

**Official**

HOOKSETT ZONING BOARD OF ADJUSTMENT

Tuesday, September 8, 2015

HOOKSETT MUNICIPAL BUILDING

**CALL TO ORDER**

Vice-Chairman Roger Duhaime called the regular meeting to order at 6:30 pm.

**PLEDGE OF ALLEGIANCE**

**ATTENDANCE:** Roger Duhaime (Vice-Chairman), Michael Simoneau, Gerald Hyde, Phil Denbow, Don Pare, Richard Bairam, and Jim Levesque, Council Rep.

**STAFF:** Matt Lavoie, Code Enforcement Officer

**EXCUSED:** Chris Pearson (Chairman)

**APPROVAL OF MINUTES**

***August 11, 2015 – M. Simoneau motioned to approve the minutes of the August 11, 2015 meeting. Seconded by R. Bairam. R. Duhaime abstained due to not being in attendance at the August 11, 2015 meeting. Motion carried unanimously.***

**CONTINUED PUBLIC HEARING**

**Ronald & Thomas Severino Case # 15-09**

39 Pine Street Map 7, Lot 3 & 3-2

MDR

Severino Corporation is requesting to renew a Gravel Permit (#G01-08) for a period of 2 (two) years.

Ronald Severino: We are asking for renewal for two years for Gravel Permit (#G01-08).

R. Duhaime: How much longer will this take to get done?

R. Severino: We will be done next year. The permit expires in June and we will seed it in the Fall. We will be pretty much done this year, but I don't want to have to come back again.

R. Duhaime: What are the plans for the property after it is seeded?

R. Severino: Hopefully it will sell.

**Open public hearing.**

James Zela (57 Pine Street): This has been going on for a while. It is a small pit and I am wondering how much longer we will give them to do this. We have pits all over Hooksett, pits have been closed in Hooksett, you have told people they cannot have pits in Hooksett. We have been putting up with heavy equipment and trucking from the liquor stores all summer and all of last year and now we have more trucking. The job should have been done.

R. Severino: We have the right to operate there and we don't operate much at all. The pit only had a finite amount of material. We are saving it to finish a job in Manchester. There are times the truck doesn't go up for weeks at a time. It is inactive compared to when we started. We have the right to stay there as long as we are not doing anything illegal. We will be done next year.

**Close public hearing.**

D. Pare: Has Mr. Zela been sent a letter for these meetings? Is he an abutter?

J. Zela: I am not an abutter. I am on the other side of the highway.

R. Severino: We don't travel that way.

P. Denbow: We had a walk-through and he explained what was going on and the purpose behind what he was doing.

R. Duhaime: I know you want to do this in a timely manner and what is efficient for you economically. I am not worried about economics. I am here for the people of the Town of Hooksett and I would like to see it done.

R. Severino: I want this done and won't come back for renewal again.

***R. Bairam motioned to grant the renewal of Gravel Permit (#G01-08) for a period of 2 (two) years for Ronald & Thomas Severino, Case # 15-09, 39 Pine Street, Map 7, Lot 3 & 3-2, MDR. Seconded by G. Hyde. Motion carried unanimously.***

**NEW PUBLIC HEARING**

**Pike Industries, Inc.**

**Case # 15-11**

38 Hackett Hill Road

Map 7, Lots 20, 23, 24 & 25 and Map 12, Lot 7

COM

Pike Industries, Inc. is requesting to amend and expand their Excavation Permit #G-04.

Dick Fraser (One Source Properties and Permitting, Keene): We have elected to submit the progress plan and a request for an amended permit for and expansion of the Hooksett crushed

stone facility. Pike Industries has been there for several decades. They received the current permit in 1983 and have been operating and managing the site since then. The last time Pike Industries was before the Board was in 2008 where they amended permit #G-04 and it included a small sand and gravel excavation on the south end of their property. What we propose in this application is something the company needs. The last time this expansion project was discussed was in 2005. That process slowed down and stopped. Since then the excavation has expanded and now Pike Industries finds itself at the lateral limits of what has been approved. The timing coincides with additional work that Pike Industries had to do with other permit schemes. It didn't make sense to ask for a zoning permit with an amendment without having the other environmental permits underway. I would like to articulate those permit processes they have been through. The expansion is for 106.4 acres. Out of those acres there are wetlands. Pike hired an environmental services company to do a wetlands study. They discovered pockets of wetlands. Some are very small. It made it so we had to apply for a wetlands permit through the NH Department of Environmental Services. That approval was received by Pike Industries on April 16, 2015, with conditions, and I will highlight a couple of them. 1) Pike is to provide a conservation easement over an additional 140 acres of their property. It is to be managed by the Conservation Commission. 2) Pike would have to contribute \$200,000 to the DES Aquatic Resources Mitigation Fund. Another permit scheme that was undertaken, was an application to the NH Department of Environmental Services, the Alteration of Terrain Permit. I prepared those plans. Plans that were submitted to the DES are before you. For excavation sites, the Alteration of Terrain program in New Hampshire triggers when the area impacted will be greater than 100,000 sq. ft. The purpose of the permit scheme is to ensure the design of the excavation site will not compromise the integrity of surface water or groundwater. That was issued August 7, 2015. The conservation easement is 140 acres, and Pike is going to pay the Conservation Commission \$17,855 as a stewardship fee. There will also be a turtle nesting site habitat established that will be 1.4 acres. That will be located outside of the quarry on the south end of Pike's property. There is also a federal wetlands permit. Pike has applied for that and they are waiting for the approval to be granted by the Army Corps of Engineers.

R. Duhaime: What do you have for a master plan for this property once the excavation is done?

Ryan Crosby (Land Manager and Permit Specialist for Pike Industries): We don't have a specific master plan. The amount of material will last the facility for several decades. There could be any number of possible uses of that land in the future. It could be set aside for conservation use or commercial use. It will depend on the market at the end stage.

R. Duhaime: Has there been any reclamation?

R. Crosby: The definition of reclamation when it comes to a quarry is anything that is excavated as rock is considered reclaimed. It is complicated because it is rock and not much grows there. There are areas where excavation is halted and those areas will naturally vegetate or we can vegetate them. Currently, because we are in a tight area, there has not been much reclamation because the operating phases are in process.

D. Fraser: The DES recognizes that exposed ledge is non-erodible surface and that is why the state does not require reclamation. If you clear an area for expansion, it becomes important that area be stabilized to mitigate or eliminate all potential erosion. As far as the master plan, I did a design in Charlestown, NH that had two phases. On the first quarry they are actively looking for industrial/commercial to move in. There is opportunity.

P. Denbow: In regard to the different types of permitting, is there anything holding up the one you need from the Army Corps of Engineers?

R. Crosby: DES has to issue a water quality certificate. We provide the information about the potential impacts to surface water quality. We have satisfied their information requests and they are issuing a draft water quality certificate that will go to the Corps. Once they have that they have the green light to issue the permit that has essentially already been negotiated, with conditions. They were a part of the conversations with DES throughout the process. They are aware of this project and know the conditions in the DES permit reflect all of their comments as well. It is just a matter of them receiving the water quality certificate.

M. Simoneau: Will this require a site walk?

R. Duhaime: Yes. As far as working with our Conservation Commission, I heard you say that from approval of this permit 140 acres will be managed by them?

R. Crosby: Yes.

R. Duhaime: When will that take place?

R. Crosby: Once the federal permit comes through, that is when we will be able to start marking out the conservation land and get it into a deed document. Both parties have agreed in the draft language. We just have to get the description of the land and we will have surveyors do that this Fall.

R. Duhaime: There is a time line that when this approved it will happen?

R. Crosby: Yes. We will start this as soon as possible.

*D. Fraser read the application booklet into record and showed and described photographs.*

M. Simoneau: When were the photos taken?

D. Fraser: They were taken in preparation for filing the AOT permit.

*D. Fraser spoke about the plan sheets and described things that are on the site such as*

*conservation easements, soils information, management practices the company will use, the access off of Hackett Hill Road, controlling dust, DES requirements, and the construction process. He explained the wetlands that were found on the property, breakdown of soil survey, final grading plan, contour lines, and the way this will be mined. Storm-water will be contained on site. The last sheet is a best management plan sheet that shows materials to be used. On each of the four plan sheets the NH storm manual is mentioned which is where the industry goes to find the BMP and the protocol for installing and maintaining it.*

R. Duhaime: What is the area of wetlands impacted?

D. Fraser: 4.87 acres.

R. Duhaime: When you did the excavation for that gravel, I thought that some of that was going to be reclaimed. The main concern of residents is the blasting and what the plan is.

R. Crosby: If you are talking about the sand and gravel portion, we are not done with that. We have established a temporary stock pile area. That is where our recycled asphalt pavement comes in from the road jobs. We can crush that up and use it in our product. That is a temporary staging area for that operation.

R. Duhaime: Is there any chance that operation could move elsewhere once you start the mining?

R. Crosby: It would have to be once the expansion area has expanded out of the existing area. We have ideas to move some of the stockpile into that area to keep them out of the wind and away from the top of the hill. For that particular area, we don't have any specific intent to change those operations. We will see if that changes in future years.

**Open public hearing.**

Jeff Larrabee (47 Hackett Hill Road): I am an abutter and would like to voice my support of their expansion.

James Zela (57 Pine Street): I replaced my well five years ago. That has gone dry. I am afraid the new one will go dry. When they blast my house shakes. I am on the same piece of ledge they are blasting. I replaced my windows because the thermal pane split and cracked. I am worried because my house is the closest to the area they want to excavate. I lived on Mammoth Road and, when the highway went through by the VA Hospital, they blasted that area and our well went dry, and we were a half mile away. In good faith, the contractors drilled us a new well. I am wondering what will happen to my property with this blasting. I have no problem with them doing this, as long as, in good faith, they agree to take care of the neighbors if something happens to our property. I was home during the blasting one day and the house shook badly. I have a large piece of ledge behind me and I am not sure if that will split. I also own an

underground electrical service. It is 350' from the road. If the earth moves and that splits I own it. I am looking for someone to say that will back us up if something happens.

**Close public hearing.**

R. Crosby: Those are valid concerns. Blasting, water quality and quantity are concerns that we are prepared to address. As part of the permitting process, we will be monitoring groundwater, quality, and surface water quality throughout the facility, mostly on our property. The groundwater monitoring project, although it has not been defined yet, will require us to sample groundwater wells in our area.

R. Duhaime: That is a great idea. I know of previous projects with the Conservation Commission, that had been done. They had done a baseline before the blasting and another after. They would go back a year or two after things were reclaimed and it would be better. At least they had a baseline.

R. Crosby: We will be able to monitor groundwater levels throughout the life of the project. It does not take care of the blasting issue, but we operate under fairly strict regulations on blasting and vibration control. We only blast the amount we need for the foreseeable future. Sometimes it seems frequent during the operating season. Every blast we are required to install meters that record vibration at distances from the quarry. As far as I know, we have never been outside those limits.

R. Duhaime: One of my neighbors used to see a meter and he has not seen one.

R. Crosby: I am not sure where they are metering but I can find out more information.

R. Duhaime: Does anyone meter on Pine Street?

R. Crosby: I am not sure. If it is outside a certain radius they won't monitor it.

R. Duhaime: So with this expansion they might?

R. Crosby: I am not sure if they will monitor for vibration. There might be a possibility of doing a pre-blast survey to protect his property as well as our interests.

D. Pare: Would you test the flow of water coming out of a person's well before and after the blasting?

R. Crosby: We have never been asked to test for the flow amounts. I don't know that we have ever tested the water levels at a residential well because it opens it up to contamination. We would have to rely on whether or not the residents can still use it. We are able to monitor if there is water. We have to purge the well for a certain amount of time to ensure we are getting

water from the aquifer down below and not in the tubing. We purge the well, we collect the water sample and that will tell us about the quality of the water.

D. Pare: If he is getting 30 gallons a minute and once blasting starts he is down to 5 gallons a minute, what happens?

R. Crosby: We would have to have a discussion about what is causing that. It isn't always blasting that causes that.

J. Levesque: When I am working in my shop you can feel the whole shop shake. I am on ledge. I have not had any problems, but I can feel it. As far as the thermal panes cracking, I had the same problem and I am not close to that area. It shakes a good part of Hooksett.

R. Duhaime: Could you find out exactly how far they meter from the blast?

R. Crosby: I can find out that information.

*The site walk was set for September 29 at 5:00 pm.*

R. Crosby: It is a large project. We can take some dirt roads and you will be able to see what the land is like.

***R. Bairam motioned to continue Pike Industries, Inc., Case # 15-11, 38 Hackett Hill Road, Map 7, Lots 20, 23, 24 & 25 and Map 12, Lot 7, until the next meeting. Seconded by M. Simoneau. Motion carried unanimously.***

***R. Bairam motioned to adjourn. Seconded by M. Simoneau. Motion carried unanimously.***

**ADJOURNMENT**

The meeting adjourned at 7:42 pm.

Respectfully submitted by,

AnnMarie White  
Recording Clerk