passed on to DPW, if any of the remediation work had been done and if a follow up report with photographs had been sent to DES. B. Parker replied that the information had been forwarded and DPW went out right after meeting with Craig Rennie of NHDES and started work based on his recommendations. I don't know how much of that work has been completed or if the final report has been sent out by DPW. J. Langdell said this Board would like Mr. Parker to follow up so that we can complete the circle for that letter, but this is an additional question, not the question that was asked in the original email.

S. Fournier questioned the Town's type of uses; they are storing this area as a storage facility for asphalt, pipes and other materials, so does this make it an active or abandoned gravel pit? S. Fournier also provided a photo

from last week showing the scorched areas from bon fires and materials such as boulders, brush and tree stumps supporting the Fieldstone Land Consultant quote referenced in S. Fournier's prepared updated analysis. The quote is taken from the Fieldstone report obtained from Mr. Parker's office. He refers to an active gravel pit in another location, but says that right up front. B. Parker clarified that was the report from the wetlands delineation for the 145 acre Brox Community Land. S. Fournier asked if any of the Board members had gone out to the property. They'd be able to see all the tire tracks and the huge piles of gravel. Where did it all come from? They are excavation as far back as they can get and I can provide before and after photos. There has been expansion.

T. Sloan inquired about S. Fournier's reference to missing documents. Are those documents on file at the State and were there delineations of the gravel pit when it first opened back before 1991? Was there any indication of the extent of the resource that was there? B. Parker said not that he's seen. T. Sloan said it would be impossible to declare expansion because there is no delineation to begin with. S. Fournier told the Board that DES said if there are any new vegetative areas, they will consider that an expansion. Discussion on the footprint and operations ensued.

J. Langdell stated that the Town has a legally grandfathered gravel pit area that the Town and DPW have a right to use and we've answered the original questions in the email. DES has requested information which will form a baseline for going forward and Mr. Parker will follow up on that submittal.

P. Amato said he didn't see anything wrong with the Town going ahead with the process; getting a permit and get a survey. Maybe there is more material out there. We would get delineation, information and phases, but the Town is not obligated to do that and I don't see a problem with what is going on out there now. J. Langdell asked what would that cost the Town. P. Amato replied he didn't know. S. Fournier interjected that Clough Harbour did a soil removal study for the Town in 2004. They identified all the sections where gravel and sand could be removed from; it's in the report that states you will need to get permits, you will need to get local permits. T. Sloan said we haven't gone to the extent of what they identified as a resource. S. Fournier said we're chipping away, already towards that. We are chipping away at the edges instead of what Mr. Amato says to do. B. Parker clarified that Cough Harbour was asked to identify what material was still available at the Brox site, over and above what was existing in the pit; so the Town would have an idea of what additional resources were out there. J. Langdell asked if any decisions were made subsequent to that report at the Selectmen's level or at the DPW level relative to using any of that other material. B. Parker answered, not that I know of. It's been my understanding that the Town continues, has used, and will continue to use the material that already exists out there, not going into new areas. S. Fournier said we are getting conflicting information and she would like to get a statement of what it is they are doing or a status. J. Langdell said that is a question for the Board of Selectmen and DPW. S. Fournier thanked the Board for the discussion.

The meeting was adjourned at 9:30pm.

MINUTES OF THE AUGUST 20, 2013 PLANNING BOARD PUBLIC HEARING APPROVED SEPT 17, 2013