

MILFORD PLANNING BOARD PUBLIC/CONSERVATION COMMISSION JOINT MEETING
April 4, 2017 Town Hall Auditorium, 6:30 PM

Planning Board Members:

Christopher Beer, Chairman
Doug Knott
Janet Langdell
Susan Robinson
Jacob LaFontaine, Alternate

Conservation Commission Members:

Andy Hughes, Chairman
David Bosquet
Audrey Fraizer
Janet Urquhart
Chris Costantino, Alternate

Staff:

Lincoln Daley, Community Development Director
Shirley Wilson, Recording Secretary
Mitchell Hemmer, Videographer

Town of Milford, Community Lands Reclamation and Restoration Plan. Joint Planning Board & Conservation Commission Public Meeting to discuss the proposed excavation and restoration plan for a portion of the Town Community Lands. (Gravel Removal Operation Plan Completed by Fieldstone Land Consultants)

Chairman Beer called the meeting to order at 6:35 p.m.

Chairman Beer recognized:

Mark Bender, Town Administrator
Fred Elkind, Environmental Coordinator
Chad Branon, Fieldstone Land Consultants, LLC

There were nineteen (19) people in attendance in the audience.

Discussion:

Mark Bender

M. Bender welcomed everyone and explained that this is the second meeting to discuss the gravel operation plan. There are a number of open items but additional meetings have to be held at the state level and in the end, those comments will be incorporated into the final plan.

The grandfathered status of the gravel operation, brought up at the prior meeting, has been well defined, addressed and documented; he referenced the 2013 Planning Board minutes and 2013 report by Bill Parker. Recent correspondence from Suzanne Fournier raises some additional issues, but it doesn't alter the grandfathered status or the AoT permit requirement. I ask that the Board review the email dated 3/31/17 and any questions or comments be submitted to Lincoln or myself.

The Conservation Commission asked if we could do the timber cut in smaller increments rather than clearcutting the entire twenty-five acres. The plan is to do this in two phases. The first phase would include ten acres in the northern most portion, by a local logging company and will be overseen by a forester. The remainder of the twenty-five acres in the lower portion would be done in the second phase. The Selectmen approved the cut and authorized us to start as soon as possible; however, the Board does want to take a cautious approach and address concerns, so there is no scheduled start date at this time.

The concerns of the Conservation Commission are duly noted and while some good points were made for the use of Heron Pond Rd, the Board of Selectmen does not consider Heron Pond Rd to be a viable option. We will use the gravel service road and Perry Rd for excavation activities. Signs will be posted, drivers will be cautioned, well trained and observant during the process. We will use the DPW training manuals for the workers and drivers so that they understand what the rare, threatened and endangered species are and how to identify them. We would also welcome input from Conservation regarding the language for the signage.

Chad Branon

C. Branon said we have continued to work with the state agencies as part of this permitting process. We met on 3/21/17 with the Wetlands Bureau and are awaiting feedback, but this determination is not critical to the permitting of the proposed gravel pit expansion as a wetlands permit is not required for the expansion. The sediment areas are already excavated at a depth too close to the seasonal high water table. We are seeking this determination because these areas were clearly man-made and are directly related to the gravel operations. It is important for the Town to seek this determination as it may impact the permitting requirements outlined in the 2014 Master Plan and how the land is reclaimed.

We received the Conservation Commission memo dated 3/28/17 and it is safe to say that the Commission has put a lot of time and effort into the review of this project. We've met with town staff and Northeast Sand & Gravel to review the memorandum and there are a number of recommendations that we can accommodate and incorporate into the final plan.

Responses to Conservation Commission Comments Memo:

- I.A. Perry Rd has historically been used to transport materials and this is the safest route for truck traffic, especially considering that Heron Pond School is adjacent to this project. The anticipated timeframe for this project is 3-5 years so the use of that road would be temporary. We don't anticipate any major modifications needed and all grading work will be done within the footprint of the existing roadway which was originally constructed for this use. We are not opposed to putting signage along the entrance of the road to make drivers aware of the species out there. The road will be gated when not in use, and per comments from NH Fish & Game we ultimately want to restrict vehicular traffic.
- I.B. The only impact to the industrial land will be traffic on the road crossing through it and we do not believe any mitigation would be needed. Again we will put signage up and want to promote awareness for anyone going to the pit.
- I.C. We can certainly work with Peter Spear, the wildlife biologist to incorporate and address some of the questions.
 - I.C.1 We can expand the report to include the phasing of gravel area #1. The seventy-five acre area that will be placed into preservation contains prime habitat for the threatened endangered species on this project. The goal is not to mitigate the impact but to provide habitat for the species in the conservation area and will be revised within the report.
 - I.C.2 We will revise the mitigation plan to incorporate the entire site.
 - I.C.3 We would be willing to consider another wildlife crossing, but there may be increased impact due to the topography and increased excavation. We can work with Conservation and NH Fish & Game who is still reviewing this proposal. He then described the proposed 48" culvert and protected crossing in detail.
 - I.C.4 We do not see a need for this particular study as we clearly understand and acknowledge that this is a sensitive area and there are species on this site. We are already trying to come up with an interactive plan that allows for the removal of gravel and materials while being responsible and courteous to the threatened and endangered species. We do not feel that excavating this material will necessarily take away any habitat from these species because it will be provided in the areas that we are preserving, but we can expand the report to clarify our intent.
 - I.C.5 The proposed silt fence does not present any danger to the threatened and endangered species and it is a better fit for the anticipated timeline of this project. All the fencing will be removed at the conclusion of the project and there will be no restrictions to the threatened and endangered species to access the footprint of the gravel operation anywhere on site. There will be daily inspections and part of the working operations on site. Also, Animex fencing is generally a fifteen year product and more costly.

- I.C.6 It doesn't make sense to run fencing along the entire property unless you're going to cut it, but the exclusionary fencing will be placed in the area where there will be the most activity. The operation will require daily visual inspections and there will be checks and balances within the work zone. NH Fish & Game will also have a say in the final plan.
 - I.C.7 We may update the existing conditions plan to outline where those habitats are to provide more linkage with the report. Also, putting historical sites on this map would be an error due to the lack of accuracy in NHB formatting as it is not intended for this type of scale. Again, we are not disputing the species and the important part is to create a plan that shows no impact with areas for these species to reside during this project.
 - I.C.8 The mitigation plan does call for some practices which will be done during the excavation operations and all costs will be borne by the contractor. Once the activity, reporting and reclamation are done, the site will be open to traffic.
 - I.C.9 The subject of the conservation easement has been discussed with the Town and we are depicting those proposed preservation areas on the plan; however, there are too many variables at this stage to be able to commit to a permanent conservation easement.
 - I.C.10 The Town has agreed to these requests. The cutting will be phased and will be managed by licensed forester.
 - I.C.11 The wildlife report will be modified to clarify that the duration of the monitoring and reporting will only be for the length of the excavation operation, which could be three to five years for gravel resource area #1. Again, once complete the entire site will be opened up for passage. If the Town chooses to do anything with gravel resource area #2 in the future, that would be a separate endeavor. There will be approximately 30,000 CY left over for town use from area #1, so it would be a while before area #2 would be needed.
 - I.C.12 We do not anticipate any down time under the current market, but the exclusionary fencing and wildlife crossing would allow for movement. There is also a lot of land area that is not developed that the wildlife could ultimately move to or occupy during this temporary project. A. Fraizer explained that the Commission was looking for best practices, practices that may have been used somewhere else. C. Branon said he will work with Mr. Spears and incorporate that into the report.
 - II.A.2 We prefer to use the silt fence.
 - II.A.3 The berm will consist of clean, native materials from the site.
 - II.A.4 We appreciate the Commission's stance, but feel Perry Rd is the safest way for truck traffic.
 - II.A.5 The easement was addressed earlier.
 - II.A.6 We think it is more important to focus on creating habitat in the conserved area because, again we are not contesting the species on the property and we consider this proposal a responsible proactive approach to control the movements and get some marketable material out of there to benefit the town.
- Gravel Removal Operation Plan Set
- II.B.F The contractor, Northeast Sand & Gravel, will actually not be using calcium chloride. They prefer to use only water for dust control.
 - II.B.I The plan set shows final finished grade for the project, so it is the restoration plan and the notes clearly state how it will be finished and seeded. Mr. Spear references bunch grass and that is not the same as we are calling out on the plan, so that discrepancy will be resolved.

II.B.K There is some confusion regarding the duration of the excavation, between the warrant article which gives the town authority to do the work over a twenty year period and Northeast Sand & Gravel's timeline of 3-5 years.

Sheet 1 of 9 comments:

1. We are anticipating one individual such as Peter Spear or somebody from his firm, but adequate time will be spent on site. If he chooses to use more than one, that would be at his discretion. The *no clearing during bird breeding season, April – July* is a very restrictive timeframe. The reality is that the town has taken a step back and will work with the permitting authorities, along with NH DES and NH Fish & Game.
2. We prefer not to use the Animex fencing.
3. We've agreed to limit this to ten acres for phase I and explained the logistics of the gravel operation in detail.
4. The Town generated an awareness binder and ultimately a qualified individual will be one who has gone through some training and an understanding of how to inspect the work zone.
5. We will include the Conservation Commission in the notification process. Also, we anticipate someone from Peter Spears firm to handle inspections in his absence. In the event no one is available, there will be a contact list for this project, so we don't anticipate there being any issues.
9. We agreed to putting a kiosk at each entrance and would appreciate feedback from the Commission.
10. Again, at this stage and with so many variables, we are not committing to anything.

Sheet 2 of 9

- The vernal pool question is confusing and I'm not sure how to answer.
- We will ask the wildlife biologist to incorporate the turtle habitat migration information into the report.
- We are showing that we will provide equal or better areas for the endangered species to occupy during the construction and excavation operations.

Sheet 3 of 9

- We've had a couple wetland scientists on the site and reviewed the NRI; however, there is nothing formally documenting that as peatland. Certain plant species conducive to a peatland have been found, but it would be a very expensive endeavor to classify the peatlands. We are not here to dispute that it is a sensitive wetland area and because it is not within the work zone we think we could accommodate a 100ft buffer although it might extend slightly into the berm that will be constructed. The berm is actually a mitigation component so we would entertain any feedback from the Commission.
- We believe this plan is adequate especially when you consider the surroundings. We're not introducing the use into the landscape and the temporary project operations are aimed to be sensitive to the surroundings. The slopes coming out of the vernal pool are much steeper than the slopes we're proposing for the gravel operation, so we don't think they will create any problems for the species visiting that particular area.

Sheet 7 of 9

Mr. Spear will address that and document it in his report.

Wildlife Mitigation Plan

General Comments

1. Mr. Spear will expand the report to speak specifically to the habitats and show that the plan is adequate. The primary habitat is to the north of the access road and we are not eliminating any habitats. It is important to note that the entire area was all open; the northern industrial lands, the gravel area, gravel resource area #2 and Heron Pond School. They were all part of an existing gravel operation which can be seen from arial photos. It obviously has been restored and is a key area for threatened and endangered species now. If we handle this project responsibly, once we get out of there those areas will ultimately restore again.
2. We will make our plan part of the wildlife mitigation report and will work to bring the two documents together into one.

Introduction

4. We will pose the question to Mr. Spear.
5. We will have Mr. Spear expand upon his findings to address a. and b.

Wetlands

6. We will ask Mr. Spear to expand on that as well.

Recommendations

9. We have reviewed this with the Town and our company would be willing to sponsor the stations, but the town would be required to maintain them.
11. We will work to build upon the report.
12. We agree and will correct.
13. Northeast Sand & Gravel will be responsible for reporting, monitoring and annual inspections during the project.

Planning Board questions/comments:

D. Knott

Would there be any consideration to prevent or mitigate invasive plant species.

C. Branon stated that there are recommendations on the AoT permit for controlling invasive species, but the reclamation of this property will consist of reusing the organic material that was stripped off the site. We will be using the native materials that are currently on site now to restore the site and won't be introducing anything, so we have not put together any specific plans.

Was there anything unique or potentially non-standard about the way this operation would run. He also asked about the effectiveness of the proposed dust control method and if there was any data available pertaining to truck fumes and their effects on abutting neighbors.

C. Branon said there is nothing unique about this operation other than the obvious sensitive nature of the site and surroundings. We put together a plan that is practicable and reasonable for the site to be functional. Large open areas are needed to productively work materials. Again, he will make sure there are no conflicts with the state. C. Branon said there will certainly be diesel traffic on site but there are very few closely abutting properties. We are providing substantial buffering to adjacent properties and the use of Perry Rd, Old Wilton Rd and Rte 101 will mitigate impacts of exhaust fumes. The gravel excavation will be operating in a bowl that will be self-contained. We will be working in a suppressed elevation with woodland buffer and fairly substantial distances, so we do not anticipate any impacts from exhaust emissions. We also have meet all guidelines relative to air pollution. He then explained that dust control is achieved through a number of parameters; water control, traffic speed on site, and covering the trucks. Water is an effective means and just has to be applied more frequently. A water truck will be on site at all times and will draw from an on-site water pond. While calcium chloride is a more effective product as it retains moisture longer, not everyone prefers to use it and we did leave it on the plan to be a viable option.

Are there speed limits for the trucks and practices for drivers to keep the noise down.

C. Branon said standard practice is typically 15mph for most dust control plans. The benefit with this site is that the access road is flat so Jake-braking shouldn't be an issue, but there is no way to police gearing. The conditions will address the speed limit, as well.

J. Langdell

It was brought forward at the last meeting, that there was material on the property known to contain purple-loosestrife. How will that be handled by the town?

M. Bender said that we will certainly look into that in the spring when vegetation starts growing and will deal with as we need to.

C. Beer

Would the materials removed from Osgood Pond be used for the reclamation of this site.

C. Branon stated that this plan does not account for utilizing those materials. M. Bender said it is certainly a consideration as we move forward to raise the level of the existing pit or to mix it with some of the loam that's out there to create a good product for seeding or some of the grasses.

Does the twenty year timeframe from the warrant article included gravel resource area #2.

M. Bender stated that gravel resource area #2 is included in that twenty year timeframe, as detailed in the warrant article. The 35,000 yards of gravel that will be available to DPW from area #1 should last approximately a decade, so it will be a while before we get into gravel resource area #2.

Would having that ten acres unreclaimed violate State RSA.

C. Branon replied that he did not believe so because we have had this note and practice permitted by the state in the past. They typically allow more area for disturbance for sites that are self-contained; however, it is something that may come up during state review but he can look into it and report back to the Board.

S. Robinson

The Osgood Pond dredging project took several months and trucks used Heron Pond Rd. This project at 3-5 years would be a much longer process but will be using a more obvious access through Perry Rd.

C. Branon confirmed that.

M. Bender added that the scope was very different between the two projects; 26,000 CY were removed from Osgood Pond and this operation will excavate 600,000 CY.

Asked for more clarification on the hours of operation.

C. Branon said the hours of operation will be 6:00AM to 6:00PM and the hour from 6:AM-7:AM will be restricted to truck loading, but Northeast Sand & Gravel typically ends their operation at 5pm. One of the noisiest functions of a truck is the tailgate closing when dumping materials. We are not proposing to bring materials onto the site. This project will only take materials off the site and the loading equipment is much quieter. There will also be an area on site used by DPW but that is not associated with the gravel operation. We will also revise the note on the plan to remove the Saturday hours.

J. Langdell noted that all documents discussed tonight were available on the website.

Conservation Commission comments:

A. Hughes

How many people work with Mr. Spear in his organization.

C. Branon replied that he didn't know. He has been actively involved in this project and is aware of the town's schedule. We will discuss the matter with him and provide feedback to the Commission.

A. Fraizer

Inquired about the fencing barrier.

C. Branon described the fencing on the plan in detail.

How many trucks would be exiting the property per day.

C. Branon said averaging 20-25 trucks per day at 22 yards of material per truck, the project would be over in about four years.

Asked for clarification on the timeframe of the warrant article.

C. Branon stated that Mr. Bender would look into that.

A. Fraizer suggested that the reclamation plan should be bulleted because there are confusing timeframes.

C. Branon explained the different aspects and timing of the plan and said he will put together an bulleted list outlining the project.

What will be done about the additional invasive species like bittersweet that exist on site.

M. Bender said while we will have to watch out for that, the materials from Osgood Pond came more from the middle of the pond while most of the invasive species grow near the edges which we avoided.

There is not a sheet named Restoration Plan and that may have been where some of the confusion came from. Also, when will an updated plan and report from Mr. Spear be available?

C. Branon said that the restoration notes are located on the construction detail sheet. We will update the notes and plan once we get feedback from the different parties as it make more sense to address all the revisions at the same time. We want the Commission to be part of the process and appreciate all your feedback.

C. Costantino

What is the difference between reclamation and restoration?

C. Branon explained that they were essentially the same thing in a gravel operation and the two words are interchangeable. M. Bender added that the contract with Northeast Sand & Gravel called for the restoration of a portion of the existing pit immediately and since we're doing the cutting in two phases, it would be logical to continue with the restoration of the first ten acre parcel before going onto the second phase.

How was the determination made for the delineated wetland areas that are identified as sediment ponds?

C. Branon said he didn't recall those areas ever being called out as vernal pools but when we first delineated the jurisdictional wetlands on the project, those areas were identified as having wetland species in them and had the hydrology. Although they exhibit jurisdictional components, technically they are non-jurisdictional areas because they were man-made. The wash ponds were documented in the Natural Resource Inventory and they meet the provisions per RSA for active gravel operations. We are in the process of making the final determination with the State right now.

A. Hughes noted that the Conservation Commission memo dated 3/28/17 was submitted to the Town, and copied to NH DES Alteration of Terrain Bureau, Wetlands Bureau and NH Fish & Game.

Staff questions/comments:

There we no comments.

Chairman Beer opened the public hearing to the general public and took comments.

Steve Takas, Whitten Rd

S. Takas stated he was very much an abutter to this project and Heron Pond Rd acts like a funnel for all the noise that going to take place over the next three to five years. I know there is no way to mitigate it because the noise just from the Osgood Pond dredging was disturbing for several weeks with all the truck traffic and all the banging trying to get the sediment out. I have an insomnia problem and don't get to sleep until 5:00AM, so if they're going to start making noise at 6:30AM, that won't give me much sleep. I also didn't know anything about the deforesting and that they would be taking ten acres of timber out, until yesterday. Is that necessary for the gravel operation?

C. Beer replied yes, they would only be cutting where the gravel will be excavated.

S. Takas said his main concern would be the noise, especially when they are loading these trucks. That makes a lot of noise at 6:30 in the morning. Will they be loading boulders? Would it be possible to start later and go later?

C. Beer said, as a resident, he understood the concern, the inconvenience and the annoyance, but this is an active gravel pit and the town does not have a noise ordinance. Also, the gravel regulations dictate the hours of operation.

M. Bender clarified that the operation is really a sand and gravel operation, so they will not be loading huge boulders into the trucks and transporting them out of the pit.

Suzanne Fournier, Brox Environmental Citizens

S. Fournier read from the Milford Gravel and Earth Removal Regulations, Section 7; Hazard to Public Welfare pertaining to what noise is acceptable and what is not; she said it's right here in the ordinance. C. Beer explained that the Town is exempt from Town Ordinances because this is a town project. S. Fournier disagreed and then brought up the information submitted by the Brox Environmental Citizens where we are saying you really need to seriously need to look at requiring a gravel permit from the town for this project.

C. Beer reiterated that the Planning Board can suggest, but cannot require this project to comply with town ordinances.

S. Fournier stated that I am not here to argue with you but take serious objection to this being called a town project. It is town owned land and you are entering into a contract with Northeast Sand & Gravel because you want to sell the earth materials outside the town, not for town use. It is a commercial operation because Northeast Sand & Gravel is a co-applicant on the AoT permit. You can say this is a town project until you are blue in the face, but it doesn't make it true. I am here to present these comments to the public and that the ordinance should apply, not to argue with you. These need to be considered and disputes are often settled in court and this one may end up in court because it will be a dispute. There is an Ordinance and the Town can apply its own Ordinance at the recommendation of the Planning Board to consider the noise, fumes and dust which is a very serious problem that causes respiratory problems and cancers. Also, it is state law that only five acres can be cut at a time. It was also a major selling point when Mark Fougere addressed the Budget Advisory Committee and other commissions that it wouldn't be a huge mess out there, it would be cut five acres at a time and five acres would be reclaimed. Now we're looking at ten acres for the first phase and Mr. Branon referenced the central five acres, for the set up for machinery, the processing and the sorting. The property is already noisy; every year we hear when the town is sorting for the winter sand, so that noise would go out and a huge area would be silted off. She then read from the Milford Gravel and Earth Removal Regulations, Article V; Permit Application Process.

C. Beer stated that is your opinion and not an opinion that this Board or one that the Town shares.

J. Langdell added that the documents being referenced were received yesterday and not everyone on the Board has reviewed them in full.

S. Fournier submitted a petition with four signatures asking the Planning Board to require a gravel permit for the proposed gravel excavation project to allow for input from abutters and other citizens on the issues that matter to them; the noise, the fumes and the dust.

C. Branon clarified that the Town of Milford Gravel and Earth Removal Regulations do not apply to this project. In addition to this being a town project, under Article II, it clearly states that grandfathered operations can be expanded in accordance with RSA 155:E.2.Ib. It is convenient to not read regulations in sequence, and we do understand that certain provisions of this regulation are not being followed. The AoT permit is slightly different from other operations in that there is accommodation and understanding that a work zone for equipment and processing is needed for gravel operations. What Ms. Fournier is representing is the area we are clearing, not the area we are disturbing; there is a big difference. Clearing means cutting the trees, not stumping. Stumping is something that would occur as you work the site and that is technically where the Alteration of Terrain takes jurisdiction. We proposed a defined work zone adjacent to the revolving excavation operation area and as we work the phases, the work zone will migrate as close to the operation as possible. Many times in gravel operations, work zones may be in excess of five acres for stockpiles and the state doesn't view that as standard disturbance. It is completely self-contained so to make a statement that this will silt off everywhere, is just not accurate. He then explained the phasing for the first ten acres.

S. Fournier read Operational Note I on pg. 1 of 9 and said it repeated throughout the plan.

C. Branon explained the process and reiterated that the state has shown flexibility for gravel operations.

Deb Garg, Ches-Mae Ln

D. Garg said this will essentially be in my backyard. The dust control you talk about will be excessive because even when the town trucks go by, there is an abundance of dust that blows over and I'm not sure if water will actually inhibit that from happening. What can be done if the dust becomes an issue? When that area is dry and the trucks are rolling, the dust blows. Also, the noise volume is just horrific with town trucks dumping snow at 2:00AM on Thursday nights. Having this there for 3-5 years for 10-12 hours a day is unacceptable and unfortunate that the people living in this area will be subjected to. It's really quite sad that it has come to this because the noise volume is incredible as the gentleman said earlier and it will also ripple effect to the children in school.

M. Bender stated that there was a water truck on site when we were working on the fields, but we don't generally use water for DPW winter sand operations. Northeast Sand & Gravel has their own equipment and their dust control measures will likely be more effective than what the town used.

D. Garg inquired about the primary working area.

C. Beer explained that the area and equipment will move around with where the excavation is taking place.

Bobbi Schelberg, Whitten Rd

C. Beer summarized an email received on 4/3/17 expressing her concerns with the safety of the site, access to the site and whether materials would be sold from the property. Also, two suggestions were submitted; to use Perry Rd instead of Heron Pond Rd and to fence and padlock the entire work area.

M. Bender stated that there will be two gates that will be locked after hours; one at the existing pit entrance and one off the service road. Northeast Sand & Gravel will be selling the gravel and they already have existing contacts. In regards to public shooting, the first public hearing on the proposed target shooting rule for the community lands and the adjacent commercial/industrial properties will be held on Monday 4/10/17. For safety, the entire area will be flagged by Northeast Sand & Gravel, there will be construction zone signs posted going into the pit and also on the website stating the area is restricted to authorized personnel.

S Fournier additional comments:

S. Fournier read from and submitted a letter from abutters Edward and Luella Dunn of 159 Whitten Rd. In summary, they are generally opposed to the gravel operation for all the previously stated reasons and that zoning for that area is residential, not commercial so is the area being commercialized with this commercial operation? They also put up with the noise from the Osgood Pond dredging and warned that we don't want to endanger the environment as Fletcher Paint and OK Tool did. All the threatened and endangered species are testimony to how wonderful the wetland complex is and that works for them. The trucking will have a huge impact there. Will the species recover? Why weren't the voters asked about the money already spent; \$20,000 spent to do forty test pits and \$60,000 for the sports fields and \$67,000 for the hydro seeding. Where did that money come from? S. Fournier added that the vote last year gave \$0 to spend.

Chris LaBonte, Marcey's Way:

C. LaBonte brought up the privately maintained section of Perry Rd and asked if any decision has been made regarding the maintenance of the road and to what standards.

M. Bender stated, for the record, that Northeast Sand & Gravel will be maintaining the service road and the gravel portion of the road all the way out to Perry Rd during the entire part of the excavation project, including the logging.

Kevin Brown, Northeast Sand & Gravel explained that once the logging is done and the timber brought out, we will bring equipment to bring the road back to its current condition and we have agreed to maintain the road to its current condition, as it is today.

C. Labonte said he appreciated that but afterwards doesn't do me much good. What is the timeframe for the logging? Also, he still has an unresolved 1,000ft of roadway to maintain and described the situation in detail from the 2009 agreement to the current impasse. The Planning Board suggested that the plan and agreement be attached to my deed and that's why I am bring this back to the Board. I can maintain the road but during mud season I have no way to keep the people from going out there and making the ruts. That is why I want clarification as to how it will be maintained, to what standard and to where.

J. Langdell stated that Mr. Labonte had a valid concern relative to the roadway and with the work that the town is having Northeast Sand & Gravel do. Also, the Planning Board did not know that the point of the Class V road had changed.

M. Bender said the logging will take about a week and invited Mr. Labonte to come in and talk.

The public portion of the meeting was closed at 9:00PM.

J. Langdell asked what would be next and if there is a need for another meeting which would give the community an opportunity to come to one meeting or a forum where the Selectmen, Town representatives, Planning and Conservation are all together in the same place. D. Knott added that he wants to make sure the issue with the road

is resolved to mutual satisfaction. A. Hughes stated that the Commission is satisfied that the documents have been reviewed and we can just leave it in the hands of the State to make recommendations but a master information session would be appreciated by the Commission.

C. Branon said we are looking to engage with the state to advance the permitting which will address a lot of these comments. We are not seeking approvals from the Planning Board or Conservation Commission, but this process has been very productive. At some point we get to a place where we cannot make any more changes, so we will be transparent and share our communications with both the boards and can come back with the final update for the Board of Selectmen.

M. Bender said the feedback has been really good. There are some open issues and when we're successful with the AoT permit, that will be the opportunity to close the loop and come before the Board of Selectmen. J. Langdell suggested that it be in a large room and well publicized. In addition to being posted on the agenda, it could go out to the website, to the Cabinet in Fast News and on social media.

C. Beer thanked the Conservation Commission, the Planning Board, and all those who came out for this presentation.

The meeting was adjourned at 9:16.

Motion to approve: J. Langdell

Motion to second: D. Knott

MINUTES OF THE 4/04/17 MEETING APPROVED ON MAY 23, 2017