

DEERFIELD PLANNING BOARD
DEERFIELD, NEW HAMPSHIRE
MARCH 8, 2017

MINUTES OF MEETING

Present: Board members Peter Schibbelhute, Kate Hartnett, Selectmen's Representative Fred McGarry, David Doran. Also present Planning Consultant Sylvia von Aulock and secretary Jane Boucher.

7PM Chair Peter Schibbelhute called the meeting to order.

APPROVAL OF MANIFEST

Fred McGarry moved to approve the manifest in the amount of \$1,936.00 and a time sheet for Jane Boucher. (\$1,936.00 SNHPC, time sheet for 21 hours). David Doran seconded. Voted in favor.

TIERRA DEVELOPMENT

Vincent Iacozzi, James Franklin and Annette were present.

Mr. Iacozzi asked that that the Planning Board waive the requirement that bounds be set before recording a plan.

Sylvia von Aulock noted that she had spoken with Steve Keach and she felt that the request was a bit more. She referred to an e-mail from Steve Keach which stated that there were two conditions based on the Planning Board's vote on October 26, 2016.

- . Establish Homeowners Association
- . Amend existing bond based on KNA's determination.

Mr. Keach noted that the Planning Board is in receipt of correspondence from Attorney Raymond acknowledging his satisfaction with the Homeowners Association Documents and receipt of a surety instrument, in a form acceptable to the Town, in the amount of \$193,053.72. Improvement Guarantee Work sheet attached to these minutes

Mr. Iacozzi said he was totally "dumbfounded" by the amount estimated by KNA. He noted that it was estimated in 2006 for them to put in almost 2000 feet of paved road the bond was \$110,000 and now they are putting in 900 feet of gravel driveway and the amount is doubled.

Mr. Iacozzi asked the Board to keep the bond at the same amount. He noted that items for clearing and grubbing, common excavation and common burrow have already been done.

Sylvia von Aulock said that she had not been out to the site but noted that KNA's engineer had decades of experience and work that had been done nine years ago had not been inspected.

She said that the original bond had been estimated nine years previous and costs have gone up in that time. The plan also includes a very large drainage swale, dams and ditches an a great deal of more detail.

Mr. Iacozzi said the work had actually been done this past summer and a home has been constructed. He reiterated that the estimate is ludicrous.

David Doran questioned if KNA's staff had gone out to the site. Mr. Iacozzi replied "no".

Fred McGarry said that we could have Steve Keach do a complete survey to determine what has been done and revise the estimate accordingly.

Mr. Iacozzi felt that that would not make any difference.

Annette , who is the current homeowner on the property, said that because the plan is not recorded, she is risking losing everything because she does not have a mortgage.

Mr. Iacozzi said that he is looking for some relief on the estimate of the bond.

Fred McGarry said that, unless KNA goes out and revises his numbers, he cannot consider reducing the cost.

Mr. Iacozzi said he could speak with Steve Keach and work the bond issue out tomorrow. He asked the Board to sign the plans and have them recorded after agreement is made regarding the bond estimate.

Peter Schibbelhute felt that Steve Keach could get Jeff Quirk out to the site.

Fred McGarry commented that he had not problem with having the plan recorded before bounds are set but would want to see an agreement reached on the bond estimate.

Mr. Iacozzi said that there will also be two other documents to be recorded. He will meet with the secretary when she records the plan and record the other documents at that time.

David Doran moved to waive the requirement of setting of the bounds in order to record the plans. Bounds to be set at a later date. Fred McGarry seconded. Voted in favor.

David Doran moved moved and Fred McGarry seconded to give Chair Peter Schibbelhute to authorize him to approve a final bond amount after speaking with Steve Keach and Jeff Quirk. Voted in

favor.

7:25PM CONTINUATION; PUBLIC HEARING; RENEWAL OF EARTH EXCAVATION PERMIT; 335 PARADE ROAD; NELLIE ROLLINS OWNER/STEVE ROLLINS OPERATOR

Steve Rollins and abutters Mark and Debra Todd were present.

Steve Rollins provided a revised copy of the permit with changes made by Earl Sandford. A copy is attached to these minutes.

Fred McGarry read the "highlighted changes" for the record. It was determined that the Board as well as Attorney Raymond will need to review these changes before taking any further action.

Mark and Debra Todd commented on several items in the permit:
#11 Water Testing: Change to read "notification immediately after receipt of results"

#15 Hours: Change to 7AM to 5PM

#5 Refer to use of "Best Management Practices" Mr. Todd provided copies of "Environmental Fact Sheet" from NHDES

#27 Notification: Add "in writing " and change to read "Fire Department"

Debra Todd noted that Mr. Rollins had equipment running on Saturday, February 25 and noted that it was voted that no work be done on weekends. She questioned who should be monitoring that issue.

Steve Rollins said that he did drive the truck to his property, fuel it, removed some snow banks and then went to Wild Turkey .

Kate Hartnett questioned if he was doing any excavation. Mr. Rollins replied "no".

Peter Schibbelhute reiterated that he was using a loader to push snow back, not related to excavation.

Sylvia von Aulock said that it is not the jurisdiction of the Planning Board to get into anything but what pertains to excavation only.

Steve Rollins asked Mr. and Mrs. Todd to sit down with him and discuss their concerns. He noted that he would be happy to do so.

Fred McGarry agreed with Sylvia von Aulock's comment noting that this hearing relates to excavation on the site not snow removal.

Fred McGarry moved to continue the public hearing to March 22,

2017 at 7:15PM. David Doran seconded. Voted in favor.

8:30PM BROWNS MILL/ APPROVAL

Patricia Panciocco, representing Deborah Gadd, and James Franklin were present.

Ms. Panciocco provided revised plans, mylars, a check for \$2,500 to secure the completion of hydro seeding. She also submitted a copy of Articles of Association and By-Laws Corey Wildlife Homeowners Subdivision Association to be signed by the Board of Selectmen.

Sylvia von Aulock noted that Steve Keach has not received an updated copy of the plans for review. George Chadwick will forward a copy to Mr. Keach.

APPROVAL OF MINUTES

Fred McGarry moved and David Doran seconded to approve the minutes of February 22, 2017. The following corrections were made to the minutes:

. Page 1 Paragraph 8: Correct to read "Ms.von Aulock said that Mr. Mitchell, after further discussion with herself and Steve Keach, will submit an application for a Lot Line Adjustment and then for a Major Subdivision."

Page 2 Paragraph 1: Correct to read "Page 5: Signatures for..."

Page 2 Paragraph 6: Correct to read "...a slide presentation.."

Page 2 Paragraph 7: Correct to read "...and communities in NH that..."

Voted in favor.

Fred McGarry moved and David Doran seconded to approve the minutes of May 25, 2016. Voted in favor. Kate Hartnett abstained.

SUBDIVISION/TANDY ROAD

Fred McGarry advised that Roscoe Blaisdell had met with the Board of Selectmen to discuss a proposed subdivision on Tandy Road, a Class VI Road. The Board of Selectmen recommended that he meet with the Planning Board to discuss required improvements to Tandy Road .

The secretary advised that Mr. Blaisdell will meet with the Board on April 12, 2017 and that he realizes that he will have to first to to the ZBA for variance to subdivide on a Class VI Road.

NORTHER PASS/LOCAL PERMITS REGULATIONS

Kate Hartnett advised that represented municipalities are preparing to file a motion asking the SEC to order that Norther Pass must seek and obtain any necessary local permits . She

asked if Deerfield requires or has any permits that might be applicable.

The following information was given after discussion:

- . Nothing for blasting or noise
- . Road Agent posts weight limits on roads in Spring
- . On encumbrance of public street: nothing in writing. But since any work on a public way be inspected, it seems that anyone planning to work on a road come to the Road Agent prior to beginning any work.
- . A question; Are scenic road relevant.

NORTHERN PASS/PREPARATION FOR FILING FINAL TESTIMONY

Kate Hartnett advised that answers for questions relative to this are due by March 24. She asked permission from the Board to answer the questions and report back to the Board at the March 22, 2017 meeting

David Doran moved and Fred McGarry seconded to authorize Kate Hartnett to respond to the questions. Voted in favor.

BECOMING AGE FRIENDLY

Sylvia von Aulock advised that SNHPC will sponsor a meeting on Wednesday, March 29, 2017 from 11AM to 1PM at the Deerfield Town Offices. Lunch and beverages will be available.

The meeting was adjourned at 9:15PM.

Recorded and transcribed by Jane Boucher
Pending Approval by the Planning Board

(SANDFORD SUGGESTED EDITS AND COMMENTS IN RED)

EXCAVATION PERMIT

Issued to

Nellie A. Rollins

Parade Road

By

Town of Deerfield, Planning Board

P.O. Box 159

Deerfield, NH 03037

Nellie A. Rollins (hereinafter referred to as the **Permittee**) of 30 Raymond Road, Deerfield, N.H., is hereby authorized to excavate materials from property located at NH Route 43 and Parade Road, Tax Map 209, Lot 35, and in accordance with the plan entitled "Gravel Excavation and Restoration Plan, Tax Map 209, Lot 35, Nellie Rollins, NH Route 43 and Parade Road, Town of Deerfield, Rockingham County" prepared by Sandford Surveying and Engineering dated June 27, 2007 and revised October 5, 2016. During the month of May and **no later than June 1st of 2018**, the Permittee shall apply for a renewal of this permit from the Town of Deerfield Planning Board (hereinafter referred to as the **Regulator**). (When I talk with AoT I get the impression that the initial application is the "authorization" and the renewals are extending the time frame for that "already-in-place-authorization". They have specifically told me that a late renewal or plan update does not negate the initial approval, and the permit remains in place while update issues are remedied. The language above sounds more like language for an initial approval, as if it was a new permit, not a renewal. The Deerfield regulation states that the renewal need only describe changes... In my opinion, Rollins request for renewal should be either accepted or rejected. And if rejected, there is a due process for appeal before shutting down the operation). This permit is **NOT TRANSFERABLE**. (AoT has a change in ownership form that just makes sure the new party signs off that they will adhere to the "plan". I am not sure of the legalities to have a carte blanche rule that the implies the permit can not be transferred, you might want to check with legal))

The Alteration of Terrain (AoT) permit from the Department of Environmental Services for this site must be updated by September 1st of 2018. If this permit is renewed in 2018, the frequency of renewal will be increased to every five(5) years to coincide with the updating of the AoT permit.

This permit is granted subject to the following conditions and restrictions:

NOTE – For review purposes, conditions shown in *italics* contained in the permit previously issued for this site. Conditions and text shown in **bold** are new additions to this permit. (again, my understanding is that we are working under the existing "permit" and a renewal does not constitute a new permit but a "renewal", and the existing permit should remain in place until such time as a renewal is rejected, and due process is allowed to shut down the project). Numbers shown in brackets () were taken directly from the original permit. This note and the bracketed numbers will be removed from the final permit. (my opinion remains that all conditions of the initial permit are still in place and there is no need to repeat them, a simple statement that the renewal is contingent on ongoing adherence to the "plan" should suffice. It is appropriate to take a good hard look at the maximum area to be open and un-reclaimed and the bond adjusted accordingly as per the approved permit, and it is appropriate to take a hard look at compliance issues and add reasonable conditions accordingly such as

some of the bold text items below. It seems, in Deerfield's absence of specific blasting regulations, that the planning board might be better off deferring to NHDES regulations.

1. (1) No excavation shall be permitted below road level within 50 feet of the right-of-way of any public highway as defined in NH RSA 229:1.
2. (2) No excavation shall be permitted within 50 feet of the boundary of any abutter or within 150 feet within any dwelling which either existed or for which a building permit has been issued at the time the excavation is commenced.
3. (3) Existing vegetation shall be maintained or additional vegetation provided within all buffer areas described in paragraphs 1 and 2 above to maintain a vegetative screen from the activities in the pit.
4. (4) Drainage shall be maintained as to prevent the accumulation of free standing water for long periods. Excavation shall not result in siltation of streams or degradation of any water supplies.
5. (5) No fuels, lubricants or other toxic polluting materials shall be stored on site unless in compliance with State laws or rules pertaining to such materials.
6. (6) Where temporary slopes will exceed 1:1, a fence or other suitable barricade shall be erected to warn of danger or limit access on the site.
7. (7) **Restoration bond** - Prior to the removal of top soil or other **overburden** material from any land area that has not yet been excavated ~~a new excavation area~~, the Permittee shall have in place a reclamation bond or other security prescribed by the Regulator in the amount of \$5,000 per acre **disturbed** (Opened and not reclaimed) . No more than two acres shall be open or un-reclaimed at any time unless the Permittee has increased the size of the reclamation bond to reflect the area open. **The total amount of security currently held for this excavation is \$10,000, allowing no more than two acres be open.**
8. (8) Any excavated area of one contiguous acre or more, which: is depleted of commercial earth materials, including bedrock, has been excavated to finish grade or from which no earth materials have been removed for a two year period shall be reclaimed in accordance with NH RSA 155-E:5, within twelve months following such depletion or two years of non-use, regardless of whether other excavation is occurring on adjacent land in contiguous ownership.
9. **Site Restoration** - Restoration shall consist of either of the following:
 - a. Placement of wood chips to a minimum depth of 6-inches or
 - b. Placement of topsoil a minimum of 4-inches deep, fertilized with a fertilizer suitable to grow and sustain grass on the soil placed.
 - c. Restoration shall be in accordance with US Department of Agriculture, Natural Resources Conservation Services, Technical Note PM-NH-21 "Vegetating New Hampshire Sand and Gravel Pits" a copy of this document is attached to this permit.

10. Reclamation - The previous permit allowed the Permittee to consider reclamation as a gravel surface. However, due to the dust created by a non-vegetated surface, reclamation shall be in accordance with Condition 9 and RSA 155-E:5, I. The Permittee shall reclaim all disturbed areas with either wood chips or have vegetation actively growing by 30 June 2017. Any area not meeting the conditions of Condition 9 shall be considered as unreclaimed and subject to the bonding requirement (\$5,000/acre) contained in Condition 7. Any area which is paved or has a structure in accordance with an approved site plan approved by the Regulator shall not be included in the unreclaimed area. The Permittee shall notify the Regulator when the reclamation conditions have been met or increase the reclamation bond to match the total area of the site which is disturbed and/or unreclaimed.
11. Drinking Water Well Sampling of on-site and neighboring wells - Sampling domestic wells shall be conducted every three months. Collected water samples shall be analyzed for nitrate and nitrite nitrogen. Should the concentration of total nitrate nitrogen equal or exceed 9 mg/l in any well, the Permittee shall discontinue all blasting until the concentration shows a clear downward trend over two subsequent rounds of sampling. Should the concentration of nitrate nitrogen exceed 10 mg/l in any well, the Permittee shall provide alternate drinking water to the property owner(s) with the well in exceedance, and discontinue all blasting until approved by the Regulator. The following wells shall be sampled:

Map	Lot	Owner
208	132	Carl Savard, 9 Mountain View Road
209	35-1	Cheryl and Ronald Brosnahan, 29 Parade Road
209	45	Mark and Debra Todd, 32 Parade Road
209	35	Nellie A. Rollins, 35 Parade Road (both wells on the lot)

Should any property owner refuse to have their well sampled, the Permittee shall notify the Regulator to determine if an alternate well shall be sampled.

12. Control of dust - Control of fugitive dust emissions has been an ongoing issue at this site. At a minimum, the control of fugitive dust emissions shall be in accordance with the "Deerfield Sand & Gravel Fugitive Dust Action Plan" dated November 16, 2016 and submitted to the NH Department of Environmental Services. A copy of that Plan is attached to this permit.
13. Identification of a source of water for dust control - The Permittee has identified the recently drilled residential well on site ~~????~~ as the primary source of water for dust control. The alternate source of water shall be the previously installed well north of the site. ~~????~~
14. Particulate monitoring – Particulate concentrations may be monitored by the Regulator at the perimeter of the site. A particulate monitor such as a Dust Trak II particulate monitor, equipped with an impactor that monitors particulates less than 10 micrometers in size (PM-10). Downwind particulate concentrations shall not exceed 150 µg/m³ above the upwind background conditions. Exceedence of this value would be permafacia evidence that dust control measures are insufficient and work on site shall be stopped or suspended and dust control activities shall be re-evaluated.

5.00

15. **Hours and days of operation** – Hours of operation for the site shall be 7:00 AM to ~~6:00~~ PM Monday through Friday, excluding State or Federal holidays. Operation outside these hours shall only occur during municipal or State declared emergencies. (“Declared emergency” sounds intimidating, I would hope that it would be at the discretion of the road agent or DPW director and not a major political thing.)
16. **Marking of property lines on the south and northwest side of the site** - The property lines along the southerly side of the site, abutting the Brosnahan property, from Parade Road to the northeasterly corner of the Brosnahan property and the westerly property line abutting Route 43 and the Savard property a minimum of 300’ from the existing utility platform shall be clearly marked with paint. Such markings shall be no more than 50’ apart and shall clearly mark the appropriate property line. Marking of property lines shall be completed within 60 days of the date of approval by the Regulator.
17. **Extension of the earthen berm** – The earthen berm near the Brosnahan property line shall be extended 140’ to the east from its existing terminus point along the buffer to the Brosnahan property. The berm shall be a minimum height of 6-feet above the existing undisturbed ground. The slopes of the berm shall be no steeper than 2:1 and shall be fertilized and seeded with a suitable grass seed in accordance with the requirements in Condition 9.
18. **Soil sweeping** - Soil shall be swept from Parade Road which has been tracked from the pit in either direction from the entrance to the pit as conditions require.
19. **Letters of Deficiency** - Any Letter of Deficiency issued by the NH Department of Environmental Services or any other state or federal agency identifying a deficiency or deficiencies in the operation of the excavation shall be grounds for suspension of this permit by the Regulator unless or until a Letter of Compliance is issued that acknowledges that the deficiencies have been corrected.
20. *(12) All slopes, except exposed ledge, shall be graded to natural repose for the type of soil of which they are composed, but should not in any case be left steeper than 2:1. Change of slope shall not be abrupt, but shall blend with the surrounding terrain.*
21. *(13) Any standing body of water created by the excavation which constitutes a hazard to safety or health shall be eliminated.*
22. *(14) The topography of the land shall be left so that water draining from the site leaves the property at the original, natural drainage points and in the natural rate of flow.*
23. *(15) Within twelve (12) months of the expiration date of the permit or the completion of any excavation, whichever occurs first, the Permittee shall have completed the reclamation of the areas affected by the excavation to meet the conditions contained in this permit.*
24. *(16) Excavation shall only occur in accordance with the terms of this permit and shall be limited to the areas and to the depths as shown on the approved excavation plan.*

- 25. Earth and vegetative debris resulting from the excavation shall be removed or otherwise lawfully disposed of.
- 26. Notification of blasting operations – The Permittee shall notify the Deerfield Police Department a minimum of 24 hours before any blasting takes place.
- 27. Site inspections - The Regulator or its duly authorized agent will conduct site inspections to verify compliance with this permit.
- 28. Inspection costs - Costs incurred by the Regulator in the enforcement of this permit shall be reimbursed by the Permittee. (This statement is extremely broad, I would recommend Rollins seek legal advice before signing off on this, or simply cross this line out and initial it before signing)

VIOLATION OF ANY CONDITION OF THIS PERMIT MAY RESULT IN THE **SUSPENSION OR REVOCATION** OF THE PERMIT BY THE REGULATOR. NOTICE OF **SUSPENSION OR REVOCATION** SHALL BE EFFECTIVE WHEN DELIVERED TO THE FOREMAN OPERATING IN THE EXCAVATION AREA OR THE PERMITTEE AT THE FOLLOWING ADDRESS – 30 Raymond Road, Deerfield, NH 03037.

Dated: _____

 Regulator/ Chair
 Town of Deerfield, Planning Board

I UNDERSTAND THE CONDITIONS CONTAINED WITHIN THIS PERMIT AND AGREE TO ABIDE BY THEM

Dated: _____

 Nellie A. Rollins, Owner

Dated: _____

 Steven T. Rollins, Operator

1/3/2017

TOWN OF DEERFIELD

IMPROVEMENT GUARANTEE WORKSHEET

Map No: 210

Lot No: 9

Developer: Thibeault Corp Of New England

KNA No: 16-0906-1

I hereby certify that, in addition to any work already completed, the following itemized statement and estimated unit costs will complete the improvements required by the Town of Deerfield for the following project:

Project Name: Tierra Investments Subdivision

Location: Church Street, Deerfield, NH

Applicant: Thibeault Corp

ITEM	QUANTITY	UNIT PRICE	AMOUNT
Clearing and Grubbing	1.8 AC	\$10,000.00	\$18,000.00
Common Excavation	2300 CY	\$7.50	\$17,250.00
Common Borrow	1800 CY	\$6.00	\$10,800.00
Bank Run Gravel	1520 CY	\$22.00	\$33,440.00
Crushed Gravel	650 CY	\$25.00	\$16,250.00
2" Binder (to sta 0+46)	15 TON	\$78.00	\$1,170.00
1" Wearing Course (to sta 0+46)	8 TON	\$78.00	\$624.00
15" HDPEP pipe	30 LF	\$40.00	\$1,200.00
15" RCP (Class V)	40 LF	\$58.00	\$2,320.00
Rip Rap (12" Thick)	10 CY	\$40.00	\$400.00
Filter Fabric (Below rip rap)	30 SY	\$2.50	\$75.00
15" Precast Conc Headwall	4 EA	\$850.00	\$3,400.00
6" Perforated Underdrain	1875 LF	\$22.00	\$41,250.00
Survey Bounds	18 EA	\$125.00	\$2,250.00
Survey Pins (Rebar)	10 EA	\$50.00	\$500.00
Erosion Control (Silt Fence)	880 LF	\$3.50	\$3,080.00
Stone Check Dams	1 LS	\$1,500.00	\$1,500.00
Loam & Seed	3050 SY	\$4.00	\$12,200.00
Construction Entrance	1 EA	\$1,500.00	\$1,500.00
Gravel Shoulders (to sta 0+46)	3 TON	\$45.00	\$135.00
Traffic Signs	1 EA	\$125.00	\$125.00
Grass Lined Treatment Swale	350 LF	\$4.50	\$1,575.00
Gravel Driveway Aprons	4 EA	\$450.00	\$1,800.00

Note:

Ledge excavation and removal not included

SUBTOTAL: \$170,844.00

Engineering & Contingencies (10% of Subtotal): \$17,084.40

Escalation (3 % of Subtotal): \$5,125.32

TOTAL ESCROW AMOUNT: \$193,053.72