

**TOWN OF LYNDEBOROUGH
PLANNING BOARD MINUTES
November 17, 2016
*Approved w two attachments***

7:30 PM Call to Order & Roll Call

Chairman Bob Rogers, Vice Chair Tom Chrisenton, Larry Larouche, Mike Decubellis, Steve Brown, Alternate Julie Zebuhr and Selectmen's Rep. Mark Schultz were present.

Guests present: Karen Hewes, Sharon Boisvert, Larry Boisvert, Landon Bell, John MacLellan, Attorney Eric Newman, Brett Believeau, Katie Peterson, Joe Whitmore and Mr. Billeo were among the guest present

NEW BUSINESS:

Sarah & Jerry Theriault, 1526 Center Road, Lyndeborough

Informal Discussion regarding an accessory apartment will take place next meeting.

Granite State Concrete, Co. Permit Renewal: Map 213-06

John MacLellan, Granite State Concrete; Brett Believeau, North American Reserve and Attorney Eric Newman were present as well as numerous abutters.

Granite State officials explained that in 2001 the company installed monitoring wells in the current excavation and future excavation areas and have been monitoring the water levels. A database of the data is kept. For a baseline, samples from two of the wells were sent to a lab to test the water quality. After the first permit, testing was required every two-years then extended to every five-years. The company provided proof they are not affecting the water level.

Attorney Newman explained the test do not look at surface water levels. Data shows that besides seasonal flux there have not been any major changes since their data in 2001. There is a National Surface Water Network on-line across the United States and one of the wells where data is collected every day is in Greenfield, New Hampshire and data from that well and their test sites show the same data points and same flux.

Mr. Bell's new well was tested in 2010 and water samples were taken for a baseline. As part of the next permit process, the tests were redone and Mr. Bell's water quality has improved. Magnesium went up 1,000 mg which is still above the acceptable level.

Granite State Concrete officials explained that they are not blasting into the bedrock. Per permitting, they need to stay 5 feet above the water table but the company policy is to stay about 8 feet above the water table. They won't change their elevation or mining techniques.

Mike Decubellis asked that if their techniques don't impact the levels and wanted to know if the sand sitting on top helps to filter the water. Mr. Believeau said no, they area above the water table. The sand that is above the bedrock does provide some filtration.

Attorney Eric Newman asked that Planning Board to lift the tests. If there are any concerns the Board can inform Granite State Concrete and they will address it. Water testing can be reinstated if necessary. Some Board members had concerns with this request because the town does not monitor the wells and would need to rely on complaints/concerns from residents.

Mr. Bell wanted to go on record about lodging complaints. He would like to see testing once a year. He has concerns about the water level but felt the quality would not change much.

Mr. Believeau explained the original plans have the controlled contour and the bottom of the floor grade at 680-695 feet. If the area has a drought and the water drops it won't go below that elevation. Instead of just being 5 feet above this area will be 15 feet above.

Tarn Road resident Karen Hewes felt in regards to the original permit there was a reason for yearly testing to be done without the data. She had a concern some of the monitoring didn't happen, dams were removed and problems at the Piscataquog River. She felt the Planning Board has seen good work and would want that to continue.

Katie Peterson, Tarn Road resident, asked about the annual cost to keep up with the water test. She was informed it could be several thousand dollars.

Tarn Road resident Joe Whitmore asked how this water testing process for renewal is different from home water testing. Attorney Newman explained that annual elevation testing measurements are taken and under the most recent modification to the permit it changes the water testing process and comparisons. Mr. Whitmore favored the tests. He felt that since the water quality has improved while there is an on-going operation at the pit, it does not guarantee any landscape changes would have a different affect. Attorney Newman cannot say the changes are due to excavation.

Mike Decubellis wondered if the town should check with the hydrologist. He felt that since moving the sand from the top does not affect the water quality he felt it was a reasonable request not to monitor the water level.

Selectman Schultz asked Mr. Bell his opinion. Mr. Bell said eliminating testing is the wrong thing to do and suggested testing maybe every 2 or 3 years but to continue it in some fashion.

It was noted this pit will be done in 2018.

John MacLellan mentioned the company wanted to be good neighbors and agreed to this extensive and expensive testing that no other gravel pit in the state is doing. He felt the 17 tests were conclusive.

Chairman Rogers suggested testing prior to each renewal and reserve the right to reopen this issue if there are any complaints in regards to water level or quality.

Brett Believeau discussed how the water moves through the sand and spaces is not the same as water trapped in bedrock. They are not using explosives therefore there is as much risk of contamination as compared to riding a mower in the area.

Steve Brown discussed his surface well went dry 30 years ago. The repairs had 63 feet of casing and seal to keep the surface water out of the ground water. He wondered if all wells should have casings installed because water can filter through the rocks. The answer was yes.

VOTE: Tom Chrisenton made a motion for Granite State Concrete to do water testing at the time of renewal for water level and quality, which is every five years. Mike Decubellis seconded the motion. All voted yes. Motion passed unanimously.

Attorney Newman opposed to this motion, and asked if they can have an agreement if the results, so there are no further changes except for seasonal and no degradation for water, quality can they be lifted at that time. The company is testing water level annual and water quality testing every five years.

Karen Hewes asked if the Board visits the site every five-years. They have not. Mike Decubellis will schedule a site walk.

Intervals of renewal:

Attorney Newman reported there are five more years to go in phase 1, which is 17 years. The pit will be in operation about 85 years and felt a longer term would be appropriate.

Mr. Bell had a complaint about the barrier that was to be provided from his property to the gravel operation and felt he has not had sufficient response from Granite State Concrete regarding the work that was done. The trees that were planted died and have not been replaced and the wall was not done to his satisfaction. The landscape contractor was hired by Granite State Concrete and the contractor has not replaced the dead trees. He has a letter on file with the complaint and said he tried to talk to the company.

John MacLellan responded he has not seen the work that was done. They hired a contractor that guaranteed the work and he said he would talk to the contractors. They agreed to do the buffer work as outlined and will again agree to do the work.

Chairman Rogers requested that Granite State Concrete submit a letter in one year to say what has been done to repair the buffer for Mr. Bell's property and what level of receipt.

The National Resource Conservation Services has a plant specialist that deal with revegetation sand and gravel pits. There is an office in Milford that could provide information. There was a debate on the type of trees and plants to use.

VOTE: Larry Larouche made a motion to stay at given years for the renewal process. Tom Chrisenton seconded. Julie Zebuhr voted no. All other members voted yes. Motion passed.

LETTER OF CREDIT:

VOTE: Selectman Mark Schultz made a motion to change banks to Santaria Bank. Mike Decubellis seconded the motion. Motion passed unanimously.

The Board will visit the pit about six months prior to the renewal.

VOTE: Selectman Mark Schultz moved to approve the renewal the Granite State Concrete's Permit for five years subject to all that was said tonight. The Board reserves the right to reopen the hearing if the original plan for the landscaping is not fulfilled. Larry Larouche seconded the motion. Motion passed unanimously.

Home Business Ordinance:

Chairman Rogers provided a handout for the Board to review with proposed language change to the Home Business Ordinance which will be voted on at Town Meeting 2017. Members were asked to review the document and provide comments. *(See attached)*

Driveway Permits:

The State submitted a permit for a temporary logging cut on Center Road.

Mike Decubellis questioned that there is not a map that shows where the crossing is and had a concern.

Intents to Cut were reviewed for:

Old Temple Road
Rt. 31
Center Road
Mountain Road

Mike Decubellis informed the Board that Helen van Ham is doing a cut which is going into Emory Holt Road, a Class VI Road, therefore the logger should not be skidding and dredging the area. His concern is this logger previously did a poor job on a French Road project. He noted that Stonebridge road is there.

Letter:

Bob Rogers read the letter he drafted and plans to send to Larry Boisvert. *(See attached)*

MINUTES:

Tabled until the next meeting.

Adjournment:

VOTE: Tom Chrisenton moved, Larry Larouche seconded to adjourn at 9:12pm. Motion passed unanimously.

Respectfully submitted,

Kathleen Humphreys

Kathleen Humphreys
Planning Board Secretary

*Attached: Proposed Home Business Ordinance for review (Draft)
Bob Rogers' letter to Mr. Boisvert, dated 11-17-16*

DB

at 11/17/16 meeting

To see if the Town will vote to amend the following sections of the Town of Lyndeborough Zoning Ordinance which refer to the Home Business Ordinance:

Amend Section 501.00 subsection h of the Town of Lyndeborough Zoning Ordinance, Village District Permitted Uses, which reads:

Home Businesses in compliance with the requirements of Section 1200.00 of these regulations and subject to Site Plan Review and approval by the Planning Board;

to read: *Home Businesses in compliance with the requirements of Section 1200.00 of these regulations.*

Amend Section 701.00 subsection e of the Town of Lyndeborough Zoning Ordinance, Rural Lands I District Permitted Uses, which reads:

Home Businesses in compliance with the requirements of Section 1200.00 of these regulations and subject to Site Plan Review and approval by the Planning Board;

to read: *Home Businesses in compliance with the requirements of Section 1200.00 of these regulations.*

Amend Section 801.00 subsection f of the Town of Lyndeborough Zoning Ordinance, Rural Lands II District Permitted Uses, which reads:

Home Businesses in compliance with the requirements of Section 1200.00 of these regulations and subject to Site Plan Review and approval by the Planning Board;

to read: *Home Businesses in compliance with the requirements of Section 1200.00 of these regulations.*

Amend Section 901.00 subsection e of the Town of Lyndeborough Zoning Ordinance, Rural Lands Three District Permitted Uses, which reads:

Home Businesses in compliance with the requirements of Section 1200.00 of these regulations and subject to Site Plan Review and approval by the Planning Board;

to read: *Home Businesses in compliance with the requirements of Section 1200.00 of these regulations.*

Delete Section 1200.00 subsection o of the Town of Lyndeborough Zoning Ordinance, Home Businesses, which reads: *The home business applicant or its legal representative must appear before the Planning Board in person and present the proposed plan. This gives the Board the opportunity to ask direct questions pertaining to the application and avoids any confusion as to intent, purpose or procedures of the proposed business.*

Delete Section 1200.01 and its related subsections 1200.01-a, 1200.01-b, 1200.01-c, 1200.01-d and 1200.01-e of the Town of Lyndeborough Zoning Ordinance which reads: *In appropriate cases and subject to appropriate conditions, the Planning Board may permit Home Businesses in compliance with the requirements of this section, section 1200.00 and Site Plan Review and Approval by the Planning Board.*

Planning Board
Town of Lyndeborough
9 Citizens' Hall Road
Lyndeborough, NH 03082
November 17, 2016

Laurent Boisvert II
Johnson Corner Road
Lyndeborough, NH 03082


Dear Mr. Boisvert:

For the past few months, we have anticipated a request from you for an amendment to your approved site plan for the recreational activities on your property on Johnson Corner Road. Such a request must include a detailed description of the proposed amendment along with a copy of the existing site plan with an overlay of your proposal, and any supporting documents you may choose to submit. To date, we have not received these. In order to schedule and legally notice the required public hearing in December, we must have a complete application by Wednesday, November 23, 2016.

We have received an application for a home business, which we are not authorized by the present zoning to consider.

Please give this matter your immediate attention.

Sincerely,



Robert H. Rogers, Chair
Lyndeborough Planning Board