

**CANDIA PLANNING BOARD  
MINUTES of September 7, 2016  
APPROVED  
Public Hearing**

Present: Sean James, Chair; Judi Lindsey; Mike Santa; Scott Komisarek BOS Representative; Tom Giffen; Carleton Robie, Alt; Rudy Cartier Alt; Joyce Bedard Alt; Dennis Lewis, Road Agent, Dave Murray, Building Inspector

Absent: Al Hall Vice Chair; Ken Kustra

Chair James called the meeting to order at 7:00 pm immediately followed by the Pledge of Allegiance.

Chair Sean James asked Alternate, Carleton Robie, to sit in for Ken Kustra.  
For cases 16-008, 16-010 and 16-011, six Board members were present.

In the last case of the evening, 16-012 Earth Excavation Review, Chair Sean James asked Alternate Rudy Cartier to sit in for Vice Chair Al Hall making seven members on the Board for this one case.

Minutes August 17, 2016

S. James made a **motion** to move the approval of minutes of August 17, 2016 to the next meeting. Judi Lindsey; Mike Santa; Scott Komisarek BOS Representative; Tom Giffen; Carleton Robie, Alt; and Rudy Cartier Alt **were ALL in favor. Motion passed (7-0-0).**

**Continuation of 16-008 Final Major Subdivision Application: Applicant: MDGF LLC 170 Bridge Street Manchester NH 03104; Owner: same; Property location: Currier Road, Candia NH 03034; Map 402 Lot 105; Intent: To create 3 new lots in the Residential District.**

Abutters Paul & Karen Frazier 63 Currier Road were present and abutters Ed and Sharon Larpenner PO Box 445 Candia, NH were present.

George (Skip) Kelly was present for MDGF. Bryan Ruoff from Stantec, the town's engineers, was present.

S. James opened with at our last meeting we went through the application and at the end we asked for an assessment of the road. We received a letter September 7, 2016 from Stantec as far as observations of the road and a couple of different options for improvements. B. Ruoff was asked to summarize. B. Ruoff we looked at the conditions of the road with D. Lewis and came up with three options. The first is more of a temporary fix.

Option #1: Excavate the top 12-inches of the existing road and place a geotextile filter fabric and replace 12" of crushed gravel. Whether or not the Town at a later date is able to pave the road would need to be determined.

Option #2: Excavate the top 3-feet, box out the road, typical of the Town standard, just like a Town road being rebuilt except it would not be paved, it would remain a gravel surface.

Option #3: Town standard paved road with 4" thick bituminous concrete. We've worked up cost estimates for those three. Associated 1,000 foot section cost for those road options.

M. Santa asked B. Rouff if the reconstruction would be from North Road to Deerfield Boundary. B. Rouff responded correct, within Candia limits. M. Santa asked how many feet in from North Road the subject properties are? Do you have an instrument on that? B. Rouff replied the applicant may know better than me, but if I had to guess I would say between 1,500 to 2,000 is about the mid-point. G. Kelly agreed.

S. James asked B. Rouff to explain Option #1 with the geotextile fabric and what the intent is. B. Rouff explained that the intent would be to have a barrier to keep the frost from getting to the upper layer and minimizing the mud in the spring season. Not necessarily something that would be permanent. It would be better than option now, which is maintaining the road at this point. S. James said the three options are least invasive to most invasive and costly. B. Rouff said yes, exactly. It's like a good option, better option, and best option. S. James said they all include cross culverts and additional ditching. B. Rouff said those would all be necessary to improve the road. D. Lewis said he didn't have anything to add. We looked at it; we know what exists up there. We went over what the three options might be and this is what we came up with. Basically it's the Board's decision.

T. Giffen asked B. Rouff these estimates are obviously are just estimates. What sort of a cost range would you say you might have at a 50% confidence level? In other words, I'd feel a 50/50 chance that it would fall within x number of dollars. B. Rouff responded with a 10% contingency. These are based on DOT average prices. T. Giffen do you know what the frontage is? G. Kelly said 1100 and change. T. Giffen stated that we had had a hypothetical conversation about A. See if there is any kind of a reasonable type of a project that could be identified and see what the cost is. And once that was done, B. Discuss what sort of an allocation might make sense. Whether it's based on projected number of trips generated as a percentage or whatever it might be. Obviously the road gets traffic from beyond the Candia line and it wouldn't be a fair thing to base it on frontage. Simply because you have that much traffic coming out of the rest of the road. I'm not sure how inclined the Board is to propose that this gentleman (G. Kelly) provide some sort of mitigation as it were.

G. Kelly said my own understanding was either capital improvements that could be done because you can't accept money for maintenance issues. Now we've established there are some capital improvements. Now, the million dollar question...What portion of that should be borne by me and this project? My own understanding is now that you've identified a capital improvement that can be done. I don't have an issue making a contribution toward capital improvements. We all agree that it's not maintenance so the Town can take the money and use it. The real question is what's that amount? T. Giffen responded that's where I was going. How do you identify or at least estimate the number of trips by what you're doing vs. the number of trips generated in total. I don't know.

G. Kelley said my wife sat down and looked at the map and tax lots; there are too many variables in my mind. You have a guy with a lot that's yay big and one 4x that size. How do you say, he's got one lot and he's got six. My own thinking is trying to come up with a reasonable number that is affordable and doable and doesn't place unnecessary burden on me where I say \$500 dollars a lot. There are 4 lots, that's \$2,000. I wouldn't have an issue pledging that towards capital improvements, whether they get used next year or two years from now when the whole road is getting re-done. That's where my thinking is at. Something along those lines would be viable and reasonable.

C. Robie asked if the lots were going to come out of current use. G. Kelly said they are not in current use. C. Robie responded that all you have is an impact fee to pay to the Town when you build a house. Building permit and impact fee. \$1,600 dollars.

M. Santa asked D. Lewis if he had ever tried doing fabric. D. Lewis responded no due to the cost. We'd have to excavate it, take out soil, put in gravel. The cost is too much. Although, we do in small increments every year, dump stone in there, which has added up to a lot more but the lump sum cost is hard to come by. T. Giffen said the other question would be assuming we came up with some sort of a concept for reasonable apportionment, then which project to you use for the price base. My gut feeling is the Town has spoken on at least one recent occasion, to say pave it; we don't want it because we like the character of the road. Even if it costs more, costs not a factor, we don't like a paved road there. I'd take option 3 off the table, and then it's a coin toss for a choice between #1 and #2. #2 looks to me like it's getting it all the way to the point where you'd be ready to pave should you choose to do so. If it appears that that's not going to happen in the foreseeable future, then maybe option #1 makes more sense. I'm just brainstorming. I am not expressing a conclusion or a firm opinion of my own I'm just saying what makes sense, let's talk.

S. James said I think that's a reasonable conclusion. I think option #3 is out so we have the other two options. T. Giffen said option #2 is really getting ready for option #3 to me, if option #3 isn't going to happen then why do option #2?

G. Kelly said I have a question and a comment. Having experienced the comings and goings financially of real estate markets and the economy at large, when the economy is not doing well, people have a tendency to say NO to everything. And I wonder first of all in a better economy, which we are presently in, and most importantly, with some education, and this is the gist of my question. I don't know what the latitude the Town has to help educate people. I'm a taxpayer too and as a taxpayer I'd like to know that the most efficient things are being done. Continuing to maintain a road, I would think that if the Town was going to take this on as a project to promote, I personally would like to see some kind of information disseminated to people that it's costing more money to maintain this road. Again, go back to 2013 was the vote. The economy wasn't as good then. People in a bad economy don't want to spend money. I had a situation in Raymond, where I had a ballot item for a vote to allow me to build a single family home where a duplex was permitted. Now you would think everybody would vote for that. It's less impact to the town. A third voted no. I think often you're getting voters that aren't necessarily informed about the impact. They see it on there and they say no. They think their spending money and they say no. My real question is what can the Town do to get the word out there, not necessarily that I'm saying you pave the road, but one of these interim steps, what can the Town do, what can Planning do to publicize the fact that this is costing more money the way it is and this repair or capital improvement would actually be a savings to taxpayers. I'd think you'd find a whole lot more people intelligent enough to say yes I support that. T. Giffen said by that line of reasoning then option #2 makes more sense than option #1.

S. Komisarek stated that the other point too, is the whole idea of public safety. We repeatedly that it's a danger that we can't emergency vehicles through. As a municipality, I keep saying this point; we have a responsibility to make sure the roads are safe.

S. James to D. Lewis said these options, and I think these are good options. Good in a sense that it was well evaluated. These are full the length in Candia? The whole section doesn't get like that necessarily. D. Lewis said no it's sporadic. The first 600 feet or 800 feet don't get bad at all; it's from that point on that it gets bad. D. Lewis it varies from year to year but if we are going to do anything to the road, it should be done in its entirety. Whether you rebuild it to just a gravel standard, which will still be mud there in the spring. When we did Crowley Road we used all state spec gravel on that and it still got muddy in the spring because of the traffic flow. When moisture's caught in the frost layer, it's going to get soft. Even re-building and not paving it will still be soft in certain points.

S. James opened the discussion up to abutters. S. Larpenter asked if the road is getting damaged with gravel, if you pave it, won't the water that's sitting underneath it eventually damage the pavement? D. Lewis responded we would rebuild. All that sub soil would be gone and the proper layers would be put in so it wouldn't have all that mud under it. S. Larpenter asked but if you put all those layers in, wouldn't the top layer stay without having to pave it? D. Lewis said no they do tend to mix over time. S. Larpenter said then you would have to pave again? D. Lewis said it's hard to say. It would be better.

E. Larpenter stated every road in Candia needs to be repaved. This road here would be the same thing. D. Lewis replied that you'd probably have to repave about every twelve years. Asphalt has a lifespan of twelve to fourteen years and then it needs to be re-paved. E. Larpenter said ditching would help. D. Lewis replied ditching would help some. E. Larpenter said layer of water, getting into it, if you don't have standing water sitting on it, water's running off. Then it won't be sitting in the road. D. Lewis replied when the engineers and I looked at it there's really no good place to put under drain, there's no real good place for the water to go. The water table is so high there. As you know the water table is 12" down. E. Larpenter said that's the reason why we're here about building houses, because the water table's so high. D. Lewis replied that we looked at all the ditch lines, we looked at under draining it, and I think we covered everything.

M. Santa asked so if we took a contribution, where would it go. Where would hold the funds? Is there a place in the budget or I know we had a conversation about a fund that was in place currently? S. James

responded that we talked about the Moore fund, but you can only spend the interest on it. If you put it in there, you can't take it all out, you can only take out the interest. T. Giffen said isn't there a formal escrow process, where it's held aside and if the Town doesn't do anything with it within x number of years, it gets returned. S. James said that that's generally part of the improvements. Basically insurance if the improvements aren't made. Hold x amount of money in escrow for certain amount of years and if it's not expended within that period of time, sort of like the impact fees were. This couldn't go into the impact fee funding but same idea.

M. Santa said I'm trying to think of the best way to handle it. When do we put warrant articles together for improving? C. Robie said February. Everybody looks at warrant articles at the end of January, first of February.

S. James said so I guess an option would be some amount held from the applicant in escrow and go out for a warrant article. D. Lewis said you could put that money with the warrant article. M. Santa said I know the residents don't want pavement but if we did option #1 or #2, that's not paving the road but it's making it significantly better. Again if it failed, the applicant gets his money back.

S. James asked D. Lewis if he would recommend option #2, 18" box, if there are no plans to pave this in the near future. D. Lewis stated that it would definitely be a huge improvement over what's there, because what's there is so inconsistent and the vines have worked their way up through the gravel through the years. It would be an improvement and would probably last a long time before the vines worked into it again. Anything would be a dramatic improvement over what's there.

C. Robie said the warrant article for road reconstruction in Candia passes every year. The only road reconstruction passes for the year, always passes. D. Lewis it was two this year and they both passed. C. Robie said that the people didn't want Currier road reconstructed in that fashion.

G. Kelly reiterated that he's like to see some publicity that people have a chance to understand that it's going to cost less money overall to take some action than to do nothing. Dennis has said many times that the maintenance is more than the cure.

S. James said that it sounds like we have the shell of a plan to request some money in escrow to be held for a period of time to go to one of these projects be returned to the applicant should it not move forward. I guess the question is how long and how much?

T. Giffen said I've already spoken about doing it by road frontage and I don't think that's a realistic, viable and fair alternative simply because there is a lot of traffic that isn't on this 4,000 foot section. To me based on the available information. We already have a rough number of total trips per day as it is right now without your houses. I think if we came up with a number for the additional four houses and simply prorated it that that would be a far more reasonable number. I can't see how we can justify it by frontage.

S. James stated my thought was that if we're talking about say 1,000 foot of frontage, 3,000 feet of road, that's about a third of the improvement. That would be somewhere between \$10,000 and \$20,000 dollars. Half of that would be between \$5,000 and \$10,000 dollars. Addressing G. Kelly, S. James said you had mentioned a figure of \$2,000 which ends up about \$8,000, \$2,000 per lot. G. Kelly replied no, I meant \$500 a lot, which is \$2,000 total. But \$1,000 a lot, I would still think is within reason. I'm also going to pay an impact fee. I'm also paying money that no one else is going to have to pay, which is fine. My own personal sense of it is, that would be very reasonable. \$1,000 per, I would do that. I wouldn't try to make another argument against it. Put it in escrow, hope the Town gets to use it because clearly the road needs to be improved. I would be fine with doing that. \$4,000 total - four lots. S. James said I'm trying to think if that is reasonable, I know if I saw a warrant article for \$140,000 and we got \$4,000 towards it, that \$4,000 isn't going to sway. G. Kelly asked well how often you have any money towards it.

G. Kelly said for what money I have in this thing already, much more than that, really puts the hurt on me. I paid a lot of money for it, paid a lot for engineering. E. Larpenner said he's talking about putting money into the road. We have our lives there. We live there. We're living here the rest of our lives. He's going to throw some money out, sell, and be gone and we're still living there. This is our home. We pay taxes all the time. We live there, complete different story. G. Kelly said to that I would respond that first, I live in town. Secondly, it's not that quick. Thirdly, taxes have been paid on that land for a very long time that's not in

current use. That's a lot of money that was contributed to the Town with no impact on services. What does that count for? It certainly means something. No kids attended the school; nobody used the fire department or the police department for all those taxes paid and again, not in current use. There is certainly some value there.

T. Giffen asked first of all which of the three doors shall we open? #1, #2 or #3. I think #3 is off the table, between #1 and #2, what is the flavor of the Board? I'm leaning towards #2 because Mr. Kelly has been very persuasive. Prior to that, my initial thought was if it's not going to get paved, why get it ready for paving. But I think Dennis would probably agree it's a far better reconstruction job to go with number two than with number #1. D. Lewis agreed. T. Giffen said it's night and day, for an extra \$118,000 it's a bargain. D. Lewis said I can't guarantee 12" of gravel is going to hold that road afloat. S. James asked what were the two warrants this year for, how much were they? D. Lewis replied \$125,000 for Diamond Hill and \$150,000 for Chester Turnpike. S. James said so those two would be about the same as option #2. T. Giffen said that option #2 makes more sense, it's more bang for the buck. It's money that's better spent. If we first make a decision on which option we're pricing on, then we start thinking about how to apportionate, something fair for all parties. As far as apportioning it, Dennis do you know many houses are on that road now? D. Lewis said no. S. James said a little over 50. They look at about 10 trips per day per house. T. Giffen said so if we do it strictly by the number of houses, not know how many cars or how many trips any the average resident in any given house will take you have four houses out of a total of 54. Four to the 50. 454 into 54 is about 8%. Obviously that's nowhere near \$500 a lot. S. James said 8% of \$260,000 is \$20,000. T. Giffen said do we feel that's a reasonable approach? Is it morally and ethically responsible thing to do? S. James asked D. Lewis if he had a warrant article in mind for the fall for next year. D. Lewis said I have one anyway, to complete Chester Turnpike and that one is \$150,000. S. James said so in your opinion if you had a \$150,000 and a \$260,000, what do you think the chances are? You could do half one year and half the other. D. Lewis said Patten Hill Road took us six years. You do it with a reasonable amount of money the taxpayers can fund and it takes you three years, two years, or like Patten Hill Road, six years. I would say we don't go for \$260,000 all at once.

M. Santa said Mr. Kelly's development is half way up there. We go for 1/2 of the \$260,000, \$130,000 and he kicks in whatever and reduces that even further.

S. Komisarek said I would like to make the point that the road is already deficient. When you talk about what's customary out there when developers come in add an impact on a project. The road is already deficient. If the road was up to standard and you said ok this additional four houses is now going to trigger this. Then you're going to look at the developer and say you're coming in here and putting in this development and you're going to trigger this cost. But we're already looking at something that's already deficient, that the Town already has a responsibility to remedy. It's nothing that he's doing (G. Kelly) that's going to trigger anything. Again, what is reasonable? I'm not out there every day; it's usual and customary for developers to kick something in. I think we have a responsibility to be reasonable. S. James said and I agree with you. Say there was another development, 50 houses. Could that road handle another 50 houses, no. S. Komisarek said that could be a trigger. But this is four houses. What if it was one house? Somebody came in and bought that lot or say it was two, and they want to subdivide. I want my son to have a lot. And then they are going to come in. Its four lots and its 50 now. Again I think it's reasonable, the road is already deficient. As a municipality we have an obligation, responsibility to make our roads safe and passable. That road, currently, even if he wasn't sitting here (G. Kelly), we should still be thinking about that same warrant article. Those improvements could be done and he'd come in and the road's already done. That's the shape the road should be in today. We're behind. The Town is not taking care of that road. So what percentage should he bear? I think it should be reasonable. He looks at that I'm going to come in and buy that for x amount, I've got to do my engineering, do this, do that, I've got to pay my impact fee, and now...there is now way he was carrying 30,000 grand for a road. It's not there.

G. Kelly said I wanted to comment on that again please bear in mind how many years has his property tax been collected? This isn't a complaint, but were' trying to put the proper amounts on both sides of the scale. But this property has been contributing to the tax base in this Town a very long time with no depletion

of any services that I can think of, maybe there's some miniscule thing, but it sure doesn't compare to average use of everyone else's property. That's been a bonus to the Town, all vacant land is taxed at 100% that's not in current use, which this has not been. That's a lot of money. T. Giffen responded it would be very difficult to rebut your argument.

S. James said where we were last meeting we had some additional conditions beyond this that we could go back over and then the question came up to add this. So is it the consensus to add an additional condition? We have an offer of \$1,000 dollars a lot from the applicant. T. Giffen said that I think that is fair and reasonable and the reasons why are basically come down to Scott's argument, Skip's argument, and the fact that something has to be done at some point. I think it's a better use of money to do some reconstruction rather than continually dump gravel on it. I think an offer of \$4,000 is pretty good, given the overall picture. It's not overly burdensome. It goes into escrow and if a warrant article doesn't pass in x number of years, which we can define, it goes back. If we don't have a capital improvement there then the money is his. It's held in escrow in the meantime. S. James asked how many years? T. Giffen said he was thinking five years. C. Robie stated that the number from the impact fee is five years if it's not used. It has to go back. That would be another \$600 dollars approximately on those lots on the North end of town. Per lot. T. Giffen said if we structure it the same way the impact fee is handled it's a fair and reasonable way to do it. It's already a method in place.

S. James summarized that the conditions then would be to get an escrow amount of \$1,000 per lot, \$4,000 total to be held in escrow for five years by the Town to be used for road improvements, capital road improvements on that road within that period and if not, be returned to the applicant. And then from the last meeting the other conditions that we have are:

1. Add a note for the silt fence to be placed within any disturbed areas in accordance with DES storm water regulations.
2. Add the deed restrictions to the plans
3. All granite bounds to be set within 90 days of approval
4. Add the waivers to the plans
5. And to submit a copy of sample deed with restrictions to the Town for review and approval.

T. Giffen **moved** to approve the plan subject to the conditions just stipulated by the Chair. M. Santa seconded. **All in favor. Motion carried. (6-0-0)**. S. James said to G. Kelly that we will give you the notice of decision within 5 business days. Close public hearing for that project.

**16-010 Preliminary Major Subdivision Application:** Applicant: 66 Vinton Street, LLC & David and Christine Martel. 56 Manchester Road, Auburn, NH 03032; Owner: same; Property location: 608 High Street, Candia NH 03034; Map 405 Lot 45; Intent: To create 9 new lots in the Residential District.

Abutters present: Packard, Phillip E. 614 High Street, Carol West and Mike Poole Old Railroad Bed.

Joe Wichert, Surveyor was present. Dean Young, Fire Chief was present.

J. Wichert stated that he was the surveyor that did the plan and that we're working with Jim McCourt from McCourt Engineering, who's our engineer. Back in April we were here in front of the Board, we did a lot line adjustment, subdivision to actually subdivide off, what we're showing as lot 45-1, which had the house, at 608 and we reconfigured the Martel property, which is lot 43 or 610 High Street. That was done. That was approved and has been recorded. We had to record that before we could come into you for this one. So basically as we discussed at the last hearing when we had this, the applicant has always had intentions to develop the rear of the property. So what we've done, is look at different ways to develop the property. What we've tried to do is to try to identify what our goal is and when we did that, the main thing we need some input on the Board from is that we have two waivers, and that's what we're hoping to get input for. So the

proposal, just to go over the highlights of it, is the property has about 380 feet of frontage on 27 and has about 65.4 acres after the earlier lot line adjustment. As the plan sits, what we did last time, we had common driveway that served both 608 and 610. We added an access easement to get to this property. And that access easement was added just because our frontage currently has a wetland in it and we haven't done our wetland permit. So that is how the property is accessed now from 27. So part of this proposal, what we would be looking to do is to create a new road, a Town approved road. That road would have about 1365 linear feet of length, going from center of 27 to center of the cul-de-sac. So we need a waiver or a discussion on the length issue. Your ordinance is worded a permanent cul-de-sac in excess of 1,000 foot may be permitted at the discretion of the Board provided the public safety issues are addressed. We have spoken to the Fire Chief and he didn't express any opposition to the proposal. My understanding, from talking to Sharon and Dennis, is that there have been other projects that have gotten similar waivers. So the two things we're really looking for this evening are input on the waiver for the length of the road and the second waiver is pretty nominal, on sheet H1, your ordinance requires high intensity soil survey on the property so we have the 65 acres and we did a high intensity soil survey on about the front 45 acres of it. We did not do the back 20 acres which is from this point forward but if you look at the lot layouts on either the two subdivision sheets, you'll see that those are large lots that are going to be 18 and 12 acres. So we actually have the high intensity soil survey on at least 5 to 7 acres on those two lots, so we can prove compliance we just didn't have the soil scientist to the HISS map all the way to the back. So in regards to what the overall intent is we're proposing a 60 foot wide road in accordance with your rules. The abutter to the NE, Mr. Packard, has a 150 x 150 lot that sits tight to 27. We put the ease line of the proposed right of way up against his west lot line. The reason we did that is to try to minimize our dredge and fill impact for when we come in off of 27. Obviously when we're dealing with any kind of state wetlands permitting, one of the intents is to try to minimize any wetlands impacts. This area, when we've done the wetlands analysis and the HISS map and everything, had some issues that came up on the National Heritage Inventory Checklist, for Blanding's turtles, bats and one other wildlife issue. I know for a fact that our wetland scientist has had a pre-application meeting with Fish and Game and with the Wetland Bureau. They would not want to see us go further to the west as it would a substantial increase in the wetlands permit, wetland impact. One of Bryan's comments was we should slide that road entrance 100 feet to the west in order to maximize the Packard driveway and the proposed road. But what we have done, if you look at the right a way along that section, that section is a variable width right of way. We could take the west line, track that over 60 feet to the east and create little strips of land that we could deed into the Packard property if we had to do that. So it would make it a uniform width of the right of way. One of the advantages of that should the Packard's decide to accept that, we could then switch the Packard driveway onto the new road, if they choose to do that. They are under no obligation to do that; we certainly can't force them to do that. It would be a way to increase the size of the Packard lot, which is relatively small now. There's a shed over the lot line so we would move that and it solves that encroachment as well. It does help us minimize the wetlands impact so I think that would be a benefit for the Wetlands Bureau and Fish and Game so I think that's a plus. The proposal is for 9 house lots and basically we probably could have been closer to the 1,000 foot of maximum or desired road length had we not had the wetlands to the front. So that 200 or 300 feet is actually one of the reasons why we're pushing the road longer. I don't think we're getting any additional lots by this extension, when we ran the numbers that is the number of lots we need to make the project viable. We did get Bryan's letter on either the 1<sup>st</sup> or 2<sup>nd</sup> we haven't proposed this to be a full submission so that is the reason why we haven't addressed a lot of those comments. We were just trying to get the main two issues done. Our hope would be that the Board would say yes, they could support the waivers, we'd go back, finish our engineering work, finish our design work and then we could come forward at the final submission. If you said no that you couldn't support it, we'd go back, rework it and come back. Either way we were trying to be efficient with our time, Stantec's time and not have any wasted efforts. I'll just go over a couple of the items on Bryan's notes so we're clear. *From Stantec's Letter dated September 1, 2016:*

*General comments #3: 405-42-2 is the lot on the SE corner of the property is not shown as an abutting property.*

J. Wichert continued that 405-42-2 is the lot on the SE corner of the property. When we did the initial survey in the subdivision in April, it was incorrectly identified on the Town's tax maps as being a parcel that the Town took through taxes. But when we did that survey, if you look at the note, it was never in this chain of title. Sheet 3 of 8. And to the bottom left of the North arrow, you'll see the deed research in the records Town of Candia through tax record deeds in range of lots South of the range way shown are not a part of the subject parcel. I think what happened, I think there was a tax taken. It was annotated on the tax map but it doesn't come out of this chain of Title. So we did that, that notation was also included on the April survey but I didn't see the tax map change so I was trying to not eliminate tax lot lines without some input. But certainly that's something we can work towards with the Assessor before we get to the final part.

#4 the plan has been recorded so I think that's good.

#6 A letter from the Fire Chief, I spoke to him, I don't think he had any opposition. But he did mention he would be here.

S. James asked Chief Dean Young if he had any comments. D. Young replied the last discussion we had was about the water a cistern or a pond and that's probably down the road a bit. S. James asked if there were any concerns with the cul-de-sac. D. Young replied no.

J. Wichert continued we had originally talked about a pond in that wet area out front. This drought has changed that thinking. That pond was a standing water pond and it's not. We have to look at an alternative but we will work that out with the Fire Chief before we come back in and we'll have those details on the plans so Bryan can review them. We talked about #10 which was the issue with the road.

#17 *A statement must be included on the plans that all proposed lots contain a minimum of 1-1/2 acres of contiguous non-poorly drained soils.* We had a note on there, we worded the note to say what the contiguous uplands was so we'll just change that to say non-wetlands or whatever it is we're asking for. That is the overall proposal, if we could get some input from the Board this evening regarding the two waivers for the road length and the high intensity soil survey for the back 20 acres of the property. Once we have that, we'd be happy to go back, finish our work and work through the issues with Stantec and come back.

S. James asked B. Rouff about the Alteration of Terrain in #1 of Stantec's letter:

#1 *despite the note on the cover sheet, the proposed subdivision and associated disturbance meets the criteria for a NHDES Alteration of Terrain permit.* B. Rouff said that when we originally did this we were trying to stay within 1,000 so we were going to be under but we are over, I agree with that. So we are going to have to get the AOT permit as part of our permit. I would say the highlights would be the proximity to the existing driveway which was discussed and evidence that the proposed pond would be sufficient to meet the requirements. Other than that, most of this is administrative. I'd be happy to go over any of that but there doesn't seem to be a need at this point.

S. James had a question to J. Wichert regarding sheet #2 and the layouts, topography; the way the lots are laid out, there are a fair amount of stone walls on the parcels and there going in different directions relative to the lots, there are a couple of lots, like lot 9, 7 where the walls bisect the lots, splits the lot in half. Did you look at adjusting the lot lines at all? J. Wichert responded we did look at that. For lot 9, whoever builds on that lot will have to remove a section of the stone wall. We've done similar stuff on other projects, and actually if they site the houses right, the walls actually become a nice landscape feature. There not boundary walls. Just interior field walls. We did look at trying to match them but what we're bumping up against, if we take lot 9 for example. The lot to the North of there is the Martel property so we have no ability to really change that lot line. I can't shift the frontage down and try to move that lot line to match the wall which is what we would normally do if it's possible. When you go to lot 6, you'll see that that wall is a little bit west of the lot line. The problem was in order to get that wall to be on the lot line, we were going to have to lengthen the road out. We were trying to minimize length of extra road needed. If we pushed that road out a little further, I can probably make the lot line between 6 and 7 sort of hit that wall but to do that, we did need a longer road.

S. James replied that it would be a relatively easy thing just to move it. What's the scale there, 50 feet or so? J. Wichert replied a little less.



S. James asked if there were any abutters present. He said that this is a preliminary hearing we aren't going to make any decisions on it tonight but do you have any questions or comments. There is a set of plans there if anyone wants to look at them.

M. Poole asked how far does the road go in compared to the very back of the property. J. Wichert replied that the 20 acres behind is the limit of the soil mapping its more than that from the road. It's probably about 2,100 feet north of the rear lot line. So call it 2,000 to 2,100 and the road is on a 1365 so we're about a third of the way in.

M. Poole asked do you have any future plans to keep going out. J. Wichert responded no because we're already over length. What we're trying to do, the end of the road is here, there's a vernal pool area that's in these two wetlands so one of the proposals that we're discussing with Fish and Game is placing some kind of conservation easement around the brook to use that to mitigate some of the wetlands impacts. Total impact for the size of the project was under 7,000 or 8,000 square feet.

D. Lewis said Stantec addressed most of my comments. However in the May 4<sup>th</sup> meeting, one of the conditions of that approval was to remove the slope easement from the plan. But the plans that I got in June still have it on there. Was it removed?

J. Wichert said they are still on the engineering plans but they were taken off the recorded subdivision plans and lot line adjustment plan. And there not showing on our lot plan. So we can correct that. If you turn to sheet C2 you'll see where the proposed grading is. Most of the proposed grading fits within the limits of the right a way on that East side so we don't have a need for the slope easements on that side. If we were looking at any area where we'd be looking at easements, it's up against new lot 2 on the West side of the road. We are trying to minimize wetlands impact so we have a small section of guardrail and a little culvert apron out there so I think that's the only spot we're looking at needing one.

P. Packard said being since I've lived at my property since 1983 I've seen the amount of runoff that occurs on that back lot to that front there. Where he has that road, is a stream that comes down right through there. That is fairly wide. The last few years it's been dry but that whole section in front of the road there does get wet and quite deep. There's a lot of water in that section. My other concern is about five years ago, I had my well worked on. It's a submersible about 90 feet deep. With 9 lots back there and 9 wells going in to that aquifer, really concerns me.

S. James said to review the waivers. How about the high intensity soil survey in the back? Consensus of the Board is there any opposition to that waiver? We'll discuss them in the preliminary and then we'll act on them in the final.

T. Giffen reiterated that J. Wichert is only requesting to do the front portion of the lot where you're going to be building. J. Wichert responded correct. The two lots in question are 18.4 acres and the other is 16.5 acres. We're doing over 6 acres on each of those. I think we can prove compliance to the ordinance, we can meet the contiguous uplands requirements we just haven't done the back acreage.

S. James asked how about the request for the cul-de-sac. You've heard from the Fire Chief that there are no issues with them.

S. James I think generally we're okay with those.

J. Wichert said so administratively do we get carried to the final month? I'm trying to figure out the procedure. Easy part now is we have a retainer and a contract in place with Stantec so once we finish our design we can get that information directly to Bryan's office. Do we come back date specific? S. James said it doesn't have to be a specific date. We'll close tonight and send you a letter with the Board's opinion whether to move forward or not, which is to move forward, subject to conditions. I think the only conditions will be addressing Stantec's comments. We need to schedule the final within 90 days of that.

J. Wichert clarified so we would make a new formal submission for a final application and that will re-do the clock again.

S. James said with a preliminary if you came in and we said go ahead and you decided not to, that would be the end of it. And if you decide to move forward within the 90 then it would be a separate meeting.

S. Komisarek asked J. Wichert if his intent was to get together with Stantec and work through the list. J. Wichert said yes, our final design should take care of the majority of the items mentioned in the review. The good news is now we have a good checklist to go from.

S. James said we'll get you the letter with the Board's opinion on the preliminary submittal within five business days. We'll close that hearing.

**16-011 Minor Site Plan Review Application:** Applicant: 304 Raymond, LLC 679 1<sup>st</sup> NH Turnpike, Northwood, NH 03261; Owner: same; Property location: 304 Raymond Road, Candia NH 03034; Map 409 Lot 116.1; Intent: To add drive up self storage units to existing building in the L1 District.

Mark Murphy and Melissa Sampson, owners of 304 Raymond Road were present. Dean Young, Fire Chief was present.

Abutters Ron and Tom Severino of Severino Trucking were present.

M. Murphy handed out colored plans to the Board. M. Murphy said all we're looking to do is place what we call re-locatable storage structures on existing pavement. There has been some discussion as to whether or not their buildings. They arrived on a truck and were set by a crane and their on the pavement. They can be literally picked up again. If we decided to sell this property, we would take them off to one of our other properties. They are re-located storage structures. I don't know how it's going to be dealt with from the Town's angle. It was our understanding, mistakenly perhaps, that we didn't need to do a site plan review and now we're here with a Minor and we've also been told the possibility of a Major and we are kind of confused as to how to proceed and why it would fall under a Major Site Plan Review. All the pavement is existing. There is no change to drainage or runoff because it's all sitting on existing pavement. They come on a truck and are being set down and if we sold, we would take them with us so to us they are temporary structures. So there is a question of the use, which does appear to be approved in the zone. I guess it could be argued that it was a change of use because there were not storage customers coming to the site previously. The other businesses on site are existing. Automotive repair, we did have one business leave that was Donny Loveland with the trucks that he had have left. It was replaced with someone else who does diesel repair, that's what he used the shop for as well, was to repair his trucks. There have been cars coming and going from the site forever the impact of storage is on the order of one car per day. One, single, on average. There's going to be very, very little use. I don't know how to proceed from here.

D. Murray, Building Inspector stated that they've actually done quite a bit of work over there. They've cleaned up the property, lot of problems over there, a nightmare over the years, last 10 years or so. They've cleaned up the property, got rid of the modular home that used to sit here for many years, there was an office, kind of a portable office sitting over here. That's gone. All these tractor trailer frames. This whole area's been cleaned out where these pieces are going to go. They're working with me to upgrade all the fire detection systems within the building. They've bit off quite a project acquiring this property as they found out. These buildings are temporary, their kind of portable, they are big. I don't see any reason for a Major, there's no site work or anything like that. These buildings are going to sit there; it's not going to change any runoff or anything which already exists. The only problem we really have and we're ironing it out with the Fire Chief, he may have a comment on that, is the location of the cistern. It's really in a poor position anyway and was never maintained and I think he might want to suggest relocating that cistern. As far as the buildings go I just got the specs on the buildings. They are all right; they will pass all the codes. I think it's good to go, with the discretion of what I find out with the buildings and with the Fire Chief and figure out the cistern, I think it's good to go. I see no reason to call it a Major.

S. James said Dave and I talked about it and this doesn't fit neatly into our regulations is sort of the issue so we have some latitude there. The Minor Site Plan is when you have a change or expansion of use. Which I think triggers at least a Minor. Expansion of use triggers a Minor. To stay a Minor, there are three things you look at:

More than 2,000 sq feet of disturbed land. Here they don't because they just sit on the pavement. Disturbed land would be parking, septic that sort of thing.

The other one is if you add 25% of existing floor space and that's the one where technically it triggers it as there is 9,000 sq feet. S. James asked M. Murphy the building is how many square feet? M. Murphy replied 20,000. S. James so it's at about 40% more area. Granted it's not the same building area but it is technically a building.

D. Murray said that they are broken up into different sections. As far as being utilized as one entire floor space. How big are these units per unit? Small area. M. Murphy replied 5 x 10 and 10 x 10 and 10 x 15 is the largest one. S. James so an option to deal with it, strict interpretation of that it would trigger a Major. We haven't accepted the application yet we're just discussing it. It came in as a Minor so the question is whether we want to accept it as that or if we think it's a Major, whether we need to do a waiver or do we accept it as a Minor.

M. Santa asked about the noncompliance of the building. D. Murray said as far as issues that were pre-existing? He's working through them now. He's doing the electrical and fire detection upgrade. Quite an expense. M. Santa asked would you be able to give him a CO (Certificate of Occupancy). D. Murray said he is reluctant to give CO's to existing buildings because that's a long stretch, as you know.

M. Santa replied but they will be within the regulations of the Town. D. Murray said yes, it would be more a certificate of completion in the end.

M. Santa asked M. Murphy what would be in these units. What would be stored in them? M. Murphy replied household items generally, people when their moving is usually when they need storage. M. Santa said so it's going to be self storage. M. Murphy said yes, self storage. S. James asked is it regulated in any way as far as access to the property, I want to go at 3 in the morning and get to my locker, is there any reason I can't do that. M. Murphy replied no, not currently. We do security cameras to see who comes and goes but generally people have 24 hour access at this point. Generally we offer that. S. James asked if there is any lighting being added as part of this? M. Murphy said not currently we may look at pole lighting; it wouldn't be on the structures. There is a light on the exterior of the existing building but we may need more.

D. Young Fire Chief said the only thing with the cistern is we just need to get to it, that's all. You and I can get together to talk about that. M. Murphy replied I did meet with someone from the Fire Department to talk about that, how the access needs to be for the trucks to get to it but we have not had a chance, you and I, to go down and take a look at it. D. Young said we can do that. There's plenty of room for us to get in there it's just when you lay your buildings out as long as there's room for us to get in there. I don't have an issue with the buildings being there. That's not an issue all.

S. James asked if there were any abutters and any comments on it. Tom and Ron Severino were in attendance and said its fine with us.

S. James said the suggestion I would have is that at this point I think it would be reasonable to go with a Minor. I'm not sure the plan submitted meets the requirements of the Minor. And there may need to be some waivers requested. If you read the regulations it's going to say you need to show all these things on the map. M. Murphy responded that he did read through that and I did try to show everything. M. Sampson said I went over it with Dave (BI) and I think we hit everything. S. James asked Dave if he thought it was complete as a Minor application. D. Murray replied I do, yes.

S. James asked if anyone would like to make a move to accept the application. T. Giffen **motioned** to accept the application. **C. Robie seconded. All were in favor. Motion passed (6-0-0).**

S. James explained so now we've accepted the application so now the clock starts ticking. To me the high points, you started to talk to the Fire Chief about it, how you get through those to the cistern. Another one for me would be lighting. We do have requirements for lighting. I think that would be important. If you were going to limit access to daylight hours or something around that, that would be one thing. I think as part of this plan, the Fire Chief, the Road Agent, Building Inspector and Police Chief all weigh in on it. I don't know if the Police Chief will have some concerns or not. He will receive the plan. As part of the process, we'll get

letters from each of them voicing any concerns if any. Does anyone have any comments or concerns on the plan?

T. Giffen said it looks simple enough to me. I don't see any big issues, nothing that can't be addressed easily.

S. James stated that at this point where you have some things to do, I would recommend that we continue this to the next meeting on the 21<sup>st</sup> or October 5<sup>th</sup>. M. Murphy asked about making that list so I know what I need to bring back on the 5<sup>th</sup>. S. James said we will help with that, we'll get the letters. We'll send the plan to those organizations to get comments on. I wouldn't expect them from the Road Agent. M. Murphy said I'll look over your lighting regulations and update the plan for lighting and send in that. S. James said yes and if you work anything out with the Fire Chief, if you need to shift one this way or the other, you can resubmit the plan. If you resubmit a PDF we can send around the Board and look at it anytime. I think other than a couple of issues, it seems pretty straightforward. M. Murphy said October 5<sup>th</sup> would be the best. S. James said so with that we will continue the hearing to October 5<sup>th</sup> and for the two abutters, we won't be re-noticing the hearing.

**16-012 Earth Excavation Review Application:** Applicant: Wildcat Land Development Services, LLC 43 Lawson Farm Road, Londonderry, NH 03053; Owner: same; Property location: 285 Old Candia Road, Candia NH 03034; Map 410 Lot 137 & 137.1 Intent: To perform earth excavation for added parking area.

S. James asked Rudy Cartier to sit in for Vice Chair, Al Hall. (*7 board members*)

Abutters: Stephanie Helmig, of 75 Fieldstone Lane and Gregory Herbert of 81 Fieldstone Lane were present.

Craig St. Peter, owner was present. Craig St. Peter's business partner, Joe Sobol was present. Engineer, Doug MacGuire with the Dubay Group was present. Contractors, Tom and Ron Severino, were present.

C. St. Peter said we're here for an excavation permit for our property on tax map 410 lot 137 and 137-1. Joe and I are the owners of Candia First Stoppe. We own and operate the store. We've operated it for going on 6 years. The track of land that we own also encompasses behind it. It's another 11 acres. In total its 14 acres. A long time ago, I was in front of the Board for a developer, I was an engineer for at the time, this is a little background history, and the plan was improved for an industrial park in the back and had 155,000 sq ft of space plus the store. I say that number because it's going to be important later. We have an excavation permit set and that permit set that we submitted to the Board and to the State, NH DES for an alteration of terrain permit because we're exceeding 100,000 sq ft of disturbance to the land. (*Addressing the plans*) In a nutshell, we're trying to gain more space for parking, (1) for the trucks and the cars and (2) when we originally permitted the site in 2007, we did have a car wash permitted, we never built it. We're contemplating this and we're just in the concept phase, this is not set in stone or anything. Why we did this is to give everyone a feel here on the Board of why the limits are what they are. This is just an overlay. On this drawing here, the white represents existing conditions. That's the store as it is today. The gray and the green is the disturbed area. Basically if you think of the store, it's a half circle of disturbance around it. It's basically an oval around it. B I'm just pushing everything back about 150 feet. When we talk about groundwater tables and all of the disturbance, we have the example. It's out there today. It exists. It's a sheer face, you can see where the ground water table is not or is and Joe will talk to that later. We're just pushing everything back 150 feet. In regard to any kind of traffic, we have one driveway access and why I told you about the history of the development, the 14 acres previously of which we were not the owners of the land back then, we are now, that 155,000 square feet, the store is only 4,500 sq feet, was all permitted for the DOT and we had put in a left turn lane and a right turn lane. This driveway accommodated that whole part from a traffic standpoint. We think we're in good shape with the DOT, I don't think there's any reason to go back to them, and they're not going to have any issues with this. In fact this is a truck stop, small truck stop. We run a family business but we do

accommodate trucks. In this proposed layout we will have more trucks parking in here but when it comes to the construction, we have trucks going around this all day long now. So the additional trucks are not going to be anywhere close to the number of trucks that would have been provided by the park, which was 155,000 sq feet so the traffic in our opinion is a non-issue.

S. James said that the park was going to be like contractor condos. C St. Peter responded it was an industrial park. S. James said that it wasn't really geared for trucks. C. St. Peter replied light traffic, light trucks. S. James said not 18 wheelers. C. St. Peter replied for deliveries. So what is shown here is the current driveway or rte 43 stops and services the store now. What we will do is continue the access road. To service the property in the future, which we have no plans for none, we wish we did but we don't. We do have plans for our own use right now to get more parking and this car wash is a possibility. We're contemplating expanding the store. We don't have enough storage in the deli, and would like to have a few more seats too. That's what the addition is for. So when you do that, we want to put some more parking in so that it's safer and accommodates the site better. So that's what we are proposing. To ease everyone's mind a bit about what's entailed with the construction; Tom is here to say a few roads. He would be the contractor, Tom and Ron. It's a single phase construction, once we get going; we are going to keep going. It's then it's probably 6 to 9 months to do this. And while this is going on, we'd like to continue with our concept, fine tune it and come back to the Board during that process. That's a long period of time, 6 to 9 months of excavation and we'd like to get ahead of the curve.

J. Sobol said what we're trying to do is just create a scenario where excavation can start and then we come back to you in a 3 to 6 month time frame while that may be going on and go forth with a full blown site design. Dubai would be our engineer and come to the Planning Board with site design plans and also achieve state permits.

T. Severino stated that Craig and Joe approached us about 6 months or so ago, again the challenging part of this project is that they have quite a bit of excavation to move. To make the project cost effective, they need to move that material at an efficient rate. So if they were to go through the Planning Board process with a full set of plans with whatever their design is, obviously they don't know what that is now, they only have it in concept, but need time to fine tune that. Then by the time they are actually ready to build, there would be this 6 to 9 month window that we would need to move the material and also at that point we may or may not have a home for that material. So it would be more costly to remove that material and stockpile it or put it somewhere where it's not needed. My opinion or recommendation to them, and that's why you have the excavation plan in front of you, was to just go forth with just an excavation plan. We've done this on numerous sites; much larger sites all over New Hampshire that people have this problem or removing a large amount of surplus material. This gives us time to move the material that it doesn't have to fly out of the site; it can be removed at a reasonable pace from the site. We can remove it efficiently, we can pick it up and bring it directly to where it's needed and put the material in place just so we're not handling the material twice. That was the whole concept. It was my recommendation that they show you this plan tonight because I read through the comments from Stantec, which they followed the letter of the law of 155E we understood the big picture that the excavation was for a purpose, it was an outline for an end result. But I can understand without seeing that concept, where the questions would arise or why was that outline there, what was that excavation for? I wanted to give a background of how we got to where we are today because a lot of the comments are not really relative. They're relative to this if we were going into this as a gravel pit and that's not what this is. This is to just achieve sub-grade of a site plan that will literally fall right on top of it. As we're excavating or nearing the completion of excavation, it will never get to restoration, it will never get to loaming. We will actually start construction in building a parking lot after Planning Board approval and so on. The two needed to happen in conjunction because of the time frame it will take to remove the material.

S. James asked what was mentioned about dates, expected duration of this.

T. Severino responded there is about 40,000 some odd yards to remove so we expect 6 to 9 months depending on what jobs we find and where the material can go.

C. St. Peter said just as a magnitude for comparison, it's about half of what the store took for that excavation process, the volumes. The real people that are impacted by this plan, other than the direct abutters, are ourselves. So we are probably the most concerned about the excavation. Our building, our well. We will take the utmost care to make sure it's done right. I think we have a track record of trying to do things right. The Severino's have a track record of trying to do things right. We're going to be taking every precaution possible. Joe and I are both engineers. I'm a civil and he's a geotech and we have a very good engineer working for us so I think collectively as a group we're going to try to stay on top of this pretty closely. We don't want to have impacts to our business or operations. So that is very important to us on a personal level. We all thought it was a good idea to bring this in after we talked more, just to get an understanding on the review comments, I think they questioned why there were two levels in the grading. It's because of the road. It's basically tiered. It's a tiered excavation. In this area here we have a well. This area in here is a lot of overburden now, it's not being cut. It's what we had leftover from the previous project when we built the store. What we're hoping to do is ask for a conditional approval to move forward with this. We do have comments that we received last Friday addressing Stantec's comments that were generated on the Thursday before that, I think it's the 1<sup>st</sup>. We'd like to talk to the comments and see if we can address some of these. I'd like to turn this over to our engineer and he's going to take the high hitters. See if we can resolve some of these things.

D. MacGuire of the Dubay Group said that was a great summary guys and Tom also hit it right on the head that a lot of these comments would be pertaining too, I mean there's a lot of variability in excavation work. The timing can be years, there could be a lot of different factors that factor into that and actually your earth excavation regulations directly state that. There's a section in the regulations that basically notes that there are exceptions that would be happening based on differences of the type of site and the type of excavation that we have going on. Some of the bigger items, in going through Stantec's letter, I would say half the comments are good comments to have added detail items that we should get on the plans. There are other comments I think that will be addressed in our obtaining of the AOT permit and are blasting permit that would be required as part of some of the ledge excavation on site. There are a few comments that I would like to get a little direction from the Board because I think there's opportunity to either a necessity for an exception to the regulations or an interpretation of the regulations and I'd like the Board to be able to help us with that. Right off the bat comments #1 and #2 make reference to separation of excavation from an existing dwelling not being 150 feet and also separation from existing right of ways of 50 feet. My interpretation of the dwelling requirement is that a dwelling is just that, a residential house for someone to be living in. And in reading the regulations regarding 155E, they are talking about an abutter; I believe the intent was they don't want someone who has a house 50 feet off the back property, having a large excavation right up against them. I think in this case Stantec brought up that a dwelling, being that the existing building may be considered that, I don't look at it that way. But that is an interpretation I would like the board to weigh in on. I believe the existing property and the existing store; I don't believe that was the intention of that 150 foot setback, therefore that wouldn't apply. With regards to the 50 foot right of ways, there is a requirement that no excavation happen within 50 feet of a right of way, provided that you're cutting lower than the level of the road so that would not apply to Old Candia Road. Old Candia Road is actually sitting lower than the site and the excavation that we're proposing is still well above the site so we wouldn't have a 50 foot setback from that road but we would potentially, based on this interpretation, there is a Class VI, Pine Hill Road, abutting the other side of the property. The way I understand it's an unmaintained, Class VI roadway, used for a walking trail, snowmobiles, recreation type things, it wouldn't be your conventional highway described in the 155E and so I would need some interpretation of that. Obviously this board would have a right to make an exception to that if they didn't deem this the same. We are excavating up closer than 50 feet to the property line along that side, we're not impacting anything. There's an existing stone wall along the property line and we're not impacting that whatsoever. We have no drainage water going on to the abutting property. I didn't see that as a big concern. We would be impacting that area eventually if and when they do ever plan to develop their additional 11 acres they are going to have to do that to provide access to the rear of the property. I thought it

made sense while doing the excavation to excavate that area now. That was one area that I would like some feedback from the board. The other main one for me there were several comments, I have; 4, 9, 12, 23, 24 all related to drainage and drainage flow patterns and there was mention of a drainage study as part of this. My position on that with regards to this project, I don't know of anything within the regulations, your local regulations or within 155E or within the AOT State criteria for the alteration of terrain excavation permit that would require any type of drainage analysis. It needs to be considered, we are considering it. We need to add some more clarity to our intentions and I plan to do that in working with Stantec but basically we designed this so it drains into itself. You don't want runoff coming from an active excavation operation. You want it to be graded into itself and that's what we did. The grading on the excavation plan correlates exactly to the red lines of the grading shown on our new plan. You can see why they had a ledge cut there or why they were pulling in areas to a low point. The areas that we graded low coincidentally will align with our potential areas for new buildings because you're going to have a footing, going deeper in that area than other areas. So it was a logical spot to do that. What we'd be proposing to do is over blast those areas, so we'd be over blasting the ledge and replacing material, over burden back. So this isn't going to be blasted to a solid piece of ledge, that's not our intention. When this is future developed, you're going to have drainage, utilities and other types of items that are underground that you're not going to want to re-blasting for later. So we're going to have ledge blasted far down with over burden on top. So these areas of depressions will actually have permeable material in them, which will be promoting infiltration. We don't anticipate any standing water for that reason; the water's going to drain within itself. We also have diversion swales on the high side of the site so we won't have any additional run on to the site. The existing site is contained with curbing as it is right now. That won't change. The only runoff going into this area of excavation is runoff that comes from the sky and actually hits that surface. Everything else is either diverted around or being contained. We don't anticipate a large amount of runoff and therefore we don't anticipate any standing water and that's really where the 155E excavation hits on, *it says no standing water*. We really don't feel at this stage, we will come in with a full drainage study when we move forward to design phase but we didn't feel that that was required here. So we wanted to get some clarity on that. I will add because I fully understand that Stantec brought this comment up, they said *"you're doing this excavation and now you are diverting water around the site and now its water that was going one way is now going somewhere else and you're not accounting for that and we need to know where it's going, so we need a drainage study."* Well the existing site already had diversion swales. That was done as part of the original application they didn't want water coming onto the existing site, running down the ledge. The water is already being diverted. I can add flow arrows to the plan to show our drainage patterns that is a requirement that I should probably have on this plan, to show where the water's going. What we did, we added our swales in the same area that they already were. We're just backing that diversion up 150 feet and continuing to route the water around the site. So again, from our standpoint, really not necessary to spend the extra money in doing a drainage analysis twice. We will have to analyze everything when we come in for a full site plan design that will need a new AOT permit so we are getting an excavation permit AOT, we will have to get a full AOT permit when we come in and do this, so we felt that this was overkill at this level based on what we're proposing to do. Now without knowing where this is going, I can see where Stantec came up with some of those comments.

S. James asked D. MacGuire about a comment you made about you are going to excavate down and fill these areas, where is that shown on the plan? D. MacGuire responded that it isn't and we need to clarify that with the areas that are cut down, where the depth of ledge specifically is going to be in those areas.

S. James said let's go back to comment #1. Operational standards no excavation closer than 150 feet to an existing dwelling or to a site in which a building permit has been issued. It's not the dwelling part of it, it's the building permit.

D. MacGuire replied it is written differently in the 155E which I assume is where that interpretation came from. They only speak to a dwelling and they actually couple it in with the abutting property. They talk about an abutter and then they continue to talk about the abutter with the dwelling. From my standpoint, I

think that was the intention but if the board sees it differently, we'd be happy to discuss it. S. James asked Stantec to respond on the 150 feet from a dwelling comment.

B. Rouff commented our thought was that the building did require a building permit so we felt that that justified this requirement and I would say for the other features listed, it's not explicitly written, but good engineering practices to be that far away, for a diesel canopy and a gasoline canopy, that's where our standpoint came from on that comment.

C. St. Peter said on the original site plan for the whole park, if it was a site plan; the layout of the road is basically in the same place that it is now. We're talking about the same exact scenario. If we came in with a site plan down the road, that wouldn't be an issue. If this was a site plan, this wouldn't even have an item on a review comment. But it's an excavation permit, we're getting to the same goal, we're just overlaying the site plan when we finalize it.

S. James responded we have latitude. Stantec's pointing out what the regulations say and if we want to relax that, we certainly can.

R. Cartier asked C. St. Peter about the excavation that you are planning on doing now, how close is it to the original plans were when you came in for the whole development? Is there a lot more blasting being done on the ledge to the left of the site or is it about the same?

C. St. Peter responded the limits were different, different areas but the roadway is the same. R. Cartier said he did remember you having the car wash and I couldn't remember if you planned on doing more excavation at that time.

C. St. Peter said the park did. The park was adjacent to this property so there was more excavation planned, much more.

J. Sobol replied that the car wash that was permitted fit within our 3 acre site. Now we've moved it out to a different area, further to the west. So the industrial park probably had some cut, we don't know the exact difference. The industrial park didn't go through because of economics so were' following that road.

R. Severino commented that these earth regulations usually apply to sand and gravel pits and these limits, when you're in a gravel pit and people are digging down 30, 40, 50 feet, you don't want them getting too close to someone's boundary, house, with this big hole and this is just the opposite. This land goes up and when it's done it's going to be level. It's contradictory to why it's written in there, especially when the owner's right to level it. Because we applied under an earth regulation we're getting caught in a few of these things. Like Craig said, if this was a site plan review this wouldn't even be an issue. We'd be allowed to do that.

C. St. Peter said in fairness to Stantec, everyone can see the picture now, why the limits are the way they are, why there are different elevations. We still don't know what the final plan will look like but we had to submit something to the AOT to get the process started.

J. Sobol responded again, as Tom mentioned, we're doing this to make the project viable. To allow the material to be used in an efficient manner while we're coming back to you and we're going to have to meet your approval on the site design. But this is not a 10 year gravel pit permit that we're after. We're after something to facilitate our site design that we're going to try to accomplish within a year.

S. James replied I understand that. I personally don't worry about the building, I know you'll do a good job but what is the plan around the cistern and the diesel facility? I think you're within 20 feet from the cistern and 40 feet from the diesel? Are there any notes or cautions on the plan to deal with those or no?

D. MacGuire said I think Stantec is concerned maybe with the proximity due to the blasting. I think they did make some notes about some precision testing of the tanks to make sure we don't have any leaks or anything like that. Severino is going to be working with Maine Drilling and Blasting on that. There is an elaborate blasting plan that has to be done and anything that would be deemed an issue from a liability standpoint Maine Drilling and Blasting is going to be monitoring, checking, testing anything they deem an issue. I wouldn't want to blanket this with a lot of safeguards that wouldn't necessarily be required to be put in place or be necessary to put in place but it will definitely be protected and covered under the blasting program



that MD&B would have to submit. From that standpoint, that is why I didn't get into that type of detail on these plans because I knew that that was all going to be monitored and reviewed.

S. James responded that I don't disagree with you from our board perspective though we have to look at this plan independent of the site plan, independent of Severino, independent of Maine Drilling and Blasting because none of those may even happen. They may, you may get the plan approved, you may decide to do it or we're going to use another contractor or do something different so it's really good background and explains why we're doing this.

D. MacGuire said the excavation plans do have the blasting notes on them and it's going to be required as part of the DES AOT permit so there won't be any work being done unless those safeguards are in place.

J. Sobol asked what in the regulation talks about cistern? We know it talks about dwelling? S. James asked Stantec that's an engineering judgment issue requirement?

B. Rouff responded yes, dwelling, obviously the building is the dwelling and we listed these other features just to make it clear that that's the distance from these other features. Our concern would be demonstrating that blasting or excavation work could be performed within that distance safely and without risk to public safety.

D. MacGuire asked is the board okay with the limits of the excavation as proposed, do they deem any exception or latitude required based on comments #1 and #2. Because those were big items, that would require a change in the limits of our excavation and then really I'd like some follow up on the drainage related items. Because coming up with a full drainage study and report is a lot different than what we're proposing right now.

B. Rouff said on comment #24, *the proposed ditch that runs along the north end of the proposed excavation area intercepts a significant drainage area and routes the storm water towards Old Candia Road with no proposed or existing drainage. An existing and proposed drainage analysis must be performed to determine if the proposed swale is sized appropriately and to identify if the proposed grading will negatively impact Old Candia Road or the existing public water supply well. The proposed excavation limits and resulting final surfaces will likely have impacts to storm water flows within and off the site.* The concern is the detention basin, storm water flows that come into this detention basin. And install a ditch that basically intersects and brings it down to this point with no proposed drainage and concentrates all the flows to the west of the ditch line to the road here. I don't see that as a viable solution. I don't necessarily agree with these points being infiltration points unless that can be demonstrated or agreed upon by AOT.

C. St. Peter responded that the top of the embankment now, that is the limit of drainage going into the current site. Everything else is pitching inside these grading lines into the site. Everything that's on top is pitching away now. So all we're doing is pushing it back. We're making the rock, which will be fractured rock is going to contain the water coming out of the sky. B. Rouff commented that it still doesn't address the issue that you basically concentrate multiple acres to the west of that ditch line to that point and then there is just nothing.

D. MacGuire reiterated that I think we need to note that there is no drainage study required at the AOT level for an excavation, in fact they encourage us to drain it into itself. And that permit is pending, so I'm sure we'll be receiving those comments within a week or two so we'll see that. I brought an overview of the site. What Craig is talking about is that this water comes down and diverts in two directions and continues to do so until it makes it way down to Old Candia Road. That's what happening today. No we're impacting back to this point, roughly 150 back and we're going to hold that same drainage flow pattern. So we're putting the water to the same place. From our standpoint, there is no need to do an elaborate analysis to prove that that's what's happening. With regards to what's happening within the site. There is an existing basin here, and we have no intention of directing any water to that. We're directing it away from that so that this system maintains itself and continues to function. What we have is a situation we don't want to have no control out there but we have master planned which way the water is going, where it will continue to go, and that's the only intent of an excavation permit under 155E is to maintain existing drainage flow patterns and don't have any substantial standing water on site and we don't have any intention of any standing water, it would take a lot of runoff onto

a gravel area that's pervious, with no impervious surface, to start impounding water in several areas. We have nine low points on this site, we're dissipating the water in several locations and it's going to naturally infiltrate. I don't want to go through a full analysis of the specifics of this routing when we really designed it as an excavation should.

J. Sobol stated as a soils engineer, in regard to the permeability issue and the design of the ponds, and the over blasting that will occur. The over blasting that will occur, flow would come to these ponds, would infiltrate into the voids of the over blasted bedrock. Several comments in Stantec's letter talk about the concerns about where the groundwater table is. We can see that from our existing site that we don't have groundwater problems with a rock cut that was some 30 feet deep with overburden. We have a large test pit here that we've created that shows that we don't have groundwater issues. All we're doing is moving the cut back about 150 feet and surrounding this area. Our well was drilled last year to a depth of 1,190 feet. The static water table in bedrock strata is 180 feet deep at this well. B. Rouf said (*re: Stantec's reference to this was*) #46. The groundwater will not impact the performance of Doug's design for the storage ponds here for the excavation. The groundwater table in the bedrock table is quite deep and we're going nowhere near it with our blasting levels, it's not going to add groundwater to the mix in addition to drainage that Doug has designed these pond areas for.

T. Severino commented the berming at the back of the site is a normal condition. Every state slope that we cut, all the water that comes out of the wood when we cut a slope to put a highway in, the first thing we do is put a berm and a ditch, which you can't see from the highway, behind it because what you don't want to do is add acres of water to the excavation area that you're working in. So you're allowed to divert undisturbed flow and to divert that away from you, it's what you should do. Any flows of a brook you can bypass from one end of the job to the other and not treat it because that's water we didn't disturb, the area that their working in so in reality there's less water inhibit to ditch line of 27 because some of it's now being infiltrated on the site. The balance is being pushed around it like it should be.

S. James asked D. MacGuire how he designed the infiltration areas. D. MacGuire responded that we didn't have to design or size or do any type of analysis to do that because we're diverting all of the existing water around the site, in our favor, was happening already. So we're not looking at a large increase to an area that it was never going to before, it was already diverting that direction based on the original design so all we have a pervious surface. We have low points to collect the water because we want to bring the water into itself, we don't want have runoff from our development area. S. James said so you're channeling the water into the low points. D. MacGuire said just from the areas within our site, yes. J. Sobol said and asking it to infiltrate into the over blasted bedrock. On the existing site, we have pavement so that's not going to infiltrate, we need our closed drainage system in our pond design to be designed. What Doug is saying is the water that's going to fall on the open ground that isn't paved in the excavation area is going to infiltrate into the over blasted bedrock or flow into the low point and then do that.

D. MacGuire commented the point really needs to be hit home here; the regulations for an excavation permit specifically do not require any drainage study. The AOT permit does not require a drainage study. I met with Gloria Andrews just to confirm that. And she said nope, if this is an excavation, drain it into itself and you're all set. It's pretty clear to me that that's not a requirement.

C. Robie responded that it's excavation, not building. When he comes back with his proposed plan for whatever they want to build, then there will be some drainage. Then it will show where the water's going to go. But right now, for an excavation it will drain into itself, which it will over there.

S. James said I understand we're not building a car wash, the comment was made that we're doing a depressed area to handle this flow, the question was how we know that's going to handle the flow.

T. Severino replied again, there is no flow. A drop of water is hitting ground, dirt, grass whatever it may be. When we're done, take that same grass and put it here. That same drop of water is not hitting the asphalt, or concrete, it's hitting grass. And your helping it by making some depressions so that's why through the AOT process when you have go get an excavation permit like this, you're just permitting a green space, ground vs. ground and you compare those two drainage studies, you put them on the computer ,they do the

same thing because they are both green areas. That's why there is no need to go through the drainage study, it's redundant. Next time around, they need to go through that process but for this process, no. S. James said I agree with you. The green grassy areas are not on the plan and I think that's part of the problem. The plans not reflective of what you're saying is going to happen.

D. MacGuire replied the only way this excavation can be fully permitted as an excavation permit ultimately if we never come forward with a site plan, this area would have to be restored, loamed, seeded and would function as any other gravel operation would, correctly. There is going to be some interim condition where the excavation is happening and our hope, plan, and intention is that before we spend a ton of money loaming and seeding the entire area we have a site plan before you and already approved at that point. But we have 9 months to get that taken care of due to this excavation. If we don't get that done in that time, this plan will require the loaming and seeding. There are notes on that already. We should have said that from the beginning.

S. James back to comment #12 (*re: Stantec's comments*) 2006 geotechnical report, said the water table is from 6 to 12 feet.

J. Sobol said in the overburden soil. I work for Miller Engineering in my real job. We did work with Craig's company at that time, Pennoni, he was the civil, I was the geotechnical engineer for both the gas station site and the industrial park. We had done a series of test borings and test pits on the industrial park site, which now Craig and I have purchased that property, and this is extending out onto. So we have data and Stantec is referring the groundwater table within the overburden soils that are 5-10 feet thick throughout this whole 14 acres, not the gas station now, we built that, but the other 11. There is water perched within the overburden soils on top of the bedrock and that's where the 6-12 foot depth in range comes from. Once Severino gets Maine Drilling in there and blasts, once there into the bedrock regime, the water table becomes 180 feet down. It is two distinct groundwater tables that we're talking about here.

S. James said in reference to #10, abutters. Are there any abutters here with any comments?

S. Helmig said when this all first went through, when they first did all the planning, the previous owner, came through and against the law, thrashed all the brush behind our property line. Then they went through the zoning for the gas station. There were some discrepancies on their plan. Our previous neighbor hired a lawyer who got us our correct boundaries, which were supposed to be recorded on the lot line. It was 100 feet. It went from 100 feet from your boundary to almost 200 behind our house. There not on these plans so that concerns me going forward without that boundary line being recorded properly.

S. James asked if that survey was recorded at the registry of deeds that they did or was it just private.

S. Helmig replied upon the approval of the whole project. It was handled between the lawyers, Craig, myself and my husband.

D. MacGuire said we re-surveyed the property for the purposes of this. This is an as built survey of the existing gas station. Can you show me where your house is located on the plan? S. Helmig said I'm up here and it was agreed upon 100 foot, buffer. C. St. Peter said there was an easement and there was a construction buffer for that development. S. Helmig said it was to protect our land regardless of what was going to happen and now it seems it disappeared. D. MacGuire commented that as part of this application and the future application for the site plan, we have no intention of doing any development back here. S. Helmig stated I just want it recorded because if it changes hands, and comes to the board again in five years oh we want to do the industrial park right now, there's no record of that.

S. James asked if it was a permanent construction easement or temporary. C. St. Peter said no, it was a buffer that the previous owner put on here. S. James confirmed that it was a buffer to the project which was for the industrial park. S. Helmig said yes and we signed the agreement. C. St. Peter reiterated that we don't have any plans right now to do anything up there. S. Helmig responded and that's okay, you can say it but it needs to be marked somewhere on the plans. C. St. Peter said it was not recorded. S. Helmig replied it was part of the acceptance of the whole development. C. St. Peter confirmed, the project was designed according to what she is indicating there was a buffer for that industrial park.

D. MacGuire responded that what we would ultimately end up doing, if and when, this would be two site plans from now, if there was ever going to be any future development in the rear of the property, that's when the discussion of that buffer would have to come up again and you guys would have to come to an agreement. Unfortunately, everything that you did was for that previous plan and that plan came to fruition. S. Helmig said it included the gas station. C. St. Peter said it was two separate parcels. S. Helmig responded that it included both. We signed a piece of paper that had things that included the gas station as well in return for a buffer. D. MacGuire said I will have my surveyor research that property and I'll try to find out anything I can and if there's anything recorded, we'll make sure it's on the plan. If there isn't, we'd be happy to work with the abutters on future development. S. James asked S. Helmig if she could get the copy of the legal document to Andrea at the Land Use office so we can distribute that around.

R. Severino said there are limits to this plan and abutters would be notified if anything happened any closer. S. Helmig said we've just had experience where we haven't been protected and the Town allowed them to slash all that buffer that we had in the back so we're a little cautious. If it was in writing it would make us feel a lot better. S. James commented yes, we need to read it, it sounds like it either went with that plan and when the plan went away and the owners went away, it went away with it. Or it was written in some other way that we need to know about. But yes, as far as this plan, there not planning on going any further than that. When and if they come back for a site plan, they will notify you again for that project a well. If you can get us the paperwork, we'll send it around.

S. James addressed B. Rouff of Stantec and continued; related to abutters, do you want to talk about #10? B. Rouff read:

*Comment #10: Nine (9) abutters are listed on the application but 29 land parcels are identified within a 2,000 foot radius from the 'blast area' as outlined in the Groundwater Monitoring Program, we recommend that the owners of these 29 parcels be included on the list of notified residents, given the potential impacts to their properties.*

S. James said I wasn't sure what that Groundwater Monitoring Program was.

J. Sobol remarked that I prepared that document. It was submitted as part of the AOT permit, which Doug's plan set; Dubai's plan set went for the AOT permit. It's a fairly new regulation requirement within the AOT permitting process when anytime there's over 5,000 cubic yards of blasting that occurs on a project site, a groundwater monitoring plan needs to be prepared so we pro-actively put that report together. It's strictly related to the State NH DES requirement. I spoke to Ridge Mauck, the AOT coordinator. It's a fairly new regulation, we just prepared one at Miller Engineering for the SNH University Athletic Field project and that was accepted for the AOT permit. So we mirrored that approach for this project, which has about 18,000-20,000 cubic yards of rock blasting on it. It definitely exceeds the 5,000. What the Groundwater Monitoring Program is simply that whatever is in the report that is recommended, what wells are recommended to be sampled, they are to be tested for nitrates and nitrites as a baseline, before blasting occurs. Then during the blasting program, those wells that are selected for testing are retested for nitrates and nitrites and if there's a spike in the nitrates and nitrites in that well, it's an indicator that the explosion, the blasting, has triggered contamination of that well and then further testing would be dictated by the NH DES. So we've complied with that Groundwater Monitoring Plan that we submitted to the DES with the AOT requirements. It's not a Town of Candia requirement. So we've complied with that and we're waiting on feedback from the AOT. So I would ask Stantec and the Town to be patient and let us hear back from the DES.

B. Rouff stated that our concern would be the nitrate limit requirements we discussed but also capacity we discussed in comment #46, all these wells identified within this blast radius, I think it would be prudent to have a baseline capacity established of what the well is and a post blasting capacity.

J. Sobol replied that what Ridge Mauck recommended was sampling the closest well in any multi-directional, direction from the blast, and what that entailed in our interpretation was sampling 4 wells, the 4 closest wells for nitrates and nitrites. There is no requirement at the AOT or for the AOT permit to access yield in each well and then measure yield during blasting. Yield can be affected by rainwater, dry summers, there can be a whole host of reasons why yield may be more or less. The blasting may increase yield in some

instances. There is no requirement at the Town level nor the State level to measure yield in the wells. B. Rouff said it's more of an engineering judgment. Especially specific to the public well, my concern would be when this blasting is done no capacity or limited capacity to what it is now.

J. Sobol responded as Craig would say, that's our well, we care about it deeply. We have two wells that are public wells. So we don't want them to go dry either. We'd have to shut the gas station down or bring in a tanker, as we did last year, when our other well went dry, and there was not blasting involved, it was just a dry summer, so the well can go dry for a multitude of reasons.

S. James asked J. Sobol if his well was in the plan for the nitrate. J. Sobol replied yes it is. That one's here and we have another well here. Those two are in. In that direction, there is a resident well up here that we're proposing to sample and in that direction there's another well at the BP gas station we're proposing to sample. So those are the four wells in the multi-directional...closest wells in any particular direction that are impacted or would be sampled under that monitoring program.

S. James proposed a 5 minute recess and start back up at 9:35 pm.

Meeting resumed at 9:35 pm:

S. James said to D. MacGuire that at this point you were looking for direction on some issues, I think we need to give you that and I think there's a lot of what I would characterize as housekeeping on the plans. So I would suggest we cover the big items you need direction on and then you meet with Stantec and then have you come back at either the next or two meetings from now.

D. MacGuire said just as general guide, in our response, which we didn't provide detailed responses or any updated plans; we did categorize the comments as either an A, B, C or D comment. A B comment would be a housekeeping item, a good suggestion that should be implemented into the plan. 23 of the comments (*re: Stantec's comments*) of the 48 we would agree with those.

J. Sobol confirmed that 23 we would agree to work with Stantec on to rectify.

D. MacGuire continued that there was another section, in all likelihood, we're not disagreeing, but it may be implemented under the AOT permit. It's a valid concern brought up but it's going to be addressed elsewhere or handled through that process. Then we just have a couple which is basically the only waivers or exceptions to the regulations would be whether this determination of the drainage, also the geotech report due to the groundwater levels, and the third was the separations from right of way and the building. Those were the only three that we saw as potential show stoppers here for us and how we proceed. And then we did have a smaller section of comments, although are valid recommendations, we don't see any requirement to do that and therefore don't feel the need to implement that based on our professional recommendations. Obviously I'm certifying these plans and I have to be comfortable with that. I can appreciate Stantec, a lot of times they have good comments and I'm not complaining, but certain ones I may find really aren't pertinent and not required. Summary of where we are at.

S. James stated that those are the D comments. So we're looking for A's. So as far as the limits, we talked about that a bit. Some of which are in the plans, some in the earth excavation regulations, some which were recommended...did anyone have any comments on those as far as proximity to right of way, or underground storage or fuel or other issues?

T. Giffen said I found the applicant's arguments persuasive. My inclination would be to support the requests when the time comes.

D. MacGuire stated I don't know if we listed the A's specifically. The whole idea of the drainage, we might have categorized that as a C, we thought it fell more under the AOT permit but I would like some clarification from the board as to maintaining existing drainage flow patterns, recognizing that whole site will be eventually required to loamed, seeded and naturalized in accordance with the excavation requirements, assuming we don't come back with a revised plan that has a whole drainage study and implementation practice. Is the board comfortable with what we have and can we limit the need for a full analysis and basically maintain within the realm of the typical earth excavation regulations.

T. Giffen commented that given the nature of this application and the type of regulations to which this application is subject those arguments are also persuasive and I don't have any issue with them. I'm okay with those requests.

S. James confirmed that that would be a request to waive the drainage. T. Giffen responded said yes, it would be redundant, they are going to have to do it when they come around to a real plan to build as opposed to the excavation and if they are following the AOT guidelines, there shouldn't be a question of drainage.

S. James said it wasn't covered in AOT. D. MacGuire commented that the practice itself is. S. James commented you don't have to have any type of drainage analysis as far as AOT. D. MacGuire responded that that is the intention. For an excavation it's not required. T. Giffen said that it's not a listed requirement for that type of application; it's not a concern for that. I interpret it as not being applicable to this situation.

R. Cartier said I have some related questions. You were looking for a time limit on when you'd be done with the excavation? Were you looking for a year, 6 months, 18 months? D. MacGuire stated it was Severino's estimate that it would take 6-9 months to do the physical activity of blasting it, removing the material, safely removing it from the site that was their estimate. That's a substantial time frame but not a large time frame at all compared with standard excavation practices, a gravel pit could operate for 10 years. We're not falling into that category at all and it's important to remember that those, although 10x the size of this excavation, still follow those same general guidelines, they drain water into themselves, their not providing large scale drainage analysis by any means. It falls under the same AOT requirements and the 155E. It's just a different scale project.

R. Cartier asked so if there was a condition on a time limit, it wouldn't be a problem? I wouldn't put it 6-9 months, maybe a year? What happens if the economy crashes again in like 3 months, 4 months and there is this partial hole? There should be something in there that the restoration would be done, even a partial restoration, wasn't just left.

T. Severino said we have to put up a restoration bond. We'd look at the disturbed number of acres; I think its 3 acres here. There's some standard units, \$10,000 an acre, \$8,000 an acre that use for restoration bond so if everybody up and left town, you could take the loam stockpile and re-loam it and seed it and restore it, that's what a restoration bond is for. So if everyone just fell apart, that land would be restored. R. Cartier asked and that would still be in that time frame of part of the conditions? Ok fine. I'm not worried about you doing the restoration or the work; it's just a matter of the economy and what happens.

S. James said that I don't think we need a full site drainage analysis right now but I think Stantec did bring up some good specific points that I don't think were totally addressed. I think the answer well it's not explicitly black and white in our regulations so we aren't going to consider it is not the way I think it should be handled. What I would suggest is I don't think we are looking for a full drainage analysis but when you talk to Stantec on the B's maybe talk about those specific areas and if there is one or two areas, like the water pitching out onto the main road, Old Candia Road, put something in to deal with it.

D. MacGuire responded that drainage analysis is kind of my specialty in modeling in HydroCad and in my experience that always snowballs. If you start going down that path, you end up modeling the whole site, you can't really avoid it. The 155E doesn't ignore drainage, it specifically doesn't say that you require a drainage analysis, but you do need to show existing drainage flow patterns, show proposed drainage flow patterns, and that was one of Stantec's comments, I'm happy to add that. I think that would provide a level of comfort there and also we need to detail, an actual detail in our plans, as to what we're looking at for overburden within our depression areas. What I'm trying to avoid is just doing any specific analysis or sizing or getting into that level of work. That's a lot more work. There's a certain level of engineering judgment that should go into something like this assuming that you have 9 depression areas and you only have the water falling from the sky going into it. You aren't going to have 8 feet of water impounded on these things is not going to happen.

S. James said I'm not suggesting you do a full detailed analysis, I'm suggesting that if there is a problem area that Stantec brings up, work with them to say no its' not a problem because of this or it's not going to flow out onto the road.

C. St. Peter suggested it's more detailing where the water's flowing so that it's better understood and you can see the catchment areas clearer. So the details would show the directional flows, and details regarding swales and berms so everyone can understand where they are going to be placed.

D. MacGuire said I think there would have been a lot less concern if Stantec was able to see the full limits and also recognize the existing diversion areas that were already in place, if they could have seen that at the scale, I think they would have been more comfortable. I don't know what's going on, there could be a whole mountain back there and there grabbing it and moving it somewhere else. The reality is that's not what we're doing so we can show that. I'd like to touch on, there were many comments throughout, and again, some of these pertain directly to the excavation regulations about the separation to water table and whether or not we need to do a geotechnical report and I think Joe hit on a lot of those points with us tonight. I feel strongly, as Joe does as well, that we don't have a water issue here and we know that with existing data. With one major test pit, the whole site was cut down thirty feet and if there was a water issue, that water issue would become apparent.

J. Sobel said we have the model in place of what Severino's going to execute for us. We have 25-30 foot raw cut on our existing gas station site that drains very well, with pavement and all the drainage design that was done. We don't have impervious surfaces within the excavation for the excavation plan. There's no sign of groundwater seeping in the pavement, on the rock slope and all we're doing is shifting that rock slope back 100-150 feet. It's the same rock formation. It's the same overburden material. We have a huge geotechnical study in place with our existing 3 acre gas station that is functioning well from a drainage perspective related to the bedrock. And our geotechnical study from 2006 related to the industrial park we have rock elevation data. Maine Drilling and Blasting has been out to verify that the rock is above the proposed cut grade, so we know we're in the bedrock regime with our cuts and we know from our well the groundwater table within the bedrock regime is 180 feet down. That's where water pressure builds up to in the rock joint system and comes up. It doesn't come any closer to the ground surface than 180 feet. So we have our geotechnical study in that sense.

B. Rouff commented that groundwater is a part of it. I think a geotech needs to weigh in on whether blasting can be done safely and viably in proximity around a gas station and what the limitations or requirements would be of that. I think that was the other half of the geotechnical aspect. I would like to know what the allowable maximum slopes in the proposed rocks relative to a geotechnical's input on that. I think it would be in the best interest of the developer, the applicant and the Town if borings were taken to confirm, whether it's some additional, definitely some within the areas of blasting. From what I saw of the geotechnical report it was all limited to the gas station site and now we're talking about excavation outside that.

J. Sobel showed B. Rouff the plan. This was the gas station site. These were all the test pits and borings that were performed in 2006 outside the gas station site. This is where Severino will do the excavation, out in here. There is ample data here. Tom has been out with Maine Drilling to verify the rock elevations. We know bedrock is above our final grade. We know where in the bedrock regime, we know where the groundwater is in the bedrock regime.

T. Severino said we did probes all the way through there to profile the rock for the excavation. If you stand at the gas station and look at the rock face, when you get off Bridge Street, there is water weeping right out of the seams, I've never seen that here. That is not the condition here. And the past data, and the probes we've done, it would be wasteful to go to a geotechnical standpoint for looking for what the groundwater conditions are and Stantec's comments are valid, is the gas station ok? We've worked with Maine Drilling for nearly 30 years now, that sounds close to a lot of people, but when you've blasted millions of yards of rock like we have, close to us is when were at the Elliot Hospital and one foot away we're going down 20 feet to put the addition of the new hospital next to it. To us, we say we're pretty close to the Hospital, we better be careful. That's like easy. Their seismographs are set up. Maine Drilling in no way, shape or form is going to put themselves in liability or harm of the cistern, tanks, the building, people, anything. All these shots are matted, controlled, very small shots. Understand what the shots do. Change the shot patterns. This is easy.

S. James said I think your are relying on information Stantec doesn't have. If you can share that.

T. Severino said I think it would be easier for us to sit with Stantec and purge through these items. I completely understand their comments, they didn't have that plan. Now that they see there is an actual reason this excavation is happening, that answers 50 percent of the questions.

S. James commented that you have a test pit there, recent work that we don't have and a plan we didn't have before tonight.

J. Sobel said Bryan what we also have is a geotech memo I wrote back in August to Doug, to Dubai, and it does talk about a 1-8 rock cut slope. It does talk about over blasting below utilities and pavements and such. We can share that with Stantec and the Board. It shows the rock cut and the catchment zone design in case rock does fall. It shows our 1-1 riprap slope and it's related to the excavation limits. So we would be happy to share that. It also talks about the need for Maine Drilling and Blasting to prepare a blasting plan. So when their blasting, there are delays in the blasting, millisecond delays in the trigger of each hole. So that vibrations can be controlled to go in a certain direction away from underground storage tanks, away from diesel canopies, away from sensitive areas. There are ways to design the blast, Tommy knows, Ron knows this and we'll work with Severino. I'm the Geotech Consultant; I've been doing this for 35 years. These guys have been doing it for 100 years. So we'll work together and really the key statement was really by Craig. We own this baby. This is our livelihood. We don't want to destroy it.

R. Cartier suggested in regards to the tanks, fuel tanks, cisterns being close, what I would suggest is an engineering review of the as-builts for those tanks. All of those tanks should be designed and installed according to the plans which includes sand buffers around them all too.

J. Sobel said we had photos from Stephens-Marquee Construction. C. St. Peter commented that we aren't doing any excavation in the fuel tank area but those fuel tanks have continuous monitoring, double wall tanks, double wall piping, it's a continuous monitoring system, we look at it every day to see if there are any issues. It is monitored already.

R. Cartier replied it's not so much monitoring but the protection it has against vibrations, because I think there should be at least 4 feet of sand fill all the way around. T. Severino said its pea stone. R. Cartier replied if it's all pea stone, that's fine too. If you just provided that I'd be comfortable with that.

C. St. Peter said we can provide details of how it was installed. R. Cartier replied perfect.

D. MacGuire said I guess the one comment I have, there were a lot of recommendations, some we would agree to, some I'm not as inclined to agree to. There were a lot of comments and some of them, do you want us to just work with Stantec and come back and see if we can come to a resolution? I think Stantec just needs to have some direction from the Board in saying if Bryan fully admit that was just a recommendation, it's not anywhere in the requirements, that's just something we thought of and we said ok well thank you, but we might not want to do that. Should that comment be removed at that point or how should we handle those comments because there are several of those.

S. James reiterated if there was a comment, it's a full drainage study and it's going to cost a lot of money and you object to it, fine. Just because it's not in the regulations, if it's a good suggestion, we'd ask you to consider it. I think what the Board needs is their letter back with a resolution of the comments. On 39 of these we agreed, 4 of these we disagree, you come back in a couple of weeks or a month, whatever we decide and we talk about whatever's left.

D. MacGuire said that sounds reasonable.

S. James said I don't think most of the comments were unreasonable. Personally I thought the plans were good but I think a couple of your sheets were busy. I was having a hard time reading some of these notes and trying to figure out what's going on. I think if you had more plans.

D. MacGuire agreed and said we're incorporating another sheet. There are a lot of good notations that Stantec brought up that will add more notes to the general excavation notes so we'll add another plan sheet to take the notes and put them in one spot.

S. James commented that you guys meet offline, resolve as many as you can, come back.

J. Sobol said that I think some of the comments where we labeled them C are related to AOT, we're stance on them is that we're following AOT requirements and perhaps what Stantec is asking is over and above that.



D. MacGuire said by the time we come back, we should have an AOT review or an approval at that point. Submitted August 10<sup>th</sup>.

J. Sobel said he called Gloria the other day, there were seven or eight ahead of us and she thought it was a couple of weeks out.

S. James said let's look to continue it. We have a meeting in two weeks, the 21<sup>st</sup> or four weeks, October 5<sup>th</sup>. What do you think?

D. MacGuire suggested we could meet within two weeks. We could have time to meet with Stantec and that way if there are any other comments, or additional feedback from the Board we're not waiting a full month.

S. James said I would ask is I'd like the Board to have the resolution of comments at least two days ahead of time. If we don't, and they show up at the meeting, we're going to continue it, period. We need time to look at it, it's important.

J. Sobol said two days, so that's September 19<sup>th</sup>, ok. D. MacGuire reiterated the 19<sup>th</sup> that sounds quick. I'd like to pursue that, obviously between schedules with Bryan, if we can't get to it, we would just formally request it be continued another two weeks, if that's alright.

S. James said I appreciate your patience; this is one of our latest meetings. We will continue this to the 21<sup>st</sup>.

#### Other Business

R. Severino asked if he could take two minutes. As you know, we're doing a little project up the street here and poor Dave, I got him up to 3 packs a day. We went to Dave for a building permit, to do some remodeling, we're not adding onto the building, we're re-roofing.

S. James asked which building. R. Severino said the M J Marine Building. There's been a lot of flooding in the parking lot so were going to pave it. As we got into it, as we started to re-grade the gravel, we moved a foot of gravel and found a foot of loam underneath it. It ended up being a lot more extensive, so we've been battling back and forth about what's going to trigger a site plan. We read the regulation differently. The one think I know is we might end up paving what's there and if we do, we are going to come in here for additional paving. But at this time, we want to get the front of the building restored. I got a letter today from Dave, which will probably circulate around, so I want to head it off at the pass that when the time comes, we'll come in. But it's worded very confusing. It says what triggers minor site plan review and it says the lesser of either. Now either to me means one or the other. And one of them is 25% of existing floor space. But we're not adding onto the building. The other one is 2,000 sq. feet of total disturbed area. Now first of all, we've already hit one, so that's the either. But say we want to hit both, and Dave mentioned that in his letter but the rest of the sentence says of which no more than 1,000 sq. feet is new building. It's always confusing when you read that, is that just a run off meaning if there's building involved or not. So anyway, the only area really disturbed, we cut about ½ acre to an acre out back but that's getting restored back to green space. That was so we'd have room to work. But if we do add more pavement around the building, we will come in for a minor site plan. We're not trying to get away with anything, it's turning into more and I know everyone gets excited when they see a lot of equipment there.

S. James said so you've disturbed more than 2,000 sq. feet in the back so wouldn't that just trigger it, period.

R. Severino said but is says *2,000 sq. feet of total disturbed land of which no more than 1,000 sq. feet is a building*. So it's still pertaining to a building the way I read this. It's not clear. If it said 2,000 sq. feet of land, period, and then the next sentence says something about the building. But it says *2,000 sq. feet of total disturbed land of which no more than 1,000 sq. feet is to be new building*. It already talks about the building here. And the sentence leading into it says the lesser of either one of these would trigger. It's just a little confusing. We're walking that line; we're not trying to skate away from anything here.

S. James said it says *2,000 sq. feet of total disturbed land, comma, of which no more than 1,000 sq. feet is to be new building floor space*. Its 2,000 sq. feet of disturbed land, period, stop, end.

R. Severino replied but it doesn't. If it said period I would agree with you, but it says comma, of which. What I'm saying is, if it's gray like that, to me it is, I'd hate to put this guy through hell (*referencing D. Murray, Building Inspector*) because he's got to make a determination on this and it's not clear. So we're going to work with the Board. If we start adding pavement, we need to come back, I understand that. We're in the process of getting things cleaned up over there now.

S. James said but it seems like you've triggered it though. R. Severino said this has been here for years. I've seen this come up time and time and time again with different Boards. S. James said I can ask the Town Counselor to weigh in on it. R. Severino said we are going to come in anyway. We took a place that's just a total disaster over there, stuff pushed everywhere and we're trying to clean it up. Once we're in there, to say ok let's stop and go somewhere else, because now it's questionable if we need a site plan review, it just doesn't make sense.

S. James said so you are coming in with a site plan. R. Severino replied yeah, once we, we got to repave what was there and if we decide to pave around the rest of the building we'll be coming in for a minor site plan. The biggest thing about site plan review is adding impervious area. That's the intent. And going into a new area and disturbing it.

S. James said clearing a ½ acre on a site to me is disturbed land and that's 20,000 sq. feet and that's 10 times more than 2,000.

R. Severino said but we aren't doing anything with it, it's just landscaping. S. James asked are you re-grading it. R. Severino said not really. There's no building on it, so you need to change this comment in here so we can understand it.

R. Cartier commented that you're doing zero feet so you're doing under 1,000. So it would kick in because it says of which no more than 1,000 sq. feet is to be new building. But if you've got zero, you're under 1,000 so you're still under the minor site plan review. I understand exactly what you're saying because it could be interpreted a couple of different ways.

R. Severino stated that's all I'm saying. We want to work with you on it. We're not trying to pull the wool over your eyes. But it's not very clear. But when you're there and the decision is do I pick up stakes and leave or get something done, the Town will always have those messy places. S. James suggested I can check with the Town attorney on it to get a clarification. We meet and talk about our zoning. R. Severino said I've always struggled with that and not only for me. I think that's something that needs to be clarified. S. James said the last 10 years on the Board that I've been here, we've pretty consistently said if it's 2,000 sq. feet period it triggers it. I understand your point.

T. Severino said so if there's an existing gravel parking lot and you want to re-do that gravel parking lot like Dennis wants to do Currier Road and you're going to dig up the gravel and put new gravel, is that disturbing the ground. D. Murray said no, because that's already been disturbed. S. James said well that's a road. T. Severino said we're taking the existing gravel parking lot; we're digging it out because it had loam under it and putting better gravel back down. That's what all the equipment is doing. Years ago when they put that gravel down they just blew over the loam, everything, it looked nice, it was gravel but pushed it all over loam and stumps. We went to go fix the parking lot and found geez, they didn't strip the loam. So it turns into this bigger operation, pick the gravel up, strip the loam out, replace the loam with good fill, put good gravel back down, so it's a major operation but were' literally rebuilding the parking lot that's there and it's actually smaller. We're creating islands, there'll be green space. You used to be able to drive on and off that road everywhere, we're moving it up from that intersection so there's one place to enter that parking lot when we're all done. There will be more green space around it when we're done. I guess that's where my hang up is, we're not creating 2,000 more feet, we're creating 10,000 less sq. feet for total gravel area compared to what used to be there to what's going to be there when we're all done.

S. James responded the way I look at it is if you had stayed in the front, you dug the whole front up and redid it, you went 3 feet down and put in all good material, 18 inches whatever, repave it. Good, great. That's perfect.

R. Severino stated so because I cut some trees, we can't cut and grade the property. S. James said well think of the First Stoppe, if they decided to cut and re-grade a whole ½ acre next to our property. R. Severino said as long as it's still green space when there done they should almost be able to do that. The general comment, where my biggest gripe with this is, if I decided to come in here and say ok I want to cut this little ½ acre and do it. The biggest reason I don't, is just because of this gentleman sitting here, I'm going to come back with 50 comments or recommendations. And then now I'm spending \$30,000 to make something look nicer and that's always been a problem here. I think the Town needs an engineer. I think there needs to be a review but we run for the hills because it will be 5 comments, 55 recommendations and we have to pay for that. And now we have to pay to discuss the comments. It's out of hand. This has been a complaint of mine for many years. I've been caught in that to the tune of \$1,000,000 dollars. It doesn't do anybody any good at the end of the day. So the Board, I don't want to say this in front of any hearing. All this here, when their recommending things that aren't required, some of them might be valid but there's a lot of things in there that are just things that they think we should do and it's too much. Eventually I'd like to see the Board be able to control that a little more. Separate it? I've always said, can't it be separated so that there are two sections. When it comes back, everybody comes back with 40 or 50 comments and it's like your engineer didn't do your job but when you sort it all out a lot of it is redundant stuff. It would be nice if you had these 10 things you screwed up on, you didn't comply but these other 20 things is kind of a wish list. I've seen it over and over and over the years. If I'm going to pave an additional 5,000 sq. feet and I have to bring Stantec in, it's going to cost more than the pavement job to hash that out. And I don't know what the rule is on that. I don't know where we draw the line on what goes.

R. Cartier said a question for you Ron. You said something that peaked my interest. You said you're going to restore that area in the back. This might be splitting hairs but are you doing landscaping or are you doing actual. R. Severino said we're going to loam and seed mainly. R. Cartier said no you're not hearing me. You said you're digging up the current parking area because it has a lot of loam in it. You're disturbing a bunch of land in the back. But it sounds like your landscaping the back. R. Severino said when you put an operation like that on a small site, there's no room to work. So when I strip the gravel and strip the loam, I've got place to put it so I want to go back 20 feet, might be ¼ acre, I didn't measure it. We went back and cleared a row of trees so we had a place to pile all this stuff we're digging it up until we screen it out or get it off the site so we can keep moving.

R. Cartier said the reason I say that is, if you look at the regulations, it doesn't refer to landscaping areas, it refers to parking lots disturbed etc. etc. Are you doing more than 2,000 feet, are you just doing landscaping?

R. Severino said well that's what it is. When you see it when it's done, we're doing more landscaping there than anything. T. Severino said it was a mess. Someone just dug, they wanted a trench they took a backhoe and charged through the woods and you see this old pile with trees growing out of it. We can't leave anything like that in town. That place will look like a million bucks when it's all done. That's what the end goal is here. Parking lots re-built, the back is landscaped and everything will work properly. The building's getting fixed up, the building will look better. At the end of the day it's to put the money into that property and the Town. I built this place; I designed that parking lot right there 30 years ago. Drew it, designed it, graded it, excavated it, built it. R. Severino said we didn't have Stantec. T. Severino continued that we didn't have one review. Most of the roads in this town, I surveyed them, designed them, drew them and went out and built them myself.

S. James suggested I can talk to Stantec. It's a constructive comment as to what's in the regs vs. what are requirements. Generally we have a non-technical board so we rely on Stantec as the engineer. I know what you're saying on some of those things. I think a good portion of those comments were things, there's no way they could know, because A. the information wasn't provided or it wasn't on the plans. To ask them not to

comment on something because it's not on the plans. I know the wish list stuff you're talking about but some of that is good practice.

T. Severino replied that it would be good to have a mechanism in the future for situations like what we're doing. If there's a different peer review process or something. There's a lot of old buildings in this town, a lot of stuff that needs to be fixed up, cleaned up and you literally couldn't afford to fix it up or clean it up if you went through that process.

R. Severino said a lot of that is giving trust to the staff, that he's, it's his job, he can't say we're overstepping here. Same thing if I start cutting, we know there's wetlands off to the left. So we had to stop at a certain point and put a silt fence up. Even that was kind of compromised years ago which was creating a problem. They pushed gravel and everything right in there 30 years ago which is why all that water used to come out and run down along the road. You have a guy here that's looking after that.

M. Santa said I have a comment. In some communities you have a technical staff; they have a technical review for small projects. I don't know whether we could do it here, we definitely do it here if we had a part time Town engineer.

R. Severino replied that Raymond is at that point where they have one on staff to take on small things. We got a letter, and I know it will circulate through here so before we see you again in a few weeks, I just don't want things to be blown out of proportion.

S. James replied I do appreciate you bringing that up and I appreciate the comment. We have had examples where people have come in and say we have this lot and it's already existing, we're not going to do anything and then they go in and there's an acre of disturbed area. Oh but we didn't know that's what you mean so that's why those regs are in place.

R. Severino said the regulations are what they are because people have abused it. Abused for many years, we don't abuse it. Thank you for your time.

#### Other Business Continued:

S. James stated that the Raymond Planning Board is having their multi-town meeting on the 15<sup>th</sup> at 7 pm at the Raymond HS Media Center. Al's gone to that in the past.

J. Lindsey said she has gone to it in the past as well.

S. James continued I guess because of the timing of this, we technically if four of us show up we have a quorum and we need to notice the meeting. T. Giffen said I'll stay away. J. Lindsey also said I'll definitely stay away. S. James suggested I think someone should go, I'm not volunteering myself, but someone should go but I don't suggest four people because otherwise we didn't notice it in time.

S. James said so Chester Turnpike, 16-009, we talked about it two weeks ago and we approved. If you remember the surveyor had a piece of paper of a drainage study that was in question. (*Roscoe*) They resubmitted something, Stantec still thought it was still unacceptable and Stantec ended up doing it themselves. So that issue is done in the plans and approved.

#### Minutes from August 23, 2016 Meeting:

S. James suggested we move the approval of minutes to our next meeting unless anyone has anything else. This is our latest meetings ever. I did want to explain, we had a continuation of one and three new. These people come in a month ahead of time and I know it was a really long meeting but the option was to push them out another week and wait six weeks which I didn't think was reasonable. I wanted to explain why we had it all backed up like this to accommodate people.

#### Review of Case 16-013 Jennifer Wise Revocable Trust for September 21, 2016 Meeting:

S. Komisarek mentioned the Jennifer Wise Revocable Trust on Langford Road. John Seidner came in, Jennifer's husband and he has that big parcel and he bought that piece of land it's got some acreage and they want to lop off the majority of that property and add it to theirs and then they will turn around and probably sell the house.

S. James said it's basically a lot line adjustment but it triggers a Major. C. Robie suggested we need to review the plan before the meeting. S. James asked any volunteers? M. Santa asked when does it have to be done. S. James said just prior to the meeting. Generally we ask the applicant if they can meet with us, if they want, they don't have to, there is a checklist, and we just go through it yes, yes, no. M. Santa said so I just need to show up at 6 pm and go through the checklist. I'll be there with you Mike.

Meeting Adjourned:

T. Giffen **motioned** to adjourn. S. Komisarek **seconded**. **All in favor. Motion Carried. (7-0-0)**  
Meeting adjourned at 10:30 pm.

Respectfully submitted,  
Andrea Bickum  
Land Use Secretary  
cc file