

Town of Farmington
Planning Board Meeting Minutes
Wednesday, May 17, 2023
356 Main Street-Farmington, NH 03835

Board Members Present:

Rick Pelkey, Chairman
Bill Fisher, Vice Chairman
Stephen Henry, Secretary
Charlie King, Selectmen's Rep
Mike Day

Board Members Absent:

Jeremy Squires, excused
Rebecca Patton-Sanderson, excused

Others Present:

Kyle Pimental, Planning Director
Christopher Berry, Berry Surveying &
Engineering
Frank Torr, Patricia Aiken, applicants
Ronald Frazier, Norman Russell,
Margaret Russell, Mike Donnell,
Deborah Romaniak, Larry Gorney,
Donna Gorney, Robert Pettersen

1). Call to Order:

Chairman Pelkey called the meeting to order at 6:05 p.m.

2). Pledge of Allegiance:

All present stood for the Pledge of Allegiance.

3). Review of Minutes:

April 5, 2023- No errors or omissions

Motion: (Henry, second Fisher) to approve the minutes as written passed 4-0-1 (Day abstained).

4). Public Comment: None

5). Old Business:

Public Hearing and Consideration for a Special Use Permit for Patricia Torr Aiken and Franklin Torr, Tax Map R32, Lot 6. The applicant is proposing to fill a total of 6,092 square feet of wetlands as part of the site development.

Chairman Pelkey asked everyone to please keep their comments reasonable and brief as they can so everybody gets a chance to talk and then read aloud the notice as stated above. Christopher Berry of Berry Surveying & Engineering said the applicants Frank Torr and Patricia Aiken were here tonight. He said the first item on the agenda is a **Special Use Permit** for the filling and excavation of 2 small wetland pockets that are on site. He said they discussed these pockets at their last Planning Board meeting and in their SUP application he described them as over excavations that took place likely in the 1950's or a little earlier. He said these areas have likely pierced the seasonal high water table on site and now

periodically flood during the spring season. He said if you do that enough times it generates enough vegetation and hydric soil that is considered a jurisdictional wetlands.

Mr. Berry said these are not critical areas it's not a wetland that is adjacent to the Cocheco River these are purely internal and isolated and almost certainly manmade. He said the amount of square footage they are proposing to essentially fill in is 6,200 sq. ft. so it's under a major permit and is a standard minor permit and the project design proposes to fill them in and bring the floor of the excavation to approx. 6 ft. above where they're at now.

He said he went through a lengthy exercise providing documentation for the type of wetland that it is, critical habitats in the area that may use these 2 pockets and has since submitted a wildlife study and wildlife specialists have determined that there is nothing special about the holes. He said the wetland scientist has determined that they are not vernal pools so they don't provide any critical habitat and they have proposed a wetland fill permit for those areas.

Mr. Berry said they also met with the **Conservation Commission** and they received a letter of recommendation from the Con Com where they support the application in that effort.

He asked if the board wanted him to go into the application details or try to answer any questions they may have.

Mr. Pelkey said he has the letter from the Con Com dated April 23, 2023 signed by (Con Com Chair) Bill Fisher stating that they support approving the SUP.

Mr. Fisher said they did an extensive review of it for about an hour and they agreed that it appears to have been manmade back in the 1940's or 1950's and just left there and the land has grown over it over time. This is just bringing it back to where it was way back when he said.

Mr. Pelkey said he recalled the discussion on this the last time and that it appears to have been manmade and this was going to be filled in as part of the reclamation at the end of the process in order to bring it up to the 6 ft. level that is the final dimension above the seasonal high water table that is going to have to be filled in.

Mr. King said Mr. Berry said it falls below a major permit and asked if there is any remediation required.

Mr. Berry said no.

Mr. King asked when that would kick in.

Mr. Berry said at 10,000 sq. ft. or if you're within other critical sensitive areas.

Chairman Pelkey opened the application for public comment and asked if anyone would like to comment on this aspect of the application which is to fill in those 2 areas.

Mr. Pimental suggested that before they open the hearing to public comment that they vote to accept the application as complete and then determine if it is of regional impact.

Motion: (Henry, second Pelkey) to accept the Special Use Permit application as substantially complete passed 5-0.

Motion: (Henry, second King) that approving the Special Use Permit would not be a regional impact passed 5-0.

Mr. Pimental said the only other thing he would add would be that as part of the Wetlands Overlay District in the Town's zoning ordinance not only does the Con Com have an opportunity to review this the Code Enforcement Officer does as well and he did not have any additional comments on this application. For the record both the CEO and the Con Com had a chance to review this 30 days prior to this hearing he said.

Mr. Pelkey asked for the staff recommendation for this application.

Mr. Pimental said their recommendation is to approve it with the condition that the owner signs the final plan set before the Chair signs the final plans.

Chairman Pelkey asked if there were any public comments on this application and not seeing any closed the public comment portion at 6:13 p.m.

Mr. King asked if they have the necessary state permits for this yet.

Mr. Berry said that comes after and they filed for the **Alteration of Terrain Permit** and they have received some comments back and they have filed for a Wetlands Permit and a Shoreline Permit.

Mr. Pelkey said it was good that there has been some motion on the AOT permit and then called for a motion to approve the application.

Motion: (Henry, second Fisher) to approve the Special Use Permit with the condition that the owner shall sign the final plans before the Planning Board signature passed 5-0.

Public Hearing and Consideration of an Excavation Application for Patricia Torr Aiken and Franklin Torr, Tax Map R32, Lot 6. The applicant is proposing to remove approximately 410,000 cubic yards of material from an approximately 31 acre site. The proposed project is located on Chestnut Hill Road and is within the Rural Residential Zoning District.

Mr. Berry said he prepared a basic outline for tonight's meeting that he sent to Mr. Pimental and gave copies to the board. He said there was no new information being supplied and that's just simply an update as to where the journey has taken them thus far and where they hope to be after tonight's meeting. He said at the prior public hearing on this the board asked them to review abutting sites within 200 ft. to see if they can locate wells and septs. We have started that effort but we have not finished that effort so there are no new plans being presented to show those and as soon as that's complete we will supply them to the board he said.

He said their hope is they'll be able to locate reasonably all of the items within 200 ft. and the waiver request they have before them would be removed from consideration. If for some reason we can't determine 1 or 2 and the homeowners can't help them determine 1 or 2 they would denote that on the plan and provide documentation and the waiver would persist. We know that's an outstanding item that we will present to the board he said.

Mr. Berry said in their resubmission of their narrative based on their estimates of about 50,000 cubic yards leaving the site a year they're able to estimate the number of trips coming to and from the site on a daily basis and they tried to estimate that on an a.m. peak hourly basis and

supplied that to the board in their updated writings. He said if there is any additional information the board wanted to see on that they would try and track it down.

He said 50,000 yards a year isn't a huge amount of volume so the basic premise behind this is each yard goes onto a truck, there's approx. 17.5 yards that fits on a truck and they can only operate the pit for 9 out of the 12 months based on the weather and road closures and things of that nature. He said he subtracted out Sundays because they're not operating on Sundays and then whittled it down from there how many trucks on average would be coming and going during the a.m. peak hour which is somewhere between 7 and 9 a.m. and there would be about 8 trucks so the peak actual hour there would be about 4 trips coming to and from the project site. Depending on where you measure that peak hour between 7 and 9 a.m. it could be anywhere between 4 and 8 trips in the morning hours he said.

He said the rest of the trips would be pretty evenly distributed throughout the rest of the day but the way they figured the loads per day most people would try to load in the morning so they could have their materials for the day and then go about their business. He said they noted that the third party engineering review also noted that there is no really good way of estimating trips and ITE manual doesn't provide any land use code for they're proposing and just asked them to work with the board on providing any type of data they can for the site.

He said as of last Friday they have received the third party review of the engineering they provided and he has reviewed it once or twice but has not started their response. He said there are a couple of items in there that aren't correct and they may have misunderstood the regulations or our plan intent. There are a few small things we could easily correct within the plans and some minor additional analysis of what they consider impervious surfaces, largely the haul roads were not considered in their drainage analysis. I don't think it's going to change the analysis one way or another but I'm happy to update it as Ms. Whearty (Civil Engineer, Dubois & King) recommends he said.

Mr. Pelkey said one of the questions concerning that was they weren't sure where the layout of the haul roads was going to be.

Mr. Berry said that's true but most of the site either grades in one direction or another so they could give a best estimate and then apply those coverages to each one of those directions and it's not going to change the design at all so he is happy to throw some additional coverage at it and satisfy her request.

He said they stated in their analysis that there's no treatment that's required within these ponds because they don't have any impervious surface and she questions whether or not they need to worry about treatment at the entrance because they have a little bit of pavement there and whether or not they have to worry about treatment for the haul roads. He said regardless of whether they say they are considering treatment or not these ponds are 4 ft. above the seasonal high water table and so automatically that provides a level of treatment in the eyes of the AOT permit. He said she also once or twice within her letter defers to the AOT and they're

really the leading authority in that discussion.

Mr. Pelkey asked if that 4 ft. was for the temporary ponds.

Mr. Berry said that's for all the ponds on site.

Mr. Pelkey said that is in accordance with the Town's excavation regulations.

Mr. Berry said one item he pointed out that he doesn't think she was correct on is she notes that they are not 6 ft. above the seasonal high water table with their ponds where the excavation rules say they have to be 6 ft. above the seasonal high water table but there is a footnote in that ordinance where it says ponds are an exception.

Mr. Pelkey said he concurred and that he read that both in our regulations and in RSA 155-E.

Mr. Berry said he didn't know that there were any large outstanding items in that review that really need to be addressed and asked the board how they would like him to proceed. He said in some instances he replies to the board and they determine whether to send it back out and sometimes he replies and it automatically goes back out and how they want to proceed is fine.

Mr. Pelkey said he has struggled with how they are going to take this apart and put it back together and understand it all. He then asked Mr. Pimental for the staff recommendation.

Mr. Pimental said he went through this memo as well and culled out all of the specific questions and they could go over those individually and for each one of these the board making some decisions as to whether they want to see this actually implemented. He said some of them are just questions that could be answered by the applicant and we could just move on from them but there are going to be some that we want to give the applicant direction that this needs to be changed.

He said there are a few on here that were minor mistakes from the prior application after the **Technical Review Committee** that needed to be changed but just didn't get changed and he was happy to walk through this section by section to do the drainage, groundwater, traffic, driveway, sight distance, travel routes and setbacks. It's up to the board on how you want to handle it he said.

Mr. King said at the last hearing they had some discussion and allowed for public input and asked if they need to have the applicant do a basic overall presentation at this point for some of the people or because this is really the first meeting.

Mr. Pelkey said that's a good idea and asked Mr. Berry to give them an overall presentation. He said there are 40 drawings here and he didn't know if they needed to go into detail on every one of them and all the materials content. He suggested the existing conditions, the future conditions and the different phases would be good to cover and anything else the board thinks would be good to cover.

Mr. King said that may spur some questions from the public that is here and Mr. Berry may address their questions or he may not.

Mr. Pelkey said going through the comments they got from the Town's engineering firm is a good thing to do and he also went through some of the other stuff that might not have been

covered by them that he would like to talk about and some of the board members may have some of their own too.

Mr. Pimental said he thought it would be good to have an overall presentation because the last meeting wasn't a public hearing and was just accepting the application as complete, then go through the memo, open it up for public comment and then decide the next steps.

Mr. Pelkey said anything they discuss that might result in some changes to the drawings would be good to hash out right away and anything that might need additional study that is going to feed into the maps as well they probably would want to see.

He asked if the drawings they have in their packets today different from the ones from 2 weeks ago and if there were any changes to them.

Mr. Pimental said no and those are the ones that were updated after the TRC meeting.

Mr. Pelkey said these are the same drawings that they got last time and asked the board to give him their extra copies and gave them to the public present to review.

Mr. Pimental said they are also posted on the Town's website.

Mr. Berry began his presentation with the existing conditions plan (sheet 2) that demonstrates the overall existing conditions of the entire site. He pointed out Chestnut Hill Road to the east, the Cocheco River to the west and there are approx. 46 acres that has frontage on Chestnut Hill Road and then jigs back along all the frontage lots that are along Chestnut Hill Road and those are the lots that they will finish their investigation for wells and septic systems so they can show those within 200 ft. of the boundary.

He said to the south there's a brook and a wetland adjacent to that brook and further to the west and south is the AJ Foss site that is adjacent to the property as well. He said as they noted in the discussion for the SUP you can see from historical aerial photos that the site has been mined in the past, it had been cleared in the past and likely those kettle holes were created for that purpose.

He said they hired John Hayes who is a certified soils scientist and a certified wetlands scientist and he conducted all of the wetland mapping on site that was field located through survey effort and he has done the test pit analysis and those have also been survey located. Those were used to determine how the site would be used moving forward he said.

Mr. Berry said the site is in the Rural Residential zone and because it is adjacent to the Cocheco River they also have a number of overlays that relate to the property which are the Shoreland Protection Overlay and the local 250 ft. overlay which requires a 100 ft. buffer. He said they have Class II wetlands adjacent to the property to the south and that requires a 50 ft. wetland buffer and they are not proposing any disturbance within that wetland buffer. He said they are not proposing any disturbance within the 100 ft. buffer to the Cocheco River or any of the critical wetlands that reside around the river.

Mr. Berry said the plans note what he calls the magic marker FEMA line for the flood plain. He noted that that is not the floodway it is Flood Zone A that is not defined by elevation and it runs

up slope 30, 40, 50 ft. which is not realistic for the flooding events that take place in the Cocheco. He said they are proposing some excavation within those areas and they'd be dropping the earth in that elevation in that location and increasing the flooding storage in the event it ever did flood so there would be no detriment on the flood zone.

He said they are proposing a project where they remove about 410,000 cubic yards of mostly sand and gravel. He said the test pits did result in some larger boulders in some of the test pits and there are some cemented layers of rock that would be removed from the site that likely would have to be run through a jar and then a screener to be used but they are not proposing that this site have any blasting on site. There was no ledge that was found on site he said. He said the plans do account for blasting if needed and they are required to have blasting documents and blasting notes within their plan set but that is not anticipated as part of the project.

Mr. Berry turned to sheet 13 and said the current access is all the way to the north corner of the site and that access is proposed to be discontinued and a new access is proposed to be moved to the south. He said the reason for this is to increase the sight distance in and out of the project site. He said there's a plateau in Chestnut Hill Rd. where if they're below that plateau they can make the sight distance work but it's not ideal. We want to be set on the plateau so that we're looking pretty high in both locations there he said.

He said as part of the TRC process they were asked to open up the radius on their project site and provide for additional paving so that the larger trucks moving in and out the project site will have plenty of radii to move thru and trucks weren't crossing into the next lane over to make a southbound trip and they have been able to accommodate that on site as well.

He said the Dubois & King report as well as staff has pointed out that they are proposing to remove some material and disturbance within 150 ft. of an abutter's home and that is for the sole purpose of constructing the driveway and they are not removing that material for the excavation effort so they excluded that from the actual excavation area. He said they are also proposing that that area be re-vegetated and that plantings be proposed in that location as part of the early phase of Phase 1 and he will get into the phasing on site.

Mr. Berry said during the last public hearing on this project there was a question about erosion at the entrance and how that erodes onto an abutter's property and they have not reprinted plans but have made the edits internally to note that that area needs to be graded, loamed, seeded and matted so there is no further erosion taking place as part of the closure of that access road into the project site.

He said as he noted they are required to be 100 ft. from critical areas and outside of 100 ft. from the Cocheco River so the excavation onsite proposes a cut or top of bank at that location and all slopes on site are designed to be 3:1 not 2:1 and that has to do with the material they are proposing to remove from the site and if they were to try to go too much steeper than 3:1 they may have sloughing and erosion taking place over time and they want to make sure that

the site is stable.

Mr. Berry said the local regulations and state law requires that they maintain a 50 ft. setback from all abutting landowners which this plan does. He said they are proposing that the vegetation between us and the boundary line remain intact and those slopes are proposed to be 3:1 in nature. He said generally in the existing conditions much of the site drains internally but they do have some external runoff that takes place from the site if at all so the entire proposed condition is designed to be internally graded and internally drained as well.

He said as the phases progress, there would be small infiltration basins constructed on annual basis but the 2 primary final basins are designed to be infiltration systems in the western corner and the southeastern corner.

He said in terms of the operation itself Phase 1 would include the construction of the road into the project and the removal of an area shown as Phase 1. He said these are hard phasing lines that are drawn but we have to recognize that an excavation does not take place in this sort of manner. He said all they're trying to do is to key out critical areas in 5 acre increments but the application and the plans before you discuss incremental reclamation, incremental removal of material and then reclamation as the operation progresses which is important not only from a stabilization/vegetation management standpoint but also from windblown materials and how dust can be managed. He said if the site is managed per the plans there should be no concern for those types of windblown materials.

Mr. Berry said at one of the original public hearings they had for the design review one of the abutting landowners brought to their attention that with the removal of the trees that has taken place on site that the wind whips through the site and causes issues for her on her site so as part of the early phase of the project they are proposing that the vegetation within the remaining area that is not be excavated be re-vegetated for that purpose so that it takes place early in the process so that during the first couple of phases that vegetation has a chance to establish and take hold.

He also pointed out that because they are not excavating down to the elevation of the wetlands in the southeastern corner this excavation is actually going to be lower than the existing grade around it in some areas so if you can imagine the wind moves across the ground horizontally and has a place to move out and because this is going to be a bowl now the winds that they see there is going to change and hopefully decrease. But we did feel and the applicant felt it was important that that area be vegetated early in the process he said.

He said they need a number of state permits and they noted that they need an AOT which they filed for and heard comment back on, they need a wetlands permit and a shoreland permit which they have filed for. He said the EPA requires that this use have an industrial permit that gets filed approx. 3 weeks before construction but there are some things that they've done in advance of that that are important. He said the first one is they've started coordination with NH Fish & Game and they hired a wildlife specialist to coordinate those efforts with Fish & Game.

He said the reason for that is because there is some sensitive turtle habitat against the river and they noted that habitat and that this project doesn't affect that habitat in their analysis so they hope that Fish & Game agrees with their findings.

He said the second thing is a historical review on site and anytime they have sandy soils that overlook a river they think of pre-colonial activity on site so they hired an archeological specialist who has done a study of the site and wrote an analysis and report to the Division of Historical Resources that said they found no items of concern on site and the Division of Historical Resources replied that they agreed with his findings. He said those 2 major studies that they've already accomplished are required for any federal permit through the EPA and they are also required for a wetlands permit so they are ahead of their filings with that to make sure that they're early with those in the process.

Mr. Berry said Mr. Pimental pointed out that they needed to file for a special permit with the flood zone here in town and they have filed that application with Mr. Pimental and the CEO. He said the only other outstanding item was the SUP which was taken care of tonight.

He said the traffic was brought up as a concern at one of the original design review hearings so they will talk about it a little bit now. He said they prepared a global traffic analysis to see where people were moving to and from and Mr. Pimental suggested that they prepare some additional trip data to and from the project site to give the board and the abutters an idea of the number of trips coming from the site based on their estimation. He said the applicants own an operation in Rochester that is very similar to this and based on that operation approx. 50,000 yards a year leave that site and based on that amount of tonnage they can estimate the number of trips to and from the site.

He said the most important analysis is the a.m. peak hour which is between 7 and 9 a.m. and the p.m. peak hour which is between 4 and 6 p.m. He said they didn't review the p.m. peak hour because the hours of 4 to 6 p.m. most operations don't really operate at that time and they may have somebody leaving the operation but they don't have trucks coming to and from at that hour.

He said at the a.m. peak they definitely will have vehicles between 7 and 9 a.m. He said that is not to say that is the only time that trucks are coming to and from the site they'll be coming all day long but they are talking about a peaking factor of what is the heaviest load on the traffic they think they will have on that a.m. peak. He said the a.m. peak generates about 8 trips which would be disbursed over that 1 hour period somewhere between 7 and 9 a.m.

Mr. Berry said in general, based on the corridors and the volume that's on Chestnut Hill Rd. now that's a pretty low number of trips but they're not discounting the fact that those trips are large vehicles.

Mr. Henry asked if in is a trip and out is a trip or if in and out is a trip.

Mr. Berry said in is a trip and out is a trip so they figured out the number of trucks and then multiplied by 2 figuring that a truck is going to come in, load and leave in the same peak hour.

Mr. King said the number of trips was based upon the max load with the biggest truck not taking into account that it could actually be anything from somebody with a pickup truck or a dump trailer that's going to take 2-3 yards to a 6-wheeler that's going to take 4-5 yards. He said they are basing it on a 17 yard load which is a little bit unintentionally misleading.

He said his new business is across from Malcolm Bradsheer's pit and there are trucks going in there in all sizes especially in the morning when they have a small people in the area with 6-wheelers and smaller trucks and their trip count doesn't account for that.

Mr. Berry said it doesn't the divisible is 17.5 yards which is a tri-axle truck that is the primary trip load leaving the Rochester site which is why they did that. He said they talked to the operator of that site to get that type of information but even if they were to double their a.m. peak they're talking somewhere between 16 and 20 trips during the a.m. peak hour. I don't want to say it's insignificant because the type of vehicle is significant but that type of traffic generation on these types of roads is not that significant he said.

He said there was a concern for vehicles leaving the site and ensuring there is proper radius to do that so they're not turning vehicles into oncoming lanes and one outstanding item is to take a look at the intersection of Cocecho Rd. and Chestnut Hill Rd. to ensure that radius there will accommodate the trucks that they're proposing. He said they also pointed out in their analysis that Cocheco Rd. currently sees a very high volume of these types of vehicles.

Mr. Pelkey said in the traffic numbers he quoted he mentioned that there wasn't a model they could go to and actually generate that.

Mr. Berry said typically when they do normal development projects they reference the Institute of Traffic Engineers and they publish parking and traffic data and other studies and they update it every 1-2 years. He said this type of land use code which is how they estimate traffic doesn't appear in the ITE manual because it's not a very prevalent use throughout the country so there's no ITE code for them to reference and Dubois & King noted that so they needed to show how logically something like this would operate and it's based on the material that leaves the site on a yearly, daily, monthly basis.

Chairman Pelkey opened the public hearing for public comment and questions from the board. Abutter Larry Gorney said they didn't make it very clear they're taking out the current access and asked where the new access is to the side of it and if they are enlarging it. He then said they are going to be doing a screening on site and asked if that was going to be running throughout the work day or only as needed to keep a pile going depending on how many trucks are coming in and if this is going to be the machines running from 7 a.m. until closing. My understanding is that's pretty loud so 7 a.m. is an s. o. b. to the neighbors that don't need to get up that early or work a night shift he said.

Mr. Pelkey said there was some discussion concerning operation times for the onsite equipment at the last meeting.

Mr. King said he was out at the entrance today and asked how far in distance is the new

entrance moving up slope compared to where it is now to where it going to be. He said the concern is the sight distance and when he went out there he estimated based on the pole spacing what the distance is to the top of that hill and then asked how much it is moving up hill. Mr. Berry said its moving about 100 ft.

Mr. King said based on the typical spacing of a telephone pole which is 200-225 ft. he estimated that it is about 300 ft. from the current driveway to the top of that slope so if you are only moving 100 ft. then it's still not at the top of the slope and its potentially a worse sight distance as its coming over the hill.

Mr. Berry said the question originally was how far they are moving the access and they are moving it about 100 ft. in a southerly direction and there's to be no start of machinery in the operation before 7 a.m. which includes idling and things like that. He said screening does not take place 24/7 as there is no need to do that and once there is a stockpile of material there is no reason to screen.

He said they have gone to the site, reviewed it and measured that they had adequate sight distance to the new location. He said it is important to note that he didn't have the exact footage of what they're moving it it's an estimation but also pointed out that the review consultants also reviewed the plans and determined they had adequate sight distance.

He moved to sheet 31(sight distance plan) and said they calculated that at 40 mph it requires 300 ft. of sight distance and they are proposing that they have 350 ft. of sight distance and that's at 3.75 ft. tall looking at 3.75 ft. tall.

Mr. Henry asked for the speed limit in that area.

Mr. Berry said it is 35 mph and his standard was based on 40 mph.

Mr. King said our engineer's report stated that it was 30 mph and its 35 mph but they know the actual speed traveled out there is much higher. He said one thing our consultant didn't do which he expected but they didn't specifically ask them to do was an onsite visit and they based their opinions on the documents they were provided. He said it is still a concern for him and he didn't go out there with a tape measure but based upon moving it further up slope coming at it at about 35 mph you crest that hill down to where the current entrance was is approx. 4 seconds. He said somebody coming over that hill is going to be upon that entrance in less than 3 seconds at 35 mph not the current speed its being traveled at so it's still a safety concern for him which may need a subsequent look at and it may need some offsite improvements such as signage coming northerly and coming southerly there is better sight distance because of the low area. I think we may need to have our people look at it again he said.

Mr. Berry said the Road Agent was present at the TRC meeting and his concern was the traffic turning but he didn't make mention of any sight distance issues.

Mr. King said that's not really his area of expertise or concern. He said being on the Board of Selectmen and what they ask him to do on a daily basis he can say he wants somebody else to look at it because everyone has their expertise and it might look good to him but he is not the

one reviewing the plan and making sure that its safe for everybody traveling it.

Mr. Henry said if he understood Mr. King correctly he feels that they moved the entrance in a direction that worsens the sight distance.

Mr. King said he is not the expert here but coming over that knoll down you can't see the entrance as you're coming flat. He said they are moving it because they have to work within that access area and because of the width of the entrance area they can't have it there and widen it they have to move it up and widen it.

He said he asked for the footage because he didn't know if it was coming up high enough for people to have visibility as they are dropping over that knoll and where Dubois & King didn't go on site they just went thru the documents and said it looked good then he didn't find that to be a good enough look.

Mr. Pelkey said if they asked them to do a site visit on that they would incur another cost and asked if they would want them to take their own grades.

Mr. King said they're going to have to do some analysis and they're going to be looking at this again because there might be some drainage stuff they're going to have them double check but based upon Mr. Berry's revisions based on the initial memo so there's going to be some follow up on things they're going to ask Dubois & King on this plan. There are a couple of things that need to be verified like the total drainage area and there may be something somebody else comes up with but I think those are the 2 main areas that need to get resolved or might be reviewed he said.

Mr. Henry asked who set the scope of work for Dubois & King.

Mr. King said we did.

Mr. Henry asked who would foot the bill for the second review.

Mr. King said the applicant foots the bill.

Mr. Henry said so we set a scope of work, the applicant paid that bill and now we are going to do it again.

Mr. King said that's right. He said based upon his motion it wasn't done to the level that he expected because when its talking about safety and access he had expected that they would go out there and verify because that was a major concern of that access and he doesn't accept their desk audit which is what they did. It's not a fault of theirs and maybe we should have been more specific but if we're going to approve this plan and residents have expressed a concern and I'm not the expert here but here is something that's a safety concern I think we need to go back and look at it he said.

He gave the example of 20 trucks an hour in the peak morning which is 1 every 3 minutes coming out of that site onto Chestnut Hill Rd. going left and the potential visibility is people coming north on Chestnut Hill Rd. right into the back of a truck every 3 minutes. He said if they use the max load of 17.5 yards and its 8 trips it might only be 10 trucks but depending on which way they're coming there's still a visibility issue.

Mr. Pelkey asked how he would expect that to be addressed.

Mr. King said in this case he thought it would be reasonable to ask for signage definitely going north to put the drivers on notice with trucks entering and exiting signs because they know the travel speed out there is closer to 50 mph and it's their duty even though that's not the speed they should be going they're at least putting them on notice of a potential hazard.

Mr. Pelkey asked if it would be more cost effective for the applicant to just say he'll put up the signage than if would be to have the engineering review come in and charge them some more so they can go put the signs up anyway.

Mr. Henry said that was going to be his question.

Mr. Fisher said there is only so much they can do as they only have so much land they can work with. He said they have a small piece where the driveway has to go so it's got to be 200 ft., 300 ft. or maybe even 400 ft. in one direction but the driveway can't move that far.

Mr. King asked Mr. Fisher if his argument was if it was not safe they have to approve it anyway because they don't have another location.

Mr. Fisher said he was not saying that and they should put up the signage but people are going to have to be responsible for the way they drive and they can't possibly come up with enough rules to control what idiots out there are going to do.

Mr. Berry said signs aren't the issue and if they have to put up \$300 worth of signs they are happy to do that. He said they want to put this driveway in the safest spot that they can and they don't want there to be any question by anybody here or on the board's minds whether or not they put it in the safest spot so if he has to provide additional field evidence literally stake it out so people can go look at it provide photographs or whatever it is they are happy to do it. He said if there has to be some additional review by Dubois & King-he wished they went to the site and looked at it but they didn't but they don't want anybody to question that there's validity to the plans here.

He said not everybody is going to turn left out of the site and the predominant turning movement is probably going to be to the right but the point still remains it should be in the safest spot and they should determine where that is and they are happy to do that.

Mr. Pimental suggested since they were in the public hearing part of the meeting that they get back to the residents' comments because they are going to go over the memo from Dubois & King in more detail and the board can then decide which pieces they want to require more information on or if it's something the applicant can handle.

Mr. Henry said another concern of the resident was noise from the screening equipment and they were planning to locate the equipment in a particular area to minimize the noise offsite.

Mr. Pelkey said 300 ft. is a RSA 155-E requirement so they have staked out in the drawing 300 ft. from the property line setback for their equipment.

Mr. King said they cited that and they can show that to the resident.

Mr. Berry said it's on the second colored rendering plan and they call it a setback plan. He said

on sheet 12 of the plan set they have a setback plan which demonstrates where pieces of machinery can and cannot be.

He said Ms. Whearty points out that they're proposing multiple refueling stations because they show it on that plan and there is going to be one refueling station and it is going to move within the phases around those areas, He said there is likely going to be one screener and one crusher set up 300 ft. from the boundary and those types of machinery have to be at a certain distance. Mr. King held up the color page and pointed out that the 300 ft. setback shows as this line on the site.

Mr. Pelkey said that setback is required by law and is in the NH excavation regulations. He said they would also have the vegetation buffer as well.

Mr. Gorney said he understood that its multiple pieces of large equipment running.

Mr. Pelkey said a crusher and a screener are the 2 things that he heard.

Mr. Berry said those are the 2 noisiest and this is not a big operation so they are not going to have constant crushing and they are not going to have constant screening. He said most of the material is going to be pulled out of the bank, loaded and left. He said they would have to manipulate this material quite a bit to produce any sort of quality spec crushed gravel or bank run gravel and it's not a limited process but this is not a huge operation that is going to require those types of things to happen on a daily basis.

Mr. Pelkey said if the public had any concerns to come forward and tell the board the things they're concerned about so they can make sure that they cover them with the applicant.

Robert Pettersen of 532 Chestnut Hill Rd. said the biggest problem he has as it is now with heavy rain without any traffic going in there the sand and everything comes down into his front yard and that's where his septic is. He said if you start getting traffic going in and out there it's going to be even more of the sand and everything going down onto his property.

Mr. Pettersen said he is also the Director for 536 Chestnut Hill Rd. and there is a lot of erosion going on as it is let alone the extra traffic that's going to be there. He said he's talked to the Town before and they had to come up and put crushed rock where the access road comes in to try to stop the sand from coming into his yard. You start getting more and more traffic there's going to be a lot of stuff coming into my front yard he said.

Mr. Pelkey asked Mr. Pimental if he knew which lots #532 and #536 were and if they were on the map they see here.

Mr. Berry said yes and pointed them out on the map.

Mr. Pelkey said these are the lots that abut the entrance.

Mr. Berry said on the grading plans they provided at the entrance curve into the site they are proposing a large swale at that location that is designed to catch all of the storm water runoff coming down the hill on Chestnut Hill Rd. and direct that into their site. He said they also have a swale on the downhill side of that that also directs water from the entrance from their site also a portion of Chestnut Hill Rd. directs it into their site. He said the existing road into the site is

going to be loamed and seeded and he can take a look to see if there's some swaling and ditching that needs to take place in that area to ensure that it doesn't direct flow onto his front lawn area but much of the area that currently comes down and hits his lawn is going to be directed in to their project site.

Mr. King asked if there is going to be a culvert underneath that access.

Mr. Berry said no.

Mr. King asked if it's going to come down on the uphill side and its going to swale into their access and continue to go down slope into the lot.

Mr. Berry said yes.

Mr. King asked on the exit side what materials that ditch line is going to be and how they are going to prevent silt and sands from migrating back into the Town's ditch line. He asked if it pitches that way or if it pitches back into the site.

Mr. Berry said it pitches back into the site and he didn't think he understood his explanation of the downhill side.

Mr. King said so both ditch lines from this site will be draining into the site.

Mr. Berry said yes and that's done specifically for this reason.

Mr. Pelkey said the intention is slope all of that runoff into the site itself instead of into the adjacent property.

Mr. Berry said yes and that currently the access into the site is sort of flat and super elevated in the direction of his property and there's a mound at the front of their site that directs water in a very shallow swale line and points it right at his front lawn like he just described. He said they are proposing that their grading on their site directs that storm water into a swale like this and they have a swale on the other side that comes into their property and does the same thing so the flow from their driveway does not enter his property.

Donna Gorney, of 500 Chestnut Hill Rd. said at the first meeting she asked if there was going to be any blasting and they said no and at the last meeting last month they said its still in the contract but we're not going to do it and asked why it is in the contract.

Mr. Pelkey said it is a requirement of the state regulations.

Mrs. Gorney asked how they know that they're not going to go ahead and blast anyway. My house will fall down she said.

Mr. Pelkey said they have to put it in there because the state regulations and if they do it they have to do all the surveys required by the state regulations. He said our engineer went out and reviewed the information they were provided as far as the soil types and depths and our second reviewer also said that they know that the blasting information is in there and they also said they don't anticipate any blasting on the site. He said they were aware that was a question she had asked and they wanted to make sure to address that as well. That doesn't mean there won't be there's no guarantee that they won't blast but right now their engineering and our engineering both say they don't think there's going to be any blasting he said.

Mr. Pimental read from the third party's technical memo (Dubois & King submission review, page 3) that "Based on the test pits conducted and the approximate bottom elevation of the excavation, encountering rock is not likely" so that leading to not needing to do blasting. He said they recommend that if there is any need for that that a monitoring program is put together as well as there is a note in the plan that says a certain property owner that has horses would be notified in advance if there were to be any but both the applicant and the third party reviewer are saying it's unlikely because they will not encounter rock on the site.

Mrs. Gorney said her other question was erosion and her backyard abuts right up against where they are going to start excavating and just from the rains that we've had the land is starting to erode away and she was afraid her backyard would end up in the pit.

Mr. Pelkey said Mr. Berry has a lot of elevations that show that the slopes they are putting in are 3:1 slopes. He said for starters there's a 50 ft. setback to the slope off of her property line so they're not going to do anything for 50 ft. then it will start sloping.

Mr. Berry said they are not proposing any excavation against her boundary line.

Mrs. Gorney said as you start the excavation what's there is going to erode because she is higher than they are and even just the rain from the clear cutting has washed away a lot of the soil.

Mr. Berry went to the map and found the Gorney's lot and said he was mistaken and that she does abut the property in this location and he thought she was further down towards the intersection of Chestnut Hill Rd. and Cocheco Rd. He said they're proposing that there's a 50 ft. buffer which is required in the regulations and the project requires a 3:1 side slope and that is stabilized with loam, seed and a natural construction fabric.

He said he is not sure what erosion she has on site now but there hasn't been any activity in the area of her boundary line and that area is fully vegetated at this point. He said if there is erosion on site he was not sure what was causing that but they are taking every known practice available to ensure that it doesn't persist.

Mr. King said he stated that its fully vegetated but this lot was recently cleared.

Mr. Berry said Mr. Torr was pretty specific on where he cut and the area right behind her home has not been cleared.

Mrs. Gorney said most of the trees have fallen down because of the networking of the roots and the wind and the rain and she is clearing trees off her fencing almost daily because of the wind and the rain. She said she agrees with Mr. King as far as the danger of moving the driveway from the bottom of the hill to the middle of the hill because people go down there 70 mph.

Mr. King said he didn't know if it was better or worse he just wanted to make sure that its verified to the best of their ability to ensure the safety of residents and people passing through. Larry Gorney, of 500 Chestnut Hill Rd. said they have on the notes to notify them because of horses but there's horses next door to them and down at the corner and he didn't know some

of the other areas that may be involved so if there was going to be any blasting at all, all of the abutters should be notified.

Mr. Pelkey said he and Mr. King think alike as he whispered that to him as they were discussing that as a point to bring up when they start discussing it. I agree with you sir he said.

Mr. Henry said he talked about an additional process if they do blasting and asked if that process already requires notification of the abutters.

Mr. Berry said he can almost guarantee there won't be blasting with a certainty of about 99%. He said at the design review hearing the question of blasting came up and these kind people asked about the process. He said if blasting is needed a pre-blast survey is required and notification of abutting landowners within a certain distance, it might be 500 or 1,000 ft. is required. He said people can have their foundations and wells monitored now and all of that is part of a proper pre-blast survey as done by the professionals that do this.

He said because they had a heightened concern for the potential for blasting he and Mr. Pimental thought it best that they get a little additional notification because of the type of animals that they have. He said when they do a pre-blast survey typically its they're going to be blasting this week or something very general and they heightened the note to say these individuals would get a more personalized notification because of their concern. All immediate abutters or landowners would get the same treatment from a pre-blast survey that any other abutter would get as part of this process he said.

Mr. Pelkey said they don't have to invoke that upon this decision that is invoked by state law.

Mr. Berry said that's correct.

Mr. King said the regulation might say 300 ft., 600 ft., 800 ft. or it could be 1,000 ft. and abutting residents might be outside of that so he thought it was reasonable for them to consider that as a potential Notice of Decision in the future, they're not there yet but they're all kind of saying the same thing.

Mr. Pimental said he was looking at the note now and as the applicant has stated the pre-blast surveys would go out to all of the abutters and because of the concern with the horses this particular abutter would get advanced notice within 24 hours. He said because of the concern that was raised they decided they wanted to put something in the plan that would call that out that would go above and beyond the pre-blast survey requirements.

Mr. Pelkey said they could just expand that note to all of the abutters and he didn't think that would be an issue.

Mr. Berry said they are trying to be nice but they are almost going to be persecuted because they're being nice. He asked how they would come in contract with somebody within 24 hours and force these people to talk to every single one of their abutters within 24 hours of when they are going to do the work. He said if they don't they would be persecuted for that and he didn't think that was fair. If they're so close and they have a heightened sensitivity because of their animals we can understand that but we're not going to go to AJ Foss and talk to them

personally for that reason he said.

Cocheco Rd. resident Debbie Romaniak said she also has horses and would like to be notified for that. She said she talked to Mr. Torr and Ms. Aiken about the trees that have fallen across her stream and the roots are on their property and then it's gone across the stream and going up the hill and it has made a big mess on her property. She said she saw that they were going to put the trees in to buffer her property from the wind but she didn't know if when the equipment is out there if they could take the trees that have fallen and pull them back off the water before the trees are planted so they don't have the responsibility of cutting them up. Ms. Romaniak asked if they could walk the property lines with them to show them where some of the things are going because she saw that behind her stream a little bit is where the infiltration pond is going to be and it's not too far up from her line and asked if that stays wet all the time.

Mr. Pelkey asked which property she owned.

Ms. Romaniak said her lot is at the corner of Chestnut Hill Rd. and Cocheco Rd.

Mr. Pelkey said those are the trees they are going to plant in phase 1 for the wind.

Ms. Romaniak said she was hoping the trees that have fallen and have their roots on the other side could be pulled back while the equipment is out there.

Mr. Henry asked if they could impose that.

Mr. Pelkey said he didn't think they could. He said there should be a setback there from where the cutting was originally done and those are some tall trees that have fallen across the line.

Mr. Henry asked if the 50 ft. setback applies to forestry.

Mr. King said it doesn't but the applicant tried to stay 50 ft. away for the entire line. He said these trees may have been taller than that or subsequent because the tree cutting and the wind. Some of these trees have probably been uprooted based on high wind events which is unfortunately common he said.

Mr. Pelkey said it is common on clear cuts but he didn't think the Town has jurisdiction on trees that have fallen from your abutter's property on to yours.

Mr. Pimental said that what is being asked is beyond the board's authority as part of the excavation but if 2 residents civilly want to try to organize that where there is going to be equipment out there already that can help out one another that's something they can work with their neighbors on. I would advise the board to not make that part of any conditions as part of the excavation piece because I think that goes outside of our authority he said.

Ms. Romaniak asked again about having someone walk the property lines to show them where the lines would be.

Mr. Pelkey said prior to start of work in each area the intention is that those areas are staked out so before they get going they will stake all that stuff out.

Mr. King said but that's just the excavation and she was referring to the property lines.

Mr. Pelkey said they are supposed to stake that out so their operators know what the limit is on

what they're allowed to touch as part of the process.

Ms. Romaniak said she wasn't sure how deep when he said it was going to be deeper by her house and asked how much lower because her stream is right there and there's a 50 ft. buffer from the stream but then after that where the infiltration pond is that is going to be much lower is what she thought he said.

Mr. Berry said that's an area they're not proposing hardly any excavation at all and the back of the pond is actually proposed to be bermed up a little bit so the excavation in that area is only a couple of feet to provide for that infiltration pond. He said that's an area of a soil type where the seasonal high water table is coming up as you approach that wetland area, they have a 50 ft. setback to the wetlands, then they have the plantings and then they're proposing the pond even further beyond that. He said additionally that pond is not proposed to be wet its above the seasonal high water table so that it's a rapid infiltration pond.

Mr. King asked if he had an estimation of the berm height that's going to be added.

Mr. Berry said the berm is not something they're going to add the floor of the excavation comes down to the pond and they are leaving material up like this (hand motion signifying a hill or a mound) so they're not constructing a berm its basically remaining to be a berm.

Mr. King clarified that he said they are adding a berm but they're leaving a berm.

Mr. Pelkey said the cross section of that particular pond they're asking about is on sheet 16 of the plans and you can see the cross section of the pond and how it's going to be lower and it also gives the elevation at 270. He said the base of it will be 4 ft. above the seasonal high water table so any water that goes into the area drains out that's the intent of it.

Mr. Berry said they are adding about 1 ft. to the berm elevation but the ponds at the very back of that they're only proposing to be cut 2-2.5 ft. in that area.

Mr. Henry asked if that is part of Phase 1.

Mr. Berry said its part of Phase 2 or Phase 3 and the trees are proposed as part of Phase 1.

Main St. property owner Mike Donnell said where the Cocheco River is it's a hill and he already floods out and asked if it is going to add to it or change in any way. He said his pond floods out and he has a brook that goes through it that already floods out into his Current Use land and it floods out a lot. He said it probably only does it in the springtime and sometimes a little more extended but that is what his concern would be.

Mr. Pelkey said his understanding was because they are excavating in that area it gives more place for water to go when the Cocheco floods.

Mr. Donnell said because of where his plan abuts he goes over the river, he's even with the river, he goes over the river again and then that changes. He said the river is not just the border where his land is he owns towards the other side too in parts. He asked if water would flow into it and if he is going to flood more because he floods enough now.

Mr. Berry said there are 2 things to consider when we're thinking about flooding-first is the project going to generate any additional flood to the river it is not the entire site is designed to

grade internally and there is no increase of flow or volume off of the site. He said then the question of whether or not they are disturbing within the flood zone they are not doing any work within the flood zone that would increase flooding to any upstream, downstream or any abutting landowner. He said they are setback from the river far enough they are not disturbing any land within 100 ft. of the river and not changing any of the functional flood zone of the property.

Mr. Pelkey said both the applicant's and the Town's design review engineering firms stated that the out flows of the property would be decreased based on this work. They wouldn't increase they would decrease he said.

Mr. Donnell said as long as it follows the line he didn't care if its 100 ft. from the river and he overlaps and it changes up to the river and it will change where his land is and that changes that 100 ft. He said most of it is uphill and its pretty steep.

Mr. Henry said with this excavation less water will leave the site than leaves now.

Mr. Donnell said that's what he wants to hear.

Mr. Henry said it probably won't make any difference for his flooding but it certainly won't add to it.

Mr. Donnell said that's good because he once had a hot tub just show up.

Abutter Norman Russell (Tax Map R32, Lot 1-1) said he represents as Trustee of a Trust Tax Map R32, Lot 4. He asked about the well and septic survey of abutting properties why it's being done, why it's necessary because he is contemplating a well and septic system on Lot 1-1. He said it is not planned or drawn out yet and if the board has a concern maybe he should know more about what that is.

Mr. Pelkey said state statute RSA 155-E says it should be done and it's also within the Town's excavation regulations. He said that's why the discussion is it wasn't done and there was going to have to be an exception made for it and they urged the applicant to do it because they thought it would be prudent for the abutters for them to do that to make sure the excavation was outside of the requirements to those structures.

Mr. King said we require by ordinance the siting of wells and septic within 200 ft. and they originally started with a waiver and they asked them to look into it and as they stated earlier they are looking into it and they may withdraw their waiver because they may be able to site them all within a 200 ft. distance of the boundary.

Mr. Pimental said the location of existing buildings, structures, septic systems and wells within 200 ft. of the boundary and that's the Town's regulation.

Mr. Russell asked if the Town's regulation mimics the state's regulations.

Mr. Pimental said the Town's earth removal regulations are based off of the state's model that was created for this. He said there are 2 different pieces, the RSA 155-E that governs all of excavation but there was also a model that was put together for municipalities that wanted to have their own earth removal regulations so the Town sort of adopted that model back in 2011.

That specific piece about getting your septic system on to the plan set is from the Town's regulations he said.

Mr. Donnell asked if there was any explanation as to why that would be needed. He asked why the Town would want to know that because if it's important maybe he should know.

Mr. Henry said what risk this excavation could potentially pose to wells and septic systems otherwise they wouldn't ask.

Mr. Pelkey said his opinion on that is if you look at the seasonal high water table and where that excavation floor is supposed to be 6 ft. above the seasonal high water table which should be where you're drawing your well water from in theory they should have no effect on your wells. He said septic design is based on the drainage of the soils.

Mr. Fisher said and the seasonal high water table and the distance from your well.

Mr. Russell said he didn't really know that he had his answer but he thinks it's a non-issue.

Mr. Pelkey said they will have to review that at some point but it's in there now and they can't change that so they have to go by what they are currently regulated to do.

Mr. Russell said the entrance is kind of a tough place for an intersection and that is what it is becoming. He said he is not as concerned about truck traffic leaving there and going left as he is about when you have a couple of trailer dump trucks one following the other and they are just beyond the crest of the hill waiting for a vehicle coming south and then somebody comes over the hill between the stack up of a couple of trailer dumps it's pretty close to that but it doesn't come into view until you hit the crest of the hill when you're traveling north. He said the elevation is a problem so by moving the driveway up in some ways you have less sight distance from the point where you see but you are higher in elevation as you move 100 ft. up so you're raising it up so you're able to see more.

He said what he sees as a problem is if a vehicle is stopped waiting to turn in and you can't see the brake lights or anything until you have crested the hill and with the stack up of a couple of trucks you have less time to react. He said the further that was located up the hill, they actually own property almost to the crest of the hill then you would have the full distance approaching that drop from looking north if a vehicle was sitting waiting to turn in and the same way with vehicles coming out and you would just increase your distance in the opposite direction because you can see for a long way because it's on the hill.

Mr. Russell said he is not concerned with the weight on the roads and that sort of stuff it's just leaving the site that's a hurdle. He said they would want an expert to look at it as well as it would be beneficial to have somebody who knows consider the worst case scenarios like 2 trailer dumps stacked up.

Mr. Pelkey said that road is busy and during the peak hours there is a lot of traffic on that road.

Mr. Russell said they have a bad situation and moving it up maybe makes it maybe not so bad but they need to have somebody who knows what they're doing have a look at it and make the best recommendation they can because that's a bad spot for an intersection.

He said the other part is the noise and the location of the machinery and asked if they are going to have on-site trucking and are planning on loading a truck and moving material on site. He said they are talking about 300 ft. setbacks for the noise making machinery and he lives next to a big commercial gravel operation and the noise is well over 300 ft. away and it is still noise. He said the worst thing you can encounter next to this big operation is the slamming of the dump truck gate so if they don't have a reason they should be dumping there they should just be getting loaded there as far as he could tell. He said the processing equipment is not so much noise as the harmonics that it gives off that is incessant and is mind numbing. I would encourage the applicants to keep it as far away as they can he said.

Mr. Russell said on R32, Lot 4 the existing access way is very close to the corner of the lot so you can stand on the access road and look up and see the horses on the lot. He said he has had some experience with noisy equipment and horses and he didn't know what would happen if all of a sudden the horses needed care because they were stressed.

He said his approach to making noise around horses is to start out easy and then ramp it up and that seems to work pretty well but when its silent and then all of a sudden you're making a lot of noise it will get them going and once they're agitated it's hard to calm them down. He said he would like to see them keep the equipment well away the boundaries and there is no fence and no trees in some spots and in some places it wasn't vegetated well at all.

Mr. Pelkey said he would leave the public comment portion open in case other questions arise and that the next step is to go through the Dubois & King memo.

Mr. Berry said that Mr. Pimental suggested they go through this point by point but he would suggest that may or may not be necessary and asked if the board had specific questions about the points that they made. He said it sounds like the board would expect him to reply to them on a point by point basis so if the board is not inclined to go through it line by line that's fine with them but if they wish to that's also fine.

Mr. Pimental said it's up to the board and for example the outflows from the site the first one there are just 2 questions there, there are 2 or 3 on the ground water piece, not too much on traffic and there's a little bit on the driveway design. He said some of them are going to be comments from the applicant there's only a handful that are going to require an action on whether or not they want that to be addressed in written form or as Mr. Berry suggested they could just highlight some of the bigger ones and ask that he come back and address all of them in written form anyway.

Mr. King said for him it boils down to 2 areas based on looking at the plans. He said based upon the evaluation of their drainage analysis they felt that they should be incorporating all the interior roads and pavements as impervious surface and those need to be updated and looked at by their outside engineer.

He said they need some additional expertise to look at the traffic impact and the safety impact on the access and those are the only 2 areas besides some comments Mr. Berry brought up. He

Mr. Pimental said the board should make a motion on the list of the additional actions that they want but they should make that motion that they are continuing to June 21st.

Motion: (King, second Fisher) to continue to June 21 passed 4-0-1 (Pelkey abstained).

Mr. Pelkey said the last item is the list and asked Mr. Pimental if he had the list.

Mr. Pimental said they can go through what he has and if he missed anything he would add it.

He said the additional materials include;

1). Look at the Cocheco Rd./Chestnut Hill Rd. radius for turning.

Mr. Pimental said that came out of the TRC.

Mr. Berry said the chew the shoulder up now.

Mr. King asked if he had a 25 ft. or 80 ft. radius on the existing design.

Mr. Pimental said there is an 80 ft. radius coming out of the site but there was some discussion about Cocheco Rd and Chestnut Hill Rd.

Mr. Henry asked what happens based on the outcome of the radius review.

Mr. Berry said if there is not enough radius to run a full size truck and trailer around they would add to the shoulder.

Mr. Henry said so they put the burden on him to do some road work.

Mr. Berry said that's right.

Mr. Pimental said that is an offsite improvement and that needs to be looked at.

2). From Dubois & King memo: Finishing the wells and septic systems delineations to the best extent possible

3). Sending us a revised scope of work for the yearly inspections to run by Dubois & King to receive a revised amount to be put in the escrow

Mr. King asked if Mr. Berry would send that to Mr. Pimental and he would review it and then send it to Dubois & King.

Mr. Pimental said yes.

4). Extending the courtesy to the 2 abutters with horses

Mr. Pimental said he wrote this down but didn't know if they need to do this one. He said he didn't want to make it overly complicated and they did it for 1 and he didn't want to go beyond but it sounded like there are 2 abutters with horses.

Mr. King said that would be in the approval and the Notice of Decision so it didn't have to be decided tonight. He said that could be a condition of approval and the board may sleep on it and decide they do/don't want to do it so he didn't want it to be an action item.

5). If there are any other drainage or swale improvements needed at the access way

Mr. Pelkey said he thought the abutter was satisfied with the explanation of what the actual features would be.

Mr. Berry said he would review the swale line from where they are proposing their access point to the boundary line and if some improvements need to take place they are happy to do that.

6). Entryway performance bond number

Mr. Pimental said he was still unclear about the entryway performance bond number piece and asked if they had come up with a decision about that.

Mr. King said Mr. Berry should supply them with a number based on the discussion and he could propose a reasonable number and they could accept it. He said if he says 2 ft. he will say no and if he says 2 miles he would say it's too much. He said they are looking at the entrance area and what the cost is that should be bonded for turning in and out of the site. He asked what the truck turning radius is for either side and if its 80 or 100 ft. that's 200 ft. and they can probably make a decision from that without additional engineering oversight.

Mr. Berry said the road bond and the reclamation bond should be 2 separate bonds not rolled into one.

Mr. Pelkey said sure.

Mr. King asked what the comments were from the AOT.

Mr. Berry said they wanted their soil scientist to provide some backup data on the test pitting and the soil sampling that was done, the wildlife study they have undertaken and a couple of smaller drainage comments and there were only 8 comments.

Mr. Pelkey asked if the AOT said anything about the test pits.

Mr. Berry said they wanted Jack to provide more raw data for the pits.

Mr. Pelkey asked if they looked for another pit in the area of #101.

Mr. Berry said no and that has to do with they're not treatment ponds.

Mr. King asked what type of vegetation on the southerly border they are proposing.

Mr. Berry recalled it was some type of evergreen.

Mr. Henry read it says white pine planted in 6 ft. staggered rows spaced 25 ft. on center.

Mr. Berry said that is the type of the majority of the trees there.

Mr. Henry asked if they need a motion or consensus of the board to have Mr. Pimental review and use his best judgment on the scope of work before sending it to Dubois & King.

Mr. Henry said they want to get that quote back from Dubois & King but...

Mr. Pelkey said Mr. Pimental will probably send him a copy and ask him for comments and that is what he has done in the past.

Mr. Henry asked if they want to make a motion to allow the Chairman to sign off on the scope of work.

Mr. Pelkey said the scope of work is for the inspections so they could hold off on that.

Mr. King said that is just a proposal from them for what they're going to see.

Mr. Henry asked if they need to approve Mr. Pimental okaying the scope of work because he is not the Planning Board.

Mr. Pimental said the board would have the final say anyway as its going to come back to them with the amount.

Mr. Henry asked if they have to designate him to do that or not.

Mr. Pelkey said he didn't think they had to do that and they've already said that's what they

want. He then said that takes of this item for the evening.

Mr. Pimental said one thing he would mention to make sure that the people that are here are aware that this will be heard on June 21 at 6 p.m. and they won't get another notice in the mail.

6). New Business:

Review Disclaimer to be added to Notice of Decision Where 3rd Party Review is Required- Mr. Pelkey read that Farmington's legal counsel recommends that for liability purposes for the Town and our third party consultants and engineers on future notices of decision and approval the Planning Board include the following disclaimer: "Nothing in this Notice of Decision, Approval, minutes of the board or reports/comments/notes/letters from the Board's third party consultants including but not limited to Dubois & King, Inc. shall be relied upon by the applicant including its officers, directors, partners, members, agents, employees, representatives, contractors and subcontractors that the applicant's proposal/project is: fully compliant with State or Federal law not within the jurisdiction of the Board; logistically feasible at the site or free from/devoid of any potential liability from third parties including but not limited to abutters".

Mr. King said he didn't believe this was necessary because this language is in the contract that they negotiated with Dubois & King. He said in that contract we agree to that statement and putting that in a NOD he did not believe is necessary because its already part of their contract and how they have them do things that is what applies. We don't need to put that on every notice that we do. They're bound by that contract whether it's on the NOD or not doesn't affect their liability or the Town's liability one bit he said.

Mr. Henry said he was not sure that he agreed with that logic because the applicant that is now paying Dubois & King doesn't see the contract that Dubois & King and the Town have.

Mr. King said its public information and they are entitled to see it if they want.

Mr. Henry asked if they are subordinate to that contract and he would think that they have their own.

Mr. Pelkey said the Town contracts the third party review not the applicant.

Mr. Henry said it was reasonable for the applicant to think they can rely on this professional engineer's stamped opinion they told him he had to get.

Mr. King said that even though these engineering firms ask for this don't hold me liable for my professional opinion he believes they are still liable because they were paid as a professional to give advice and if they were wrong there's still some liability even if they said you told me I wasn't liable.

Mr. Henry said he agreed but in this case they're saying to their third party here are the 4 things we want you to look at and this says that the project is fully compliant. He asked how they could ask him to look at 4 things and then hold him responsible for 87 other parts of that project.

Mr. King said they are not holding accountable for that.

Mr. Henry said they are not looking at the full site and they should be responsible for the things that we asked them to evaluate but not the entire proposal.

Mr. King said he didn't disagree but asked why they need to put a disclaimer on every NOD just to say the same thing they've already agreed to over and over.

Mr. Pimental said he disagreed a little bit and that he had the contract in front of him and it doesn't quite say that. He said it says the client's land use boards Planning Board and Zoning Board will discuss and vote at their next regularly scheduled meeting whether to include the following disclaimer in their NOD's and then it reads it. He said after that it says in the event either board rejects or alters this language the client shall immediately notify Dubois & King and the parties shall work together to adopt mutually acceptable language or to agree on some other resolution with regard to this issue.

Mr. Henry asked if it was Dubois & King that wants this added.

Mr. Pimental said the Town and Dubois & King agreed that this language would be put into our NOD's. He said if the board decides tonight that they don't want to do this they have to let Dubois & King know and the lawyers have to get back together to find some other way to address the liability issue.

Motion: (King, second Pelkey) to remand this back to the Board of Selectmen to address with counsel;

Discussion: Mr. Henry said he was going to propose that Dubois & King should be liable for the things that fall within the scope of work that they're given. He said this says they're not responsible for the entire project and he wants to make it clear they are going to hold them responsible for the things they asked them to review and only for the things they asked them to review.

Mr. Day said if they tell them to go do a, b, c and d then they're responsible for a, b, c and d whether its 1,000 pages or 10 pages.

Mr. Henry said this lets them off the hook for a, b, c and d and we shouldn't.

Mr. Pelkey said part of it says compliant with state or federal law not within the jurisdiction of the board which means not even something they looked at and they have no standing in that.

Mr. Henry said a lot of things they look at are state and federal laws.

Mr. King asked how many other towns have this disclaimer on their NOD when they have a contract engineer. I would say none he said.

Mr. Pimental said he has never seen anything like this in a NOD. He said he was sure that this language was buried somewhere in a contract and he would agree to the extent that he has never seen it in a NOD.

Mr. King said during the consideration of their contract they went back and forth between attorneys because they did not like their hold us harmless for everything and all their subcontracts and would say things like dealing with Workers' Comp and all this other stuff and they hire their own employees and their Workers' Comp is on them. He said there was some

discussion between the attorneys to try to make that better and this is what came out of this and he doesn't accept it. This is not reasonable to be putting on our NOD's and I've yet to be convinced that it needs to be there he said.

Mr. Pelkey said you need a ruler and a piece of paper to parse that whole thing out. He said you just can't read it and understand it you need to read it 16 times. It needs to be in some kind of language the people can understand he said.

Mr. Henry asked when the applicant pays for third party engineering who does the applicant pay-the Town of Farmington or the third party engineer.

Mr. Pimental said there is an escrow set up and it goes into that and the check is cut from that.

Mr. Henry said the Town pays the engineer.

Mr. Pelkey said they perform their function for the Town.

Mr. King said the Town is liable because we hired them but they are licensed professionals. He said if we make a gross error we could be held to it by an applicant. He said we hired Dubois & King and it is reasonable for us to say they're liable to us because we hired them as a professional with a license.

Mr. Henry said he asked because if the customer is contracting with Dubois & King then this language would be in the contract between Dubois & King and the customer but that doesn't exist. He said the customer and Dubois & King don't reach an agreement. And by the time you put this in the NOD the customer has already paid for something and now you're telling him that it's worthless-that's too late he said.

Mr. King said in some ways they are making this overly complicated. He said they work for the Town as if they were an employee.

Mr. Henry said they are working for us as professionals and what they say should...

Mr. King said that is why they are getting the professional rate at \$150 an hour.

Mr. Pelkey said when they made this statement to us concerning something we asked them to comment on they should be telling us what the limitations of what they're telling us is and what's inside that box of information they're providing us they should be responsible for.

Mr. Henry said they should be prepared to stand by it or suffer the consequences. If they make a \$50,000 error they should be getting out the checkbook he said.

Mr. Fisher said they couldn't even get the speed limit right on Chestnut Hill Rd. He said they based everything on 30 mph when in fact its 35 mph which is shorter reaction times.

Mr. King said the applicant said it was 40 mph.

Mr. Henry said he cited a standard that was based on 40 mph and he said they were better than that standard.

Mr. Fisher said the review had 30 mph in it which gave a longer reaction time which doesn't work if somebody goes crash and they say it's not their fault.

Mr. Pelkey said they asked them to give us an amount of information and they try and tell them exactly what that amount of information is and when they give us that information they should

be able to hold them accountable for it.

Mr. Henry said he was comfortable with saying they're not responsible for the compliance of the entire project. He said it needs to be clear that they are responsible for the things they ask them to do.

Mr. Fisher said they are responsible for the tasks assigned.

Mr. Pelkey said as voted on by the board or as contracted by the board or something to that effect. Some way where that makes sense to me that is such a run-on sentence and so lawyer-speak he said.

Mr. King said he would call the Town Attorney and ask her what their options are because this does not make any sense and go through it with her.

Mr. Pelkey asked to have it come back in a language they could understand and that this is not user friendly in any way, shape or form.

Vote: the motion passed 5-0.

7). Any Other Business before the Board:

Flood Plain Development Permit Application- Mr. Pimental said the Town's flood plain ordinance requires that a permit be obtained but the Town didn't have an application or any way to actually do that. He said the state had a template and the CEO worked to create something and they had the applicant (Torr excavation) fill it out so they could document that they filled out an application for development within the flood plain. It's in the ordinance but the how didn't exist he said.

ZBA Meeting- Mr. Pimental said the ZBA met on April 6 to hold a public hearing on the Special Exception for a proposed 20 megawatt solar farm that resulted in the board deeming that is a project of regional impact so the SRPC held a Regional Development Impact Committee meeting on May 10 to discuss the application and that public hearing was continued to May 18.

Old Fire Station RFP- He said the Request for Proposals was released on May 5 and they worked really hard on finalizing that. He said they had the blessing of the Board of Selectmen so it has been released and is out there and they are hoping to get responses by the end of July.

Dubois & King Contract- He said the board is aware that the contract has been signed but they may have re-visit this after tonight's vote and hopefully it can be straightened out with the Board of Selectmen.

Housing Opportunity Grant- Mr. Pimental said they submitted for this grant on May 10 and it was for \$125,000 and that's some of the work that is coming out of our Housing Navigator. He said she worked with Resilience Planning to partner with SRPC on putting together a scope of work that is pretty detailed that would look at expanding commercial development in mixed use on Rt. 11, making recommendations on zoning changes, looking at updating the TIF District with updated financing numbers for extending the sewer out to Rt. 11. He said it's a pretty comprehensive scope of work and they are hoping to hear back in 3 weeks on whether that was funded and see what they can do with that if it was funded.

Cartwright Land Donation- Mr. Pimental said the Town's legal counsel has finished the title search as part of the land donation project and there are several issues that need to be addressed with missing deeds, mortgages, lot lines and it probably needs to be surveyed because it's a complicated bunch of lots.

He said there was some survey work that was done by Crown Point which is no longer a surveying group and there are files in autocad that they are trying to obtain that might help answer some of the questions. He said Western and Sampson is wrapping up their phase 1 assessment and they don't anticipate any need for a phase 2 and Barry Keith is almost done with the baseline documentation as well.

Mr. Fisher said the Conservation Commission took a look at that and they had some questions and he has to try to figure out how to put the comments on that sheet and send it back to Mr. Pimental.

Mr. Pimental asked him to send it to him in an e-mail and said he thinks some of these issues are going to have to wait until the Town does a complete survey and it will be the Selectmen's decision on whether they want to take the donation with some of these title search issues that are probably only going to be outlined with a survey.

Mr. Fisher said the Con Com had questions about the right-of-way which could be Coyote Rd. and asked if that is an r-o-w or an access easement to the Town. He asked if it's an r-o-w does the Town or the property owner own the r-o-w.

Mr. King asked if there is an existing r-o-w that the Town had from the Cartwright's.

Mr. Fisher said it wasn't from the Cartwright's it was from 2 other property owners to get to the Cartwright's property off of Spring St. and they put in a r-o-w which they think is Coyote Rd. that is a private road that goes back there because their property is landlocked.

Mr. King said they would have to read the r-o-w and see what it says and if it doesn't say "or assigns" it doesn't transfer.

Mr. Henry asked if an r-o-w is not attached to the property and it could be for people.

Mr. King said yes and he could give him an r-o-w to pass on his property but not give him rights to transfer that to somebody else.

Mr. Fisher said now it's a private road and they are not sure if that r-o-w is the private road as it wasn't clearly defined.

Mr. King asked what the issue is with the survey.

Mr. Pimental said they don't have any current surveys on all the parcels.

Mr. Fisher said 20 years ago a survey or a word of mouth was done for the 10 or 12 pieces of property along Bay Rd. that was subdivided out of the New Dam property but it was never surveyed but nobody has questioned the boundaries for 20 years.

Mr. King said there should have been a requirement for a surveyed plan when it was subdivided.

Mr. Fisher said it wasn't done so by word of mouth they said where the steel pipes are and this

is their property and did that for several pieces of property along Bay Rd.

Mr. Pimental said they knew there would be issues because of the amount of properties involved but he didn't think it would be this extensive and he would send the memo to Mr. King to get his thoughts on it. He said a decision needs to be made soon about some of these may not be ironed out without a survey being done.

Mr. Fisher said the Con Com wants a survey to be done but he didn't know how much it costs.

Mr. King asked if the Con Com was going to pay for it.

Mr. Fisher said it would come out of the Con Com's funds.

Mr. King said it may make sense to say these are the unknowns and what they could turn into-boundary line adjustments and changes to deeds and they will accept it as is and then do a survey later and deal with it. He asked if there are issues that would prevent them from taking it with things that need to be resolved later. He said if they take an approach where everything has to be resolved and some of those are lengthy or costly then the deal could fall apart.

Mr. Fisher said there was a \$130,000 mortgage lien against the biggest parcel where somebody borrowed money and they don't know if it was paid off but the Cartwright's didn't borrow the money it was somebody before them. He said it was forgiven for the Cartwright's but it's still a lien on the property so they have to go back to the mortgage co. and try to get it forgiven.

Mr. Pimental said he agreed with the approach of having the Selectmen look at it and ask if they can make this deal happen, which ones they can't take on without knowing this and get this land transferred and then work through the details. He said the landowner wants this to be transferred soon and they have been doing everything the right way but if they can make this happen where they get to the point where they start the deed language, the restrictions and the transfer we'll be in a better place.

Alteration of Terrain Permit- Mr. Fisher asked if they wanted to review the AOT permit for the property on Rt. 11 that had to cease and desist work. He said he filed an AOT and the state said they didn't care what their comments were they were going to approve what he has done because it's a residential property not commercial and he is going to build a house and a barn. Mr. Pimental said that is his proposal as of right now. He said in terms of the AOT all that has happened is they've accepted his application as complete but they have not assigned someone to review the application yet. He said that triggered a letter to the Town Clerk's office giving them until June 4 to provide comments on this application. Because of it being residential it didn't trigger any approvals from the boards, commissions or otherwise. A decision was made at the Town level to give this to the Con Com to provide comments on behalf of the Town. They had a chance to review it but they didn't get the materials until the day of so they are going to try to review it in more detail prior to June 4 but I also asked for an extension until June 9 and they will submit any comments the Con Com has on the permit itself to NH DES.

Mr. Pelkey asked about the intrusions they made into the berm and the wetlands.

Mr. Pimental said that will be deal with that with their wetlands.

said they perceived that there were going to be 5 different fueling stations when that's not the intent and that just needs clarification and there is some small stuff but to him there are just those 2 areas that they need some additional work on to verify the drainage. We want to get all those impervious surfaces in the calculation and secondary reviewed as a formality and the safety issue is it for me he said.

Mr. Pelkey said he would like to talk about the comment concerning the test pits and the infiltration ponds. He said he doesn't agree with the entire statement that talks about infiltration pond #101 (page 2, Impacts to Groundwater) being 27,097 sq. ft. and that requires 3 test pits and when it gets to 30,000 sq. ft. they would talk about 3 test pits.

He said with infiltration pond #2 looking at test pit 10 it is definitely not in the proposed infiltration area so that they need to do something about and they need to talk about a test pit in the infiltration area to make sure it will be fine. He said TP #10 is adjacent to it but in the AOT regulations it is supposed to be in the area so they need to do that.

Mr. Pimental said to clarify he just pulled up the Env-Wq 1504 in the administrative rules and what they called out for the 2 test pits for infiltration pits #101...

Mr. Berry said she is misapplying treatment ponds. He said these are not treatment ponds because they are not treating storm water from impervious surfaces. He said those additional test pits are needed for rain gardens, other bio-ponds that treat water from urban areas and these are infiltration ponds not treatment ponds. We'll do a test pit within the bottom of the pit and while they are out there they'll do some additional pits in the areas of concern and pacify both comments with one address.

Mr. King asked if he was saying in the AOT regulations there are different requirements for infiltration ponds.

Mr. Pelkey said the number of test pits required by the size of the pond.

Mr. King said she determined that they're treatment ponds not infiltration.

Mr. Berry said they are commonly used for the same purpose and in this case they're not.

Mr. King said in the AOT regulations there are different requirements for those 2 with regards to test pits.

Mr. Berry said that's correct. Mr. Berry said what she is referring to is as these treatment devices get bigger and bigger AOT wants to make sure that if you have a large surface area that you have enough data to cover what you're saying that will do so that's the reason for the rule. He said that has to do with treatment cells this is not necessarily a treatment cell, they think they meet the rule, AOT thinks they meet the rule so they didn't comment on it but if an additional test pit is needed they are happy to do it.

Mr. Pelkey turned to page 6 in the Construction Adverse Effects Mitigation Program and read that it says excavations initiated and the banks and floors are being developed additional test pits are to be conducted and evaluated by a professional knowledgeable in reading test pits and asked at what point are they going to be doing that because this is to make sure that they are

staying at the right elevation above the seasonable high water table. It doesn't specifically say when that will have to take place he said.

Mr. Berry said a lot of it is dependent on how much material leaves so it is hard to put a time frame to that but maybe they can create a protocol for the elevation increment so as you drop the site "x" number of ft. then it needs to be reviewed and evaluated.

Mr. Pelkey said they've seen some where they dug down 20 ft. and can't hit the seasonal high water table so they have to excavate 20 ft. before they think they'll be able to find it.

Mr. Berry said they wanted to employ a level of safety so the board understood given their methodology in determining where the seasonal high water table was that they were cognizant of the rule and they want to follow the rule.

Mr. Pelkey asked if the people present had a chance to read to read this and noted that it is also linked online. He said the Construction Adverse Effects Mitigation Program has a lot of words in it concerning how they are going to try to make sure that they don't spread dust, track dirt out onto the road and send debris and water into the abutting properties so its 19 pages. He then asked who is going to be responsible for the maintenance inspections for these control measures and how that will be recorded.

Mr. Berry said there is an inspection program that is part of the EPA filing and they require a knowledgeable person which is defined as someone who has taken their online exam and passed it and then they have the yearly inspections the Town will require and then the inspections that the AOT requires on a 5 year plan.

Mr. Pelkey said for the public also they have this storm water system inspection and maintenance manual that is also part of this that talks about all the inspections they are supposed to do and the storm water management system they are putting into place and at the back of it there are signature blocks for the inspector that has to do these inspections on a regular basis and the Town is supposed to monitor this. He said they are supposed to bring it to the Town as part of our annual review so we can say they are making sure that they are accomplishing the inspections. As to the resident's concern about water going on their property they are going to be creating a swale and this is what has them go out and make sure that the swale is doing the job that it is supposed to he said.

Mr. King asked if that sign off is for this person who is qualified.

Mr. Pelkey said the person has to be knowledgeable and they a sheet where they have signatures and dates and the system that is being inspected and the manual actually gives them a schedule that they are supposed to follow.

Mr. Pimental said the only other thing he had in terms of the memo was on the driveway design so on sheet 31 to just move the STOP sign and that is just a legacy STOP sign from the original that the flares need to be moved out and the 24 ft. needs to change to 80 ft.

He said the only other comments he had that the board should discuss now, one is they started to discuss the inspections and the applicant put a year and it is up to the board if they want it to

be a year or 2 years in terms of the inspections. He said the last one that they had off of Rt. 11 they did 2 years and the thought was the applicant made the case they would probably be wrapped up in 2 years so why not just do one at the end.

Mr. King said that one was pretty small.

Mr. Pimental said he wouldn't recommend going beyond 2 years but if the board wanted to do the inspections other than a year that is up to them to discuss.

Mr. Pelkey said he would like to have a review on the logs and he didn't think that they should wait 2 years because they could have a trend develop where they weren't being done and 2 years go by as far as a site review where they send our contractors in.

Mr. Fisher said he would like to see an inspection at least during the first year because it is so close to residential areas and he would like to cut off any problems as soon as possible. He said waiting 2 years for something, 2 years of erosion could get out of hand and berms and swales can fail so he wouldn't go more than a year.

Mr. Henry said he was proponent of the 2 years on the smaller pit because it was so small this one is a larger scale and they expect to be doing more activity so he would lean more towards a year. He said they were talking about something after the first year and he didn't know if they could say the first year and then they will see how it goes and then decide its 2 years after that. He said he thought once we set it yearly its yearly and then asked if he was correct.

Mr. Pimental said he wouldn't bounce around and if they say its yearly they should stick with that.

Mr. King said they could set a schedule for years is 1 and 2 and then go to a biannual schedule for years 4 and 6 because based on their material removal rate it could be a minimum of 8 years that they're open and maybe they need to go back to a 1 year towards the end when the reclamation is supposed to be done.

Mr. Henry said the pit could change hands and there could be different people than the people sitting in front of them now in a year or 2 that are managing this. He said if after a year or 2 years they're not happy but they've set a schedule and they're not happy with the 2 year review but they don't have to come back for another 2 years. He said he was not comfortable with the unknowns and asked if they set a one year schedule and they say they've been doing everything for 2 years and they can see they are above board so they'd like to come back in 2 years if there is a process to change it to 2 years.

Mr. Pelkey said that would a modification of the approval.

Mr. Pimental said that would be up to the applicant to come to the board for that.

Mr. King said they have to do the annual inspections each year and they are auditing their reporting and on site the work is on them.

Mr. Pimental said they are essentially saying this permit is good for "x" amount of years and when that permit is done and they come back for renewal that would be the time to change things like the inspection rate.

Mr. Berry said he created the 1 year as a level of comfort they would have with them and they appreciate that they may be expecting less of them but they are fine with the 1 year.

Mr. Fisher said out on Rt. 11, 2 years no big deal or even 3 years it's not going to affect somebody's home or animals. I'm comfortable with 1 year he said.

Mr. Day asked how many years they plan on having the pit.

Mr. Berry said based on the removal rate it's a minimum of 8 years and that assumes they do the maximum for all 8 years.

Mr. Day said he has it broken out into sections 1-6 and asked if the plan was to work to try to get through the housing areas earlier to alleviate the pressure from the abutters.

Mr. Berry said that's right.

Mr. Pelkey said the erosion sediment control drawings for the phases go 1-6 but nothing for 7.

Mr. Berry said 7 is the complete package with the finished product and he asked the same question because it was confusing.

Mr. Pimental said he misspoke in terms of the permit being valid and in the Town's regulations the permit is valid for 1 year so they would have to come back anyway so if they stay with the yearly inspection schedule the applicant could address that say in year 3 and say they've doing yearly inspections and ask to change that.

Mr. Pelkey asked if that permit is through the Selectmen.

Mr. Pimental said yes but they would still have to come back to the Planning Board.

Mr. Pelkey said nobody has come back here not even the pits that are running come back every year.

Mr. King said past practice has been for it to go to the Selectmen but the regulations may state differently. He said typically, that renewal is at the Board of Selectmen and they look for the compliance review of that from the Code Enforcement Officer and taxation. That's how it's been handled but if our regulations are different we probably should address them he said.

Mr. Pimental said he would want to take a closer look at it and the only time the Selectmen are mentioned in the Town's regulations is only concerning the performance guarantee. He said it says nothing about them being the agent for the permit and in other towns the authorizing agent is this board.

Mr. Pelkey asked to have that included on the list of things to talk about for the excavation subcommittee.

Mr. Berry said in the other municipalities around Farmington the Planning Board is the authority but in the Town of Farmington it has always been the Select Board.

Mr. King asked if with these other committees they are going back every year and doing a progress report.

Mr. Berry said honestly they don't do anything. He said Brock's in Dover shows up once year and says this is the amount of material and here's where we took it from.

Mr. King asked if they do that at a Planning Board meeting and they get re-authorized by the

Planning Board.

Mr. Berry said yes and it takes less than 5 minutes and then they're on their way.

Mr. Henry asked if it can't be done by staff.

Mr. King said it hasn't been because as the Board of Selectmen they've had concerns regarding compliance and if it's a non-compliance issue it's gone back to the Planning Board.

Mr. Berry said Farmington has a lot of pre-dated pits and other municipalities don't and that might be the distinction.

Mr. Pelkey said we have a subcommittee looking at the excavations in town.

Mr. Berry said if they were pre- a certain date they could continue to operate.

Mr. Pimental said that date was August 24, 1979. He said the only other thing he wanted to ask the applicant was he thought the performance bond the \$30,000 that was recommended that to his understanding does not take in anything outside of the reclamation plan that is on site. He said one of the things in the memo is looking at is any potential deterioration to the road and include that into the performance bond. He said if the board was going to do that there is also a recommendation that there has to be some sort of inventory of the existing conditions of the roadway to prove that this activity had "x" amount of impact on the roads.

Mr. Pelkey said over and above the normal wear and tear.

Mr. Pimental said that's right and that's the only thing the board should discuss with the applicant is whether they want to roll anything into the roadway or if they are not going to do that because if they do the board is going to have to require the Town to do some sort of inventory on that stretch of road. That's only comment that was in the memo that we haven't discussed in terms of the performance bond he said.

Mr. Pelkey said he could add the engineering oversight for the inspections as well.

Mr. Pimental said they got a rough estimate for the inspections of around \$3,000 a year for them to do that but that wouldn't be part of the performance bond it would be an escrow account set up with the Town and that \$3,000 would pay for those yearly inspections that would come back to the board.

Mr. Berry said \$3,000 a year to inspect an open pit is excessive and they don't have to ratify this tonight but they are not going to be put in a position where we are held to a standard that we can't nail down as it relates to your roadway and roadway infrastructure. He said there is going to be some degradation of the roadway on account of their project but there is also a high level of degradation based on daily traffic and they could an audit of the roadway system now and next week or next spring it will change. He said it will change whether they are there or not so placing a dollar value on that if not challenging is nearly impossible. Those are my 2 concerns about the comments he said.

Mr. Henry said he would have a really hard time supporting anything that's going to put road conditions on the applicant here. He said there is no way to prove that this damage was because of their traffic or other increased traffic. He said the road is open to the public the

trucks traveling the road pay the taxes to use the road. Immediately adjacent to the apron if there's damage you could tie that to the pit but anything else is difficult to tie to one party and make them responsible for it so I would not vote for that he said.

Mr. King said he agreed with Mr. Berry on the \$3,000 and with Mr. Henry but they have to have some safety net regarding the entrance area up to this site and that's the area they're going to see if there's going to be damage. He said having 20 additional vehicles out on the main road is not his concern it's in the immediate area of the entrance area that we need to have some surety to address along the frontage of the lot because if there's going to be damage that's where it's going to be.

He said the rest is usual and customary but depending on what's there the vehicles are heavily loaded sitting there, slow traffic that has a much bigger impact on it than if they're moving at 35 mph speed limit and that's something we need to address. He said he had to agree with Mr. Berry that the quote for the inspections is unreasonable and maybe we need to narrow the scope although he didn't know what the scope was.

Mr. Pelkey said it included them being present for test pits.

Mr. Berry said he didn't think that was necessary.

Mr. Pimental said that regarding the inspection work Dubois & King would assume that the operator would provide surveyed elevations and key features of the excavation and they could get that information through Autocad format. He said they would anticipate observing test pits completed by the operator to verify seasonal high water table elevation for comparison to the bottom of the excavation.

He said they would provide a memo to the Town summarizing the inspection and the cost could vary a bit based on the area of excavation between inspections but they would estimate \$3,000 annually for each phase of the project. It says if you are looking for independent verification of the survey they would add more money but we wouldn't be asking that he said.

He said it is a little confusing where it says \$3,000 annually for each phase of the project.

Mr. King said he thought they were implying years and he didn't think they were saying times 5 or 6 sites.

Mr. Pimental said he could ask them to remove the observing test pits completed and see what the number changes to.

Mr. King said they can require that the test pits are done by a qualified person that satisfies the need so the person that is doing that is whatever qualifications they would do for test pits for a septic system to determine the seasonal high water table.

Mr. Pelkey asked if that is part of the report to the state every year that you do those test pits.

Mr. Berry said they did that for them.

Mr. King asked if their plan was to use a qualified professional that can put his stamp on it.

Mr. Berry said yes.

Mr. King said that was acceptable to him and if they were going to look at an audit it would be

an audit of the overall scope to be in compliance.

Mr. Pelkey said they could say here are the numbers and they haven't encroached on the seasonal high water table and it shouldn't cost \$3,000 to have them look at that and say they agree with report Mr. Berry is giving the board.

Mr. King said they have some work to do if they choose to do that outside and it needs to be the minimum scope at the minimum price. If it's still too high we're going to have find another way because I don't think that's reasonable to impose on an applicant he said.

Mr. Berry said they agree 100% with all of this and they understand that the Town of Farmington has very little to no oversight on many of these projects and you want more so they're perfectly willing to help you employ that on our project but they also don't want to be put at a disadvantage over every other provider in the area and we want it to be reasonable. It should really be limited to an on-site review once a year, a report and an audit of whatever reports they put together he said.

Mr. Pelkey asked if that is what he's seen in other jurisdictions.

Mr. Berry said yes and that's what they would see as part of any other construction project.

Mr. Pelkey said he really supports his position that they don't want to put them at a disadvantage in Farmington. That's for sure he said.

Mr. Henry said his question was around inspections and other pits and asked if he was involved with the Rochester pit as well.

Mr. Berry said indirectly.

Mr. Henry asked if he could give them the scope of work for what they do on those inspections.

Mr. Berry said in Rochester they don't do any inspections but he can put together what he thinks would be a reasonable scope of work based on what the board's expectation is of them for review at their next meeting.

Mr. Pelkey said that would be a good place to start.

Mr. Pimental said the only thing he would add at the very least this sort of audit review of the materials after the year as well as ensuring compliance with whatever additional things they put in the Notice of Decision. He said those are probably the 2 most important pieces but he would lean on Mr. Berry to come up with that scope of work.

Mr. King said the first part he said was review of the materials.

Mr. Pimental said he meant to audit the materials in the test pits not the materials excavated. He said looking at all those materials as well as making sure they're compliance with any conditions that the board sets in the NOD and in his opinion in looking through some of the past that has been where Farmington has come up short. He said the Town has pretty good regulations it's just that they have not been followed up on.

Mr. Pelkey said some of the stuff on the management plans could be easily reviewed by staff because he didn't think it was technical to go look at the inspection plan and say they are doing the inspections. I don't think you need an engineer to determine that he said.

Mr. King said they still need somebody to double check that somebody checked the box but didn't do any of the work.

Mr. Berry said he didn't expect this from these applicants but there are times he goes to inspection sites and his report says the site is a mess but nobody reads the report so nobody fixes the mess. So it's important that somebody reads the report he said.

Mr. Henry asked if Code Enforcement or the engineer goes and checks it on the Town's end.

Mr. Pelkey said Code Enforcement didn't feel they were qualified to do it which is one of the reasons they chose Dubois & King because they have experience with excavations.

Mr. Pimental said in addition to the applicant sending us a scope of work in terms of the yearly inspections if they want to ask them to come back with an additional number in terms of including it in the performance bond for the entry way. He said they mentioned the surety and asked if they wanted the applicant to look at that small stretch of the entry way into the site and come with a dollar figure to roll into the \$30,000 that's strictly for the reclamation.

Mr. Henry said understanding the applicant's bias asking the applicant for a scope of work is...

Mr. King said they came up with the number \$30,000 bond or surety for the reclamation.

Mr. Pimental said that's based on \$6,000 per 5 acres of the different phases so it's a rolling \$30,000.

Mr. King asked who came up with that number.

Mr. Berry said he did and he submitted it to them for their review.

Mr. King asked if that is a valid number in today's market for the reclamation.

Mr. Pimental said its more than what they required for the Yacoub property.

Mr. King said his question is if that is a good number and he wasn't saying it's not. He said that is what the applicant is proposing and asked if Dubois & King commented on that.

Mr. Pelkey said he didn't think they asked them to so it wasn't part of their scope.

Mr. King said he wasn't ready to ask them to but he didn't want to get to where they are 4 years in and the applicant has gone defunct and they need to call the surety bond and its \$60,000 to do the reclamation and we have a \$30,000 bond. He asked how they would double check that that's a valid number.

He said going to the next question if they define the scope of the roadway and say it's along the frontage or its along 100 ft. either way that they assess a number and add that to the amount as part of that surety. He said they need to have some input on the base number and input on the second number.

Mr. Henry asked about the reasoning for the calculation the way it was done and asked if he said it was \$6,000 per phase.

Mr. Berry said it was \$6,000 per acre and they can't have more than 5 acres open at a time. He said it's a rolling bond and the City of Dover uses \$2,500 an acre which he agreed is 10 years outdated. He said they ran through what 3-4 inches of loam would be, how to spread it, etc. and up with what they thought was a reasonable number and presented it to the board.

Mr. Henry said he thought they had to ensure all the phases when all the phases couldn't be open at once basically we catch you before you had the whole thing.

Mr. King said the caveat is they need to monitor the compliance because if they don't say the applicant sells the site and they get half of it opened up without any reclamation and then we're out of scope on the bond.

Mr. Pimental said to give the board context on what we did prior, what they approved last year which was removal of approx. 13,000 cubic yards the bond for that entire site was \$14,308 that was recommended to us by Norway Plains. He said the site is only 1.6 acres and the removal of about 13,000 CY.

Mr. Berry said so they are at about \$7,000.

Mr. Pelkey said this one is a little bit less than what they gave Yacoub but it's in the ballpark.

Mr. Henry said the economy of scale reclaiming 5 acres is going to be less per acre than reclaiming an acre and a half.

Mr. King said he was more comfortable with the \$6,000.

Mr. Pelkey asked what the process is for the road and if we have to have our person look at it.

Mr. Berry said the general way is he would look at it, provide a pretty reasonable number to the board and if they think he is out of line then send it out for review.

Mr. Henry asked if he is planning to pave the apron.

Mr. Berry said the biggest issue is protecting the edge and shoving and explained that when a vehicle comes to a stop or it starts it has a tendency to shove it.

Mr. Henry said he wouldn't want to bother to look at Chestnut Hill Rd. and the condition of it until the apron is in and then he wants to see with the apron this is what it looks like this is the starting point and then they determine reasonable wear and tear.

Mr. Pelkey said at the point when they are ready to start operations would be the time to do an assessment because we could have some 500 year rain storm between now and then.

Mr. King said then it's provided that they're going to make the paving a condition of the start. He said they are going to start with a stone apron and they should audit that before that.

Mr. Henry agreed.

Mr. Berry said it should be at the start of construction.

Mr. King said he would agree to that.

Mr. Henry asked when if construction starts after they pave the apron.

Mr. Berry said no because they have to start construction to pave the apron.

Mr. King said it could be paved but based on the construction and excavation that has to be done there it may not be paved for 3 months and maybe that is when most of the damage could occur. He said there would be less incremental damage after the apron is in than probably before.

Mr. Henry said when they are paving the apron they may fix that damage all at the same time.

Chairman Pelkey asked if there were any more comments from the public.

An audience member asked if they made a decision on what they are going to do about inspecting the road and if they are going to have somebody go out and do some more study on the road as far as the distance and figuring out where the entrance is going to go.

Mr. Pelkey said that is part of what they are going to do and they will review the action items going out of here going forward.

Mr. Russell said he was sure the applicants have some idea of some future use and its access to that lot and that expense is a big thing but then you probably have a lot better input if you have a future use to it. He said after they get done excavating they still have a pretty nice lot that's been maintained in 6 ft. distances and it gives them options to use that lot so a study on the access to that property is to their benefit.

Mr. King said it falls in a 1 acre zone so the chance for significant residential development in 10 or 15 years does exist.

Mr. Russell said that's correct and you want the best location for the access.

Mr. Pelkey closed the public comment portion of the public hearing at 8:33 p.m.

Mr. Pimental said they would need a motion to continue the hearing and to set a date certain. He said he didn't think they needed to make a motion for the action items but he could read what he has and make sure the board and the applicant agree.

Mr. Pelkey asked about if they are going to send something to their engineering firm.

Mr. Pimental said they should decide which part of that needs to go back to them if they decide that way. He said it sounds like the only thing that was really there was the site distance and having that piece reviewed.

Motion: (King, second Henry) to have Dubois & King re-review Chris Berry's revised drainage study when he incorporates all the impervious surfaces that he's going to have on site and to reevaluate the access point based upon the additional information provided by Mr. Berry that came in after this; also to be on site to review the site distance of the proposed location and the safety concerns of this 35 mph road and also to address the possible concerns brought up by Mr. Russell regarding stacking going northerly preventing a safety issue based upon people being in line and stopped and people coming over the hill which may be the biggest concern out there;

Discussion: Mr. King said their professional review and comment would really be appreciated because it may change the proposed location, it may validate that what they're proposing is acceptable, it may say it's not acceptable. He asked if there was anything else that needs to be in that motion.

Mr. Pelkey said not for engineering oversight. He said their comments concerning the stuff Mr. Berry would address doesn't affect what he said he would address.

Mr. Henry asked what if there's no safe way to get access to get out of there.

Mr. King said they shouldn't approve it and they need to get a different access.

Mr. Henry asked if they could say they can't access their property.

Mr. King said they can't access it to this level of development.

Mr. Pelkey said there might be some actions that could be taken to alleviate the problem.

Mr. King said for example if someone wants to do a subdivision in Farmington and they want to go a mile into the woods with one access they would say he can't because they have to have a secondary access. He said Campbell Commons was 60 houses with one way in and one way out and they said it was not acceptable and they had to do an emergency access out thru Dick Dame Lane. He asked if it was not a safe access point why they would approve it.

Mr. Henry said he was asking if they can not approve it and if they have the authority to just shut it off.

Mr. King said he believes they do and one could argue that point. He said he was not looking to say no he was looking to be shown the reasons to say yes.

Mr. Fisher asked where else they could put the access and noted that it's all surrounded by private property. He said he was basically saying they can't use the access they proposed because people can't see far enough down the road so I'm not going to approve your project.

Mr. King said that is exactly what he is saying. He said Mr. Fisher didn't have to agree but that's their authority here to say if something can't be done either due to zoning or done safely. He said there are a lot of other scenarios he could put out that give the reasons for them to say no regarding development but that's not his goal here.

He said if this was wildly out of spec and there's a blind turn there and we said yes it's on us. He said they could say that's unacceptable and the applicant could say he would have to find secondary access so he is going to buy Tax Map R19, Lot 27 because that's the only decent access.

Mr. Pelkey said they could ask the applicant to provide signage and talk to the Town about reducing the speed limit and they could do a couple of other things to try to help the applicant.

Mr. King said if this was a state road this discussion would be going on with the state and the state would say they're not giving him access right there because it's not safe.

Mr. Fisher said they would have to agree to disagree on this because he can't see stopping a project because there are idiots out there on the road that don't want to take 5 seconds to stop and look both ways before they pull out or they enter Chestnut Hill Road and start coming down the road. He said you can't govern people's actions to that extent and asked how they would stop an idiot from doing 50 mph on Chestnut Hill Rd. and only having 1 second to look.

Mr. Pelkey said what Mr. King wants to hear is that the sight line is reasonably safe not to save idiots from themselves but to provide a general level of safety.

Mr. Fisher asked if there is no other way to put the driveway in should they stop a landowner from using their land properly because that's all there is. They're locked in to it he said.

Mr. Henry said that was the foundation of his question and asked what another on-site engineer could do that changes anything.

Mr. Fisher said he already said they would move it 100 ft. to get a better sight line but he's only

got so much that he can work with. You can't get blood out of a turnip he said.

Mr. King said they would just have to disagree because that's a whole bigger discussion than what's relevant to this applicant. He asked what they are here for, what is their authority to approve and disapprove and that's a separate discussion than this applicant.

Mr. Fisher said they are here to do the best they can with what they've got. There's only so much land here in Farmington he said.

Mr. King said Mr. Fisher's opinion states that everyone should be able to do everything they want regardless of whether it can be done safely or environmentally safely.

Mr. Fisher said he believes they should do everything environmentally safe and everything in the best way possible but in this case only they only have so much land they can work with to put in the driveway. He said they can't help the way Chestnut Hill Rd. was laid out 100 years ago and he couldn't see putting the burden on the developer for something they can't control.

Mr. Pimental said the discussion right now is sort of theoretical based on the site doesn't work and this was at TRC and it was reviewed by Police, Fire and even though the Road Agent may not be tasked with it he did look at it as well as Dubois & King who didn't look at it through the lens they are asking but if this is what the board wants to let the process figure itself out before they start worrying about voting no because it's not safe. Let's wait to see what the results are of this review and then we can have that discussion he said.

Mr. Henry said his question was more of a "so what?" and asked if they are going to change the ultimate approval based on what the engineers say. He said they could say they don't like the driveway location but they don't have any place better so they just say there is no good choice.

Mr. King said if this was on a state highway they would want signage, a street light, deceleration lanes and that's what they do on a state highway. He said they have the ability to do that with offsite improvements and he was not saying that he was saying prove to him that this is safe and have an outside professional qualified to agree that its safe.

Vote: the motion passed 4-0-1 (Henry abstained).

Mr. Pelkey asked about the date certain (to continue this hearing) and if it would be the 1st (June 7) or 2nd meeting in June (June 21).

Mr. Day said he and another board member have another commitment on June 21.

Mr. Pimental asked if Mr. Berry would confirm if they go past the 65 days he is okay with it.

Mr. Berry said that's fine.

Mr. Pimental advised the board that the clock is running so if they go to June 21 they would be going past the 65 days.

After some discussion Mr. Pelkey said the 21st was okay with him and Mrs. Patton-Sanderson should be back from the southland so there should be a quorum of the members present then.

Mr. Henry asked before they made any motion to continue the hearing if Mr. King's motion included getting a proposed scope of work from Mr. Berry.

Mr. King said no because that would be outside of the motion but he still wants it.

Mr. Pelkey said they still have to make that right and they were told they were not to do anything on that property until they address that.

Mr. Pimental said they still can't do anything and all that has happened for now is the AOT permit application has been accepted as complete.

Mr. King said he was lost as to how Mr. Fisher got to saying they said everything is okay.

Mr. Fisher said what he is understanding is that its accepted as complete and they didn't want comments from us. I got the sheet from the Town saying let's provide comments but the state did not want comments.

Mr. Henry said accepted as complete is different than approved.

Mr. Pimental said the state asked for comments from the Town Clerk's office but not from any of the boards. He said if it was a commercial development an AOT permit would have gone to the Con Com and they would have seen it eventually but if its residential by law they only have to send a notice to the Town Clerk's office.

Mr. King said they could provide comments from anybody.

Mr. Pimental said that's correct and it would just be a matter of does the Town Clerk know to disperse that letter to a wider audience. He said the Town's Planning Dept. said give it to the Con Com.

Mr. King asked why the Town Clerk didn't go to the Town Administrator or the Selectmen and ask them what they were supposed to do with it. I don't disagree with the Con Com having a comment but there are other boards that may have something to say he said.

Mr. Fisher said he got the 1 page letter when he came in on Thursday and it wasn't until late on the following Monday that he found out that the drawings and the package were with the CEO and they weren't given to him until the day of their Con Com meeting. He said he asked for digital copies so he could distribute them to the Con Com members and he didn't get those until Mr. Pimental came back to work and gave them to him. Now I'm trying to come up with a special meeting just to review this so I can get them to Kyle by June 4 to give him time to get it turned in. I can't do it without their approval so I need another meeting to get answers he said.

Mr. Henry asked if they got engineered drawings or stuff on a napkin.

Mr. Fisher said Mr. Pimental contacted Norway Plains and asked them to send digital copies and he has sent them to his board but he has not heard back from the members. He said the drawings show the landlines, the berm, the ditch cut thru the berm, where the wetlands are, the existing garage and the location of the proposed house, barn and the road that would go down in there.

Mr. Pimental said maybe there is a conversation to have with the Town Administrator on when they receive these maybe it goes to the Town Administrator and then it gets distributed out to figure out that.

Mr. Fisher said the Town Clerk got a copy of the letter with all of the documentation and since there had been prior legal problems with the lack of permits it went to the CEO for him to look

at and the CEO was aware that it was there but he was not given the information. He said the package was then given to the Con Com and he tried to explain it based on what he had seen as a Planning Board member to try to get their comments on what he had done. He said the consensus of the commission was they would not make any comments because they didn't have time to review the documents and he got their permission to write a letter saying they have no comments because they didn't get the material and couldn't review it. There are 3 items we would like to have and we will schedule a special meeting to discuss this he said. Mr. Henry said say he is somebody that likes to find loopholes and he has a piece of property that he would like to develop for commercial use but its hilly and a lot of earth needs to be taken away so he decides to propose a residential development, get his AOT permit under those reduced burdens, he levels the site out and then he decides he doesn't need a house anymore and decides to put a mini-mall in there because he changed his mind after he did the residential AOT. He asked if that is something that could happen and he could get away with. Mr. Pimental said as soon as you change the use you need a new AOT permit. Mr. King disagreed and said he already altered the terrain, built the house then 2 years later he decides to put in an industrial park. Mr. Pimental said he still thinks they would need a revised permit if the use is changing. Mr. Henry said there is nothing to alter its all flat. Mr. Pimental said he would have to get clarification on that because he doesn't deal with AOT all that often. He said he would have to look at if there are different standards in what they would have to provide for residential or large scale commercial development. Mr. Fisher said he is waiting to hear from the Con Com members and will give them a few more days to review everything and then he will call them and tell them next week is the only time available for a special meeting. He said then they will discuss it and he will get their comments to Mr. Pimental.

8). Adjournment:

Motion: (Henry, second Day) to adjourn the meeting passed 5-0 at 9:36 p.m.

Kathleen Magoon
Recording Secretary



Richard "Rick" Pelkey, Chairman