

Minutes of the Antrim Planning Board meeting February 18, 1999.

Present: Chairman Rowehl; David Essex; Mike Oldershaw; Tim Seeger ex Officio and alternate Spencer Garrett sitting in for Ken Akins.

Chairman Rowehl opened the meeting at 7:35 and introduced the Board as noted above.

Chairman Rowehl read an application received from Ben & Christina Chadwick for a Change of Use for property located on Brown Ave. Tax Map 8B, Lot 30 in the Highway Business District. It was noted that public notification was made in the Peterborough Transcript February 4, 1999 all abutters notified via certified mail, all receipts returned.

Chairman Rowehl asked Mr. and Mrs. Chadwick to present their proposal. Mr. Chadwick stated that he owns his own landscaping company and his plans are to move his company to the land that he and his wife have purchased. Their current plans are to bring in a quantity of bark mulch, crushed stone, hard pack and other basic landscaping supplies to be offered to the small home owner. In the future they will offer picnic tables, fountains, bricks, slate, sheds and the like. But, for now Mr. Chadwick will primarily use the land for the storage of bark mulch, crushed stone, hard pack and his lawn care equipment. Chairman Rowehl asked if any one was in favor, there being no response Chairman Rowehl asked if there was anyone opposed. Mary Knight, who rents from Gordon and Catherine Grant who own lot 29 on Brown Ave. is concerned with increased traffic, no parking and the possibility of water contamination. She feels they will be overwhelmed with retail traffic and will have no privacy, she feels that this land is not the place for Mr. Chadwick's business. Sara Gorman owner of lot 31 is concerned that anything put on lot 30 will end up in the North Branch River. Ms. Gorman feels that Mr. Chadwick's business is not environmentally sound and that Mr. Chadwick's application/request is too vague and she feels that the area is for residential homes and their privacy and their way of life will be taken away if this request is granted. Martha Brown owner of Pine Haven Cabins, which is located across from Brown Ave. is concerned with the odor from fertilizer and the condition of the road. Mary Knight stated that the town can't take care of the road as it is now they (Hugron\Knight) have spent a lot of money fixing the road themselves because the town refuses to keep it up. She wants to know what's going to happen with increased traffic? Ms. Knight is also concerned with deliveries being made after hours and large trucks coming in. She stated that grass clippings contain a lot of pesticides and if he drops them off on the land so much gravel has been removed it will drain off and it will go directly down hill to where they are currently living. Shawn Hickey who is at the hearing on behalf of his sister Catherine Grant, asked if any Member on the Board has actually gone to the site? Mike Oldershaw stated that he had been out there prior, but not for this specifically. Mr. Hickey also inquired as to how much acreage Mr. Chadwick had, and asked if a traffic flow study and soil test would be done. Mike Oldershaw stated that if it is a requirement it will be done. Mary Knight asked if Mr. Chadwick is financially capable of correcting any contamination problems if they should arise. Sara Gorman made the statement that one Quart of oil will contaminate one million gallons of water and that one cup of pesticide can wipe out all fishery, she believes it's necessary to hold a site inspection. Sara Gorman also stated that she believes that the area is zoned improperly and she

wanted to know why the Chadwicks were not putting the business at their residence in Hillsborough which according to her is zoned commercial, she had also stated that she feels that the taxpayers on Pierce Lake should be considered first when the Board makes their decision, seeing that they pay the highest taxes. She would like the site inspection done after the snow is gone. Shawn Hickey asked if a plot plan has been provided and if there is adequate parking? Chairman Rowehl said that a plot plan has not been provided just that they intend to store small amounts of crushed stone, ect. Bob McNeil owns property on Pierce Lake and is concerned with the contamination of the lake, he asked if an environmental impact test will be performed. Barry Proctor who owns property on Route 9 stated that Mr. Chadwicks request is very vague and he doesn't believe he's completely ready for operation. Martha Brown requested that the Board talk with NH Fish and Game before making their decision. Sara Gorman inquired that if there was contamination would the Chadwicks just abandon the land and if they did, is the Town ready to pick up after them? Ms. Gorman is concerned with the dust and fumes from traffic and stated that the Town will need to widen the road and fix it so that it will be able to support heavy trucks, she also wants to know who will pay to monitor the soil testing? Chairman Rowehl read letters received from Martha Pinello, Chairperson of the Conservation Committee, Mr. and Mrs. Grant and Sara Gorman. These letters are attached and are to be considered entered into the minutes of the public hearing held 02/18/99.

Chairman Rowehl stated that it was now time for the Chadwicks to speak. Christina Chadwick started off by apologizing to all the abutters for all of the controversy. Mrs. Chadwick stated that they bought the property in December of 1998. She assured everyone that they would not carry pesticides, herbicides ect. She stated that a special license is required to handle pesticides and Mr. Chadwick is not licensed for those materials. Mrs. Chadwick stated that they will not have liquid fertilizer that is something that Agway carries and they are not intending to compete with others. They will however, have bagged fertilizer. Mrs. Chadwick stated that her husband has owned his business for twelve years and it has always been based at their residence, and she wants her yard back. They will use the land to store hard pack, crushed stone, bricks, slate and fence posts. Mr. Chadwick uses these items for his landscaping business and he would like to offer these items to home owners for their personal use, right now the home owner would need to go to Henniker or Home Depot. Mr. Chadwick would be able to provide all of this in one place. Mr. Chadwick stated that all deliveries are made "as needed" so daily deliveries are not expected, in the past deliveries have been made only a few times a year. Deliveries would be made in the daytime, Henniker Crushed Stone stops delivering at 4:00 P.M. Mrs. Chadwick stated that in the future they would like to erect a building, but right now they are still in the planning stages. Their immediate plans are to plant flowers and beautify the area facing Route 9. For right now Mr. Chadwick will use the land for the storage of his trucks and landscaping equipment after hours, and, he still hires Henniker Crushed Stone to deliver to the site that he's working at. Sara Gorman spoke about her concern with fertilizer. Mr. Chadwick stated that it will be stored on pallets and covered under a tarp. Mary Knight stated that the road is a one lane road, she wants to know how they will bring in trucks. Mike Oldershaw stated that deliveries were not an issue and stated that oil trucks have no problem delivering. Chairman Rowehl

stated that the Board will view the site and invite the Conservation Committee. David Essex suggested to set a date and if the Conservation Committee was unable to make it the date could then be changed. Sara Gorman suggested that if they are to store materials on the property then they could exclude fertilizer. Ms. Gorman suggested waiting until the snow is gone before doing a site inspection. Mr. Chadwick pointed out that their business will become very busy come spring. Tim Seeger agreed with Mr. Chadwick time is of the essence. Chairman Rowehl stated that the meeting should be held on a weekend and suggested the last Saturday in February. Shawn Hickey suggested that a high impact soil study be performed. Mike Oldershaw said they will take his recommendation under advisement, but it is not a requirement. David Essex suggested that the Chadwicks prepare a plot plan even if it's a hand drawn map. Mrs. Chadwick stated that they have ideas but they don't have anything set in stone. Mike Oldershaw suggested preparing a sketch showing where they intend on putting things and marking it "preliminary". Shawn Hickey requested a copy of the minutes to be picked up the next day, he was advised that the minutes would be ready in six days he stated that he would like a copy mailed to his sister, Catherine Grant in Maine. The question as to why the Board can't wait until the snow is gone arose once again, Chairman Rowehl stated that if the Board is not satisfied with what they find they will reschedule to a later date. Site inspection will be held Saturday February 27, 1999 at 9:00 a.m. and the public hearing is to be continued at the next meeting March 4, 1999 at 7:30 p.m. at the Antrim Town Hall.

Chairman Rowehl made the Board aware that he will be out of town from March 3 to March 21, 1999. Chairman Rowehl made the suggestion to designate David Essex to be acting Chairman while he is away and have Mike Oldershaw back up David Essex on March 4, in the event that David is unable to attend. Mike Oldershaw made the motion to designate David Essex to be acting Chairman on March 4 and 18 and Mike Oldershaw will be acting Chairman, if David Essex is not able to attend on March 4, 1999. Tim Seeger second. Unanimously agreed.

The Board reviewed a request from Marilyn F. Ellis for a lot merger for property located on White Birch Point. After review by the Board said merger was signed by Chairman Rowehl.

David Essex made the motion to approve the minutes of the February 4, 1999 meeting. Mike Oldershaw second. Unanimously agreed.

At the Board's last meeting Mike Oldershaw had suggested that Chairman Rowehl contact the Board's Attorney, Silas Little with regards to Marion noble. Chairman Rowehl did speak with Attorney Little and according to Attorney Little Marion Noble's resignation became official upon Chairman Rowehl receiving said resignation. Marion Noble has resigned effective 12/28/98.

David Essex made the motion to adjourn. Spencer Garrett second. Unanimously agreed. Meeting adjourned 9:55 p.m.

Respectfully submitted,

Sherry Miller



ANTRIM CONSERVATION COMMISSION

Box 339, Antrim, New Hampshire 03440

FEB 18 1999

February 17, 1999

Edwin Rowehl, Chairman
Antrim Planning Board
P.O. Box 517
Antrim, NH 03440

Dear Chairman Rowehl,

The Conservation Commission is writing in regards to the request for a change in land use on your February 18, 1999 meeting agenda. The request is being made by Mr. and Mrs. Chadwick for a lot in the former "Waterson Gravel Pit" at the intersection of NH Routes 9 and 31. It is the Commission's understanding that the request is being made to change the land use designation from "gravel" to "agricultural retail."

The Conservation members have discussed this issue and would like to present for the Planning Board the following concerns and observations.

- the location is in a former gravel pit with exposed groundwater table during seasonal high waters and at other times of the year.
- drainage for a portion of the site is a trench which flows into the North Branch River, a designated river by the NH Rivers Board.
- down stream from the drainage into the North Branch River is a large wet land which is eligible for designation as a Prime Wetland.
- access to the site via Brown's Way. This road way is subject to flooding by the adjacent wetlands.
- the Chadwick's business description includes sale of landscape materials by the tonnage and storage of landscape equipment on the site. A plan for securing the materials and preventing the siltation and contamination of the water was not included in the request.

The Antrim Conservation Commission requests the Planning Board consider these concerns while deliberating. We ask that the Commission be allowed to participate as an interested party in this matter. Futhermore, the Commission suggests the Board undertake a site visit to facilitate understanding the site specific details of this property and the proposed land use designation change. The Planning Board could

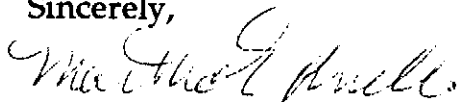
then proceed with its deliberations after the site visit and more information was gathered.

The Conservation Commission members would like to make it clear that while these concerns are raised, the Commission has not made a formal decision in regards to the request. Several members raised the point of view that it would be good to have the land reclaimed and that a new land use be planned for rather than have an abandon gravel pit left opened for illegal dumping.

Please contact me or any Commission member if you have any questions or if we can be of assistance in this matter.

We request that this letter be read into the official record of the Antrim Planning Board.

Sincerely,



Martha E. Pinello, Chairperson
Antrim Conservation Commission

Friday
Feb 12, 1999

Antrim Planning Board
P.O. Box 517
Antrim, New Hampshire 03440

Re: Change of Use of Property: Gravel Pit to Agricultural-Retail.

Dear Board Members,

We are unable to attend The Planning Board Meeting being held on Feb. 18. This letter to you is to express our deepest concerns and objections to this "change of use" for the property abutting ours at the end of Brown Avenue.

I obtained a copy of Mr. & Mrs. Chadwick's request to you which we find "extremely vague" in their future plans as to what, how much and where items will be ^{sold or} stored on his land. Mr and Mrs Chadwick's business by nature requires them to use not only "mulch, compost, stones, etc" but also chemicals and fertilizer. What does "etc" include in their statement

I spoke with Mr. Chadwick when I came to Antrim on Feb 10th with great concern as to what is going on. I asked him if he had done or could produce any testing results or plans in blueprint of what he was going to do on this land. He said No! I don't believe his future

plans and their effects on the surrounding land, homes and families have been thought thru.

Mr. Chadwick did approach our renter, Mr. Shawn Hugron about this. Mr. Chadwick told Shawn that he was going to use the land to "dump clippings" from his landscaping business.

This is a far cry from what he vaguely proposes in his request to you the Planning Board. Again we are very concerned as to what can happen to the land, air and environment surrounding his land. Also in our concern are the families that live there next to his land as well as their quality of life.

We also express great concern with the water table in this area. Our home on Brown Avenue next to Mr. and Mrs. Chadwick's is spring fed. Our drinking water comes from our well which is spring fed as is others in the area. The Chadwick's do know this because of all the surface water and constant water running between our lands. Years ago "road salt" was stored on a portion of this land and it did seep into our well. It was a long time cleaning it up. We do not want another "it won't harm anything attitude"

5

because it does and will affect the water to our well and surrounding wells and water table. Please remember Mr & Mrs Chadwick are not going to live in the area only run a business that can and will adversely affect those who do live here with their families. Please note also that with such a high water table and should there be a problem that this water flows into the stream across the road which would cause problems elsewhere.

There are many other concerns regarding this "change of use" also.

The extra traffic is of great concern. This extra traffic be it truck or car will affect the road which even now is in need of repair. This will also contribute to more noise and dust and dirt in the area. The storage of chemicals and fertilizer can produce not only a water problem but an air quality problem even in stored buildings. Anyone with health problems will find this difficult.

There is no direct access to the Chadwick's property from Rt 9 only from coming down Brown Avenue which we can foresee as a

problem. As their business grows it will become more of a problem affecting all aspects of the environment and the quality of living and life for the folks in the area who find it a nice place to live as it is now.

We also express concerns for Martha Brown's Pine Haven Cabins and Restaurant which operates seasonally at the other end of Browns Ave. All that affects us will affect her as well as our neighbors who have a young child.

We don't want to burst Mr & Mrs Chadwick's bubble regarding having a business but the end of Browns Avenue is not the place for it. We don't feel he's done enough research, none that we know of, on the effects this will have on everything and everyone surrounding his land. He has not produced any testing results or blueprint plans regarding this venture only a "vague letter" that is much too general to grant a "re-use" of property on.

The Chadwick's need to tell us and the board what "etc" means, what "other yard care supplies" are, what "necessary items needed to complete those landscaping projects" are.

These statements are far to general and vague. Just exactly what is going on this land! We all have lawns and we all know what keeps a nice manicured lawn looking good entails - chemicals and fertilizer! In good conscience would you want this kind of business right next door to your home and your drinking water table?

This land has always been a "Gravel Pit" which hasn't harmed the environment or people living near it - we ask that you please keep it as such - please!

In closing we say again that we don't believe the Planning Board, in good conscience can grant this "re-use of property" until, if ever, further documentation of the short and long range effects on the land, air and water can be determined.

Real people with families have to live in this area we can't "go home" at 5:00 pm to some other place we live here all the time.

We wish we could be there for your meeting, but we are unable to be there so we hope this letter and the

fact that other supporters of how we feel are in attendance.

We are asking you, Antrim Planning Board, to please not grant this "change of use" for Mr. & Mrs Chadwick's land at the end of Brown Avenue.

Thank you in advance for your time and consideration regarding this.

Sincerely,

Gordon & Catherine Grant

15 Granite St

Auburn, Maine 04210

(207) 783-1962

Owners of land abutting Mr. & Mrs Chadwick's land.

P.S. In addition the statement in Mr. & Mrs Chadwick's letter "pleasing entrance and view from Route 9" needs to be clarified. The entrance is from Brown Ave not Route 9. Can there be an entrance from Route 9? Also where would this entrance be.

Thank you,

Mrs & Mrs Gordon E. Grant

FEB 01 1999

This letter is much too vague & general!

Original & Question

Benjamin and Christina Chadwick
246 2nd NH Turnpike
Hillsboro, NH 03244

January 31, 1999

Antrim Planning Board
PO Box 517
Antrim, NH 03440

To Whom It May Concern,

as abutting land
Owner & Renters
we object

My husband and I would like to request a change of use for our property located at the end of Brown Ave in Antrim. Currently, this property is classified as a gravel pit. We would like to change the use to read Agricultural-retail. - NO - Needs to stay as is!

we to produce
Written Plan
of short
effects on
waters -
adj water
of
of Fisher
we see
members?
not as they

Our plans for this property culminate with the goal of creating a landscape supply business. We plan to begin in the spring by selling landscape materials (bark mulch, compost, and small stone) as well as the necessary items needed to complete those landscape projects. We also intend to eventually sell small trees, shrubs and flowers, garden items such as statues and fountains, and other yard care supplies.

needs to stay same
What are these items
What + how much + when to sell?
How's the operation today / 7/20

By selling these items in Antrim, we hope to provide a service to the surrounding home owners and vacationers. Although there are places in surrounding towns that sell mulch and hard-pack etc, they are looking for customers who need to buy those items by the ton or more. We are looking to sell to the locals who enjoy enhancing their own yards and gardens.

We, ourselves, anticipate this entire process to take several years to complete as we already are kept busy with a lawn care business. We will, however, begin this spring to brighten up and clean up the area providing a pleasing entrance and view from Route 9.

It has a plan!

With the exception of the trucks delivering materials to us, we do not foresee a lot of large trucks driving into our area. The acreage will be used only for equipment and material storage after business hours.

No direct entrance from Rt 9 / you Rtg to Rt 3 to Brown to entrance

We look forward to doing a service for the people of Antrim, and truly appreciate the support of the planning board.

Sincerely,

Benjamin W Chadwick

there are no
removals - fertilizer
to be stored
that other businesses
removed does not
is objection?
water table to...

What size trucks
are you to be delivering
material - how much
at a time - what is
do you use on those trucks
Any large trucks (100+ ft)
to be? Any truck traffic
on a regular basis in the month =
Sitting grass + fertilizer air + ground

Most interesting!
What material -
What can provide -
How much is to
be stored +
what + where
7 chemicals +
fertilizer
Need plan
we don't

Merits of the petition to deny lot designation changes of lot 30, map 8b, in the town of Antrim, adjacent to the North Branch river, and sited at the end of Brown Ave.

We the abutters and other concerned neighbors believe that lot 30 is inappropriate for such changes as proposed by Mr. and Mrs. Chadwick, the new owners of said property for the following reasons...

The proposal presented by the Chadwicks is exceedingly vague, with the use of terms etc. and other in reference to materials they plan to store on the aforementioned property. These unknown and undeclared materials could be a Pandora's box of such things as chemical fertilizers, pesticides, herbicides and other toxic substances. After talking to Robert Wolf of pesticide control at the dept. of agriculture, of the state of N.H., I found that there are not many safeguards restricting the storage of large amounts of these toxic chemicals on the retail level. The Chadwicks could store pallet loads of toxic chemicals without the benefit of certification or training in safe handling of these toxins.

They would only be subject to inspection of storage of these materials by the dept. of agriculture. There are no preventative laws that will protect the ground, and surface water from contamination, only after contamination will the depts. of environmental services, and agriculture be legally able to act. Then it will be too late for the abutters, their wells will already be compromised, and the value of their land lost, as once contaminated there is very little chance of decontamination to the present conditions of pristineness. If contamination were to happen by accident or negligence, not only would the immediate area be at risk, the North branch river, Steele pond, Franklin Pierce lake, and the Contoocook river would be adversely affected. This is because lot 30 drains directly into the North Branch river, thus making lot 30 totally unacceptable for the storage of any toxic or hazardous material. Unless the wording of the Chadwick's proposal explicitly excludes the aforementioned materials there will be no recourse for the town of Antrim if the Chadwicks are granted their request.

Other concerns are the inappropriateness of the site as a retail location. The area is at present a quiet residential neighborhood, the owners and residents of which have recently invested in the upkeep and improvement of their property, that investment would be lost by the devaluation of their property if the Chadwicks were granted their request.

Who would want to live at the very entrance of what could become a very busy retail store?

Between the traffic, the dust and noise pollution such a retail enterprise would greatly alter the quality of life for the present inhabitants, who now enjoy quiet and privacy. This will be lost for the people who now enjoy living here

..The argument could be made, that at present the designation of sandpit could cause the same interruption in the quality of life now enjoyed, but I would point out the fact that the sand pit is spent or used up as a source of any aggregate material. The site itself is in need of reclamation and restoration to a more environmentally sound state as it is under the constant assault of erosion at present. The Chadwicks make no mention as to how

they propose to remedy this more immediate problem, and the drainage of the awesome amount of ground water that flows off this lot directly into the North Branch river. Brown ave. is not at present in condition to carry commercial traffic, it is very narrow with barely enough room for two cars to pass, the surface is a combination of broken asphalt and dirt, and the culvert at the entrance to lot 30 routinely washes out because of the volume of water that comes off of that lot. It should be mentioned at this time that ground water is close to the surface in this area, and should be protected, as drinking wells adjacent to lot 30 have been contaminated previously from salt that was stored on lot 30, so the fear of future contamination is quite real.

The questions that need to be asked and answered are...

What do the Chadwicks mean by etc... and other, in their proposal?

Are the Chadwicks being straightforward in their request? They have been misleading as to their intent in using the land, as they have been telling their neighbors they only intended on dumping leaves and lawn clippings there.

These materials could also contain fertilizer and pesticides. All the while they purposely left out their true intentions, so all proposals should be suspect, as they have been intentionally misleading up to this point.

Who will pay for the major renovations and upkeep to Brown ave. with the heavy truck traffic it will carry?

Who will compensate neighbors for loss of value to their property, and loss of habitation?

Are the Chadwicks financially solvent to handle the liability involved should there be contamination of groundwater, soils or the river, or will they abandon the site and leave responsibility to the town?

Who will pay for baseline testing of soil and groundwater, and also the followup testing that will be needed to be aware if there is contamination?

Do the rights of two overshadow the rights of many?

It should be noted that there is a bus stop at the end of Brown ave. on route 31 where the youngest resident of Brown ave. gets on and off the bus, is her safety going to be compromised? As it is now her elderly grandmother can watch her get off the bus and walk the short distance to the house without the fear of traffic or strangers to interfere, this elderly woman also does not have to risk going out in winter on ice that would compromise her own safety. Why should their lives be disrupted?

The neighbors nearest lot 30 have been negotiating the purchase of that property, they have made many improvements to the property with that goal in mind, but all that will be lost to them, and I fear that the owner will lose these people as buyers, and the people of North Branch will lose some very good neighbors.

There is also a game trail that cuts through lot 30, there is always fresh tracks from moose, deer, turkeys, fox, and coyote. Since there are few places for game to cross rt#9, and the river this is not insignificant as far as impact on the wildlife in this area.

They have already been significantly impacted by the destruction of habitat due to a massive amount of clearcutting in the North Branch area.

Because of the proximity of the North Branch river, all enterprises along rt #9 should be closely screened, as the chances for environmental disaster are already great, what with all the hazardous materials being trucked through here on a daily bases, we don't need to increase these already high risks by allowing any hazardous materials to be stored in such an environmentally sensitive site.

We as human beings tend to be very nearsighted when it comes to protecting environmentally sensitive areas, caving in to the lure of profit and greed. By not thinking about the future we often rob our own children of the resources and quality of life we have enjoyed.

It would be a shame if we squandered this pristine water resource from our children and their children. We have a responsibility to the present residence and their descendants to preserve and protect the present quality of life for generations to come. If we passively stand by and allow the destruction of clean water and wildlife habitat, let the burden of responsibility rest with our own conscience if we stood by and did nothing to prevent it.

At the very least I ask the Antrim planning board to postpone any decision as to site use changes until a site visit, after snow cover, and let the land speak for itself.

Also until hazardous materials have been specifically excluded from the Chadwick's proposal, and the other questions mentioned previously have been answered to the satisfaction of all parties involved.

respectively submitted,

