

DEERFIELD PLANNING BOARD
DEERFIELD, NEW HAMPSHIRE
JULY 22, 2015

MINUTES OF MEETING

PRESENT: Board members Fred McGarry, Kate Hartnett, William Perron (arrived at 7:10PM), Peter Schibbelhute. Alternate member David Doran and secretary Jane Boucher.

7PM Chair Fred McGarry called the meeting to order and appointed David Doran a voting member in the absence of William Perron.

APPROVAL OF MANIFEST

David Doran moved to approve the manifest in the amount of \$3090.90. (Upton & Hatfield \$321.97, SNHPC \$2768.22, time sheet 13 Hours). Kate Hartnett seconded. Voted in favor.

7:10 William Perron arrived and David Doran stepped down as a voting member.

APPROVAL OF MINUTES

Peter Schibbelhute moved and William Perron seconded to approve the minutes of July 8, 2015 with the following corrections:
Page 2 Paragraph 1 and 2" Correct name to read Scott Frankiewicz.

Page 2 Paragraph 4: correct to read "...waive that requirement as long as the 100 foot buffer was restricted."

Page 4: Paragraph 2: Correct to read "...two-one slope for the side slopes."

Voted in favor with Kate Hartnett abstaining.

ROLLINS/ EXCAVATION

Board members reviewed the Draft of a letter to Nellie Rollins and amended #3 Action Items. A copy of the amended letter is attached to these minutes.

Fred McGarry will forward the revised letter to Gerald Coogan for mailing to Nellie Rollins.

7:25PM CONTINUATION; PUBLIC HEARING SITE PLAN REVIEW; SHANE AND ROBIN CARTER; PARADE ROAD
Shane and Robin Carter were present.

Mr. Carter provided revised plans for the Board's review. It was noted that a memo had been received from Steve Keach, KNA, advising that "it appears that the applicant's consultant satisfactorily addressed each comment and recommendation offered in our cited memorandum of July 8th."

Chair McGarry noted that the following issues be included on the plan.

- . Exterior lighting in black. See Sheet 2 for detail
- . Manure Storage. See Sheet 2 for detail
- . 1 " water line from well to stable Shown on plan
- . Width of proposed gravel driveway (14 feet) shown on plan

William Perron moved to grant conditional approval to Shane and Robin Carter for a Site Plan Review with the conditions listed above. Conditional approval to lapse in 30 days (August 22,2015). Voted in favor.

7:45PM STEVE ROLLINS/ROLLINS EXCAVATION

Steve Rollins was present.

Board members reviewed the letter to be sent to Nellie and Steve Rollins regarding the Gravel Pit.

Mr. Rollins indicated that he would like to build a small building on the site to be used for storage/garage.

Chair McGarry advised that Mr. Rollins would need to make application for a Site Plan Review which requires a public hearing. He was advised to contact Gerald Coogan, Planning Consultant, to discuss the procedure.

Mr. Rollins would also like to amend the hours of operation, to include Saturdays, for his excavation site. Chair McGarry said that would also require a public hearing in order to notify abutters.

Board members felt that the two public hearings could be held at one meeting. Mr. Rollins will contact Mr. Coogan to discuss further. Notification will need to be sent to abutters by July 30, 2015 in order for the hearings to be held at the August 12, 2015 meeting.

The meeting was adjourned at 8PM.

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

**Town of Deerfield Planning Board
P.O. Box 159
Deerfield, NH 03037-0159**

5th DRAFT

July 22, 2015

Ms. Nellie. Rollins
Rollins Excavation Area
30 Raymond Road
Deerfield, NH 03037

RE: Rollins Excavation Area, Tax Map 209, Lot 35

Dear Ms. Rollins:

The Deerfield Planning Board is the regulator of excavation areas under NH RSA 155-E. The property owner and permit holder is Ms. Nellie Rollins. Mr. Steve Rollins is acting in her behalf.

The Planning Board has observed that work is being done outside of the approved area in the southwest area of the property near Parade Road, including work related to the berm (i.e. for screening purposes) in front of abutter Brosnahan and work on the "emergency driveway," as well as other potential violations of the permit issued for this property. The Planning Board's intent is to resolve the issues identified by the Board in a manner that avoids the need for any enforcement actions.

Issues: The compliance issues identified by the Planning Board include:

1. Clearing and excavation beyond the "Limits of the Project" as shown on the approved plan.
2. Dust generation and its impact on abutters. The Board agreed to allow the restoration of the site to consist of unvegetated gravel. The lack of vegetation allows for dust generation in both the active and restored area of the site. You stated that you wet down the "active area." This is insufficient, particularly if only the active area is wet down. If the surface has no vegetation, it can generate dust. Active and inactive portions of the pit which are without vegetation are subject to dust generation and should be wet down. A single wet down of all areas without vegetation is likely insufficient, particularly during the hot summer months.
3. Screening of the excavation pit from Parade Road.
4. Proper Screening of property owned by the abutter, Mr. and Mrs. Brosnahan.
5. Emergency driveway: The Planning Board and you agree that there is no longer a need for the "emergency driveway" either onto Parade Road or onto Pit Road.
6. Blasting may have been done without proper notification.
7. The trucks create noise at unacceptable levels.

Action Items: To address these issues, you will take the following actions:

1. Mr. Sanford has provided a plan showing existing topography and extent of screening in the southwest corner of the site; staked out in the field the limits of the project area in the southwest corner of the site shown on the original approved earth excavation plan so that it is now clear to all the location of those limits; and prepare a site plan amendment that shows the new area in which you are working. The Board conducted a site visit on June 29, 2015. As you know, only two (2) acres can be active at any one time; areas where the excavation has been completed shall be reclaimed within 12 months of completion of excavation
2. Dust control: You shall wet all disturbed areas on a daily basis during the summer, and at such interval during the remainder of the year as required to prevent dust. The Board may inspect the project and determine what additional revegetation and restoration will be required.
3. To screen the excavation pit from Parade Road, the berm on either side of the "emergency driveway" shall be extended across the opening created by work on the "emergency driveway." The elevation of the top of the berm shall match that of the berm on the south side of the "emergency driveway." The width of the berm at the top shall be 4 feet. The slopes on both sides of the berm shall be no steeper than 2:1. The top of the berm shall have a minimum of 6" of topsoil. Side slopes shall be covered with a minimum of 4" of topsoil. The top of the berm shall be no less than 25 feet from Parade Road.

Vegetative screening shall consist of two rows of one of the following types of tree: white pine, Scotch pine, hemlock or spruce. One row shall be planted along the top of the berm 10' apart. A second row shall be planted mid-way on the slope facing Parade Road. The trees in the second row shall also be 10 feet apart but shall be staggered in relation to the first row so that the trees in the second row are about 5 feet horizontally from trees in the second row. All trees shall be a minimum of 3 feet high. The root balls for all trees shall be surrounded on all sides with 6" of topsoil. Trees shall be planted in late September or early October. Care should be taken to make sure the trees are well watered both at the time of planting and several weeks thereafter to ensure the trees survive and to eliminate the need to replace dead trees.

4. The existing berm facing the southerly abutter's property shall be extended both 50' to the east and 50' to the west. The minimum height of the berm shall be 6' above existing grade. The width of the berm at the top and the slopes of the berm shall be as described in comment # 3 above. Trees on the top of the berm shall be as described in comment # 3 above. Trees on the slope shall be planted on the slope facing the southerly abutter. The Japanese Knotweed on the existing berm is an invasive species. This vegetation shall be sprayed with a herbicide to kill it

and stop its regrowth in the spring. If it re-emerges in the spring a herbicide shall be used to kill it. If the Knotweed is still present at the time the Board considers renewal of the Earth Excavation Permit, that issue will be addressed when the renewal is considered.

5. Emergency driveway: Not applicable.
6. You will notify the abutters and the Deerfield Fire Chief when you plan to blast at least 24 hours in advance.
7. You will lower the sound volume on the advanced warning systems on you trucks to maximum extent possible and still meeting OSHA requirements.

Construction sequence:

1. Construction of the berms is to be completed by September 1, 2015.
2. Planting of the trees on the berms shall be completed by October 15, 2015.
3. Slopes of the berms and any exposed slopes within the pit shall be hydroseeded with an annual/perennial grass mixture during September with hydroseeding to be completed by October 1, 2015.
4. Regarding the proposed construction of a building in the pit to garage vehicles owned by you, this falls under the requirements of the Town of Deerfield's Site Plan Review Regulations and Section 212 of the Deerfield Zoning Ordinance since this would be a commercial building. You should prepare a site plan and review it with me first.
5. The Planning Board will likely conduct a site visit in early November 2015.

Please note that you shall follow the Hours of Operations as shown on the approved plans: Monday through Friday, 7:00 AM to 5:00 PM.

The Town of Deerfield's Excavation Permit with Rollins Excavation

The excavation permit is renewable in 2016. The permit calls for you to submit an application no later than April 1 for renewal of the permit. At that time, the Planning Board will amend the permit with at least three additional items: 1) management of dust; 2) sampling of well water of abutting properties that are affected by blasting; the Planning Board shall seek the technical guidance of the NH Department of Environmental Services regarding the number of wells to be sampled, the frequency of sampling and sampling period; and 3) specific requirements regarding blasting.

Enforcement actions:

1. If you fail to respond in a satisfactory manner, the Planning Board may find you in violation of the approved site plan and this could result in the invocation of **NH RSA 155-E: 10 Enforcement**, including suspension or revocation of the permit and / or fines, penalties, remedies and attorney's fees. In addition, failure to respond may result in a revocation hearing regarding the approved earth excavation plan.

2. As noted, both parties' intention is to resolve the above issues in a mutually acceptable manner.

If you are in agreement with the above, please acknowledge by signing below. Please let me know if you have any questions regarding the above.

Sincerely,

Gerald Coogan, AICP
Town Planner

I acknowledge and accept the requirements and understandings described above

_____ Nellie Rollins

By her agent: _____
Steven Rollins

Dated _____

Cc: Ridge Mauck, P.E., NH DES
Deerfield Board of Selectmen
Deerfield Planning Board
Earl Sandford, P.E., Sandford Surveying and Engineering
Att. James Raymond
Steve Keach, P.E., KNA