

Town of Farmington  
Planning Board Meeting Minutes  
Wednesday, September 20, 2023  
356 Main Street-Farmington, NH 03835

**Board Members Present:**

Rick Pelkey, Chairman  
Bill Fisher, Vice Chairman  
Charlie King, Selectmen's Rep  
Mike Day  
Roger Mains, Alternate Member

**Board Members Absent:**

Jeremy Squires, excused  
Stephen Henry, Secretary, excused  
Rebecca Patton-Sanderson, excused

**Others Present:**

Kyle Pimental, Planning Director  
Ed Brannan, Highway Dept. Supervisor  
Chris Berry, Berry Surveying & Engineering  
Patricia Torr Aiken, applicant  
Norman Russell, Margaret Russell, Deb  
Romaniak, Mike Donnell-abutters

**1). Call to Order:**

Chairman Pelkey called the meeting to order at 6:02 p.m.

**2). Pledge of Allegiance:**

All present stood for the Pledge of Allegiance.  
Mr. Pelkey seated Mr. Mains as a member of the board.

**3).Review of Minutes:**

**September 6, 2023-** Public Meeting Minutes- No errors or omissions

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

**4). Public Comment:** None

**5).Old Business:**

**A). Public Hearing and Consideration of an Excavation Application for Patricia Torr Aiken, Tax Map R32, Lot 06.** 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.

Berry Surveying & Engineering President Chris Berry came forward and Mr. Pelkey suggested that they go with an overview of the project as proposed and then they can go through the things that have changed since the last time they got together.

Mr. Berry said he is representing the applicant and the basic premise of the project has been to open an excavation through multiple phases on the site that they own on Chestnut Hill Road

which is about a ½ mile or ¾ of a mile from the intersection of Cocheco Road. He said the site falls in a number of overlays which are addressed in the application and it also falls in the Shoreline Protection Zone which they received a permit for the work being proposed in the shoreline zone.

Mr. Berry said they also required a Special Use Permit that this board and the Conservation Commission have granted them to fill 2 small wetland pockets on site in the past. He said the application was accepted as complete and they have had multiple discussions about various details of the application.

He said they had an outstanding review from DuBois & King, Inc. that they have now addressed as completely and succinctly as they can. He said they received a reply to that and most of the reply has no further comment attached to it. There are a couple of minor details within it that we can iron out pretty easily he said.

He said the 2 largest outstanding items had to do with a waiver request they have for wells and septic systems being shown within 200 ft. of the property. He said as of his submission to the board there were 2 properties that he was unable to determine where the wells and septic systems are and as of tonight he only has one of those properties still outstanding and then demonstrated them on the site plan displayed in front of the board.

He said they were able to determine where all the wells and septic systems are for all the properties along the project's frontage along Chestnut Hill Road. He said the property that fronts on Cocheco Rd. he demonstrated on the plan that there are no wells and septic systems within 200 ft. of the boundary line in that location.

Mr. Berry said last week he and Mr. Russell met on his sister's property and they located where the well and septic system is on that particular piece of property so the only outstanding parcel he has is Tax Map R32, Lot 7-3. He said he has been to the property 3 times and has knocked nicely and he walked around the site and there is really no evidence of either a well or a septic. I'm guessing the well is in the front based on the topography on site and the septic is at the back of the site. I'm happy to add the one well and septic that I've been able to find since our submission but we still need the waiver request for the one lot he said.

He said he attempted in good faith to try to locate it and he could estimate it and show that on the plan and they can have an estimated or approx. location if the board feels that that's appropriate. He said there is one well across the street on Chestnut Hill Rd. that is also within 200 ft. that they've located and have also shown on the plan.

Mr. Berry said other than that the largest outstanding issue from the last public hearing they held had to do with the safety of Chestnut Hill Rd. for the purposes of getting access to the property. He said what they've endeavored to do is demonstrated clearly by the plan but also in writing how they meet and exceed the local sight distance requirements, how they meet and exceed the AASHTO requirements, what requirements they applied to the project and why. He said they also met with DuBois & King on site and field measured these as well as measured

them by plan and they have agreed with their measurements both by plan and field and have agreed with their methodology for determining what constitutes a safe entrance at this property.

He said they have 2 outstanding permits-the Alteration of Terrain Permit that they expect to have later this month and an outstanding Wetlands Permit which they expect to have the middle of next month. He said the last thing that Mr. Pimental had asked about on his Technical Review Committee form had to do with the intersection of Cocheco Rd. and Chestnut Hill Rd. and whether a truck would be able to make the turn heading south into Rochester turning onto Chestnut Hill Rd. and they provided an addendum memo stating 1). The vehicle trips entering and leaving their site the truck that they determined would be most beneficial for the board to see is what's known as a WB-67 (a wheel base of 67 ft.) which is a 73 ft. long vehicle. He said on a daily basis and an average basis that type of vehicle will not be coming and going to the site but that represents a low bed for equipment hauling in and out as may be needed so they wanted to make sure the site entrance could accommodate that.

He said the largest truck that they would anticipate entering or leaving the site is what's known as a WB-50 or a 50 ft. wheel base and that truck is 53 ft. long and that represents a truck with a dump body on it that you would see for larger operations. We really don't anticipate those types of vehicles coming and going from this type of operation given its size but the intersection template we provided is for a WB-50 and its for that reason and we note that there should be some additional gravel either placed along the radius or even a small amount of pavement that could be added there for a lot more long term maintenance of that shoulder's edge he said. He said and that's without the vehicle traversing into the opposing lane and they all know that most of the time they will traverse into the opposing lane but if they can provide the Town with a little additional shoulder there on the radius they're happy to do that.

Mr. Pelkey asked if they wanted to go through the memo (DuBois & King Torr Excavation Submission Review 09/19/23) as far as addressing the different points that were brought up. He said Mr. Berry said they covered most of them and many of them have no comment but just to refresh everybody on what they went through as far as the changes since the last set of drawings they had.

Mr. Berry said the first comment has to do with internal ponds that would be used for sedimentation during construction. He said he was not sure how to demonstrate any more clearly that they're creating a hole in the ground and water will infiltrate into a hole in the ground so when DuBois & King says they cannot comment on the sufficiency of the temporary ponds they disagree with that and they think they are going to be quite adequate.

Mr. Pelkey said they also acknowledge that it has been reviewed by NH DES AOT.

Mr. Berry said they asked them to update their ground covers to include a little more impervious surface or gravel surface inside the storm water model and they have done that. He said they questioned a .112 acre discrepancy in their free and post cover type calculations and

they can track that down and take care of that it's not really worth discussing otherwise. He said the previous comment had to do with a 4 ft. seasonal high water table that they were proposing inside of 2 of their treatment ponds. He said they acknowledged the fact that those treatment ponds are 4 ft. above the seasonal high water table and are congruent with your regulations. He said also 4 ft. of separation to the seasonal high water table from an AOT standpoint meets and exceeds their regulations and they acknowledge that.

Mr. Berry said they increased the number of test pits shown inside of these best management practices and they have acknowledged that.

He said they were required to put together a specific plan based on the types of utility vehicles they will have on site called a source control plan and they have submitted that to DES for their review and approval and DuBois & King is only commenting that when NHDES approves that source control plan they would then be satisfied.

Mr. Pelkey asked if that is going to be on their list of conditions. He said the Town's engineer is saying they should have it approved by the state and that they would be satisfied if it was approved by the state.

Mr. Berry said when AOT approves the permit they will have approved the source control plan.

Mr. Pelkey said the AOT permit is already on the list.

Mr. Berry said they discussed the 4 ft. seasonal high water table separation and acknowledged the fact that they've added ground cover inside of their storm water model and that they meet the regulations as prescribed.

Mr. Pelkey returned to the previous comment where it says the gravel is now modeled as a land cover in the drainage analysis and asked what that did to the drawings and if it affected them at all. He said this is about the valuation of the drawings by the Town's engineer.

Mr. Berry said it had zero effect. He said they have a land cover that's highly porous now and the more you cover that up with compact gravel or pavement surfaces they are typically dealing with it a much different scale the amount of runoff generated from that surface goes up. He said in their case they have 32 acres of sand and gravel and they added a miniscule amount of cover type to their model so there was a miniscule change in the storm water numbers. He said they well over designed these ponds therefore there was no change in the model and therefore there was no change needed in the design plans.

Mr. Pelkey said he read in their narrative that they said that the soil types were going to be no issue as far as draining off any water.

Mr. Berry said that they note that the additional covers require no additional treatment and they acknowledge that.

Mr. King said his response regarding the ground cover says "The ground cover summary for the proposed analysis includes gravel surfaces which were previously modeled as meadow or woods. It is unclear why the area categorized as unconnected pavement was reduced by 0.112 acres" and asked if that is talking about the addition of the gravel surfaces to their calculation.

Mr. Berry said yes because it's gone from disconnected pavement to disconnected gravel. He said they originally had this in their model already as pavement.

Mr. King said he was puzzled by the statement "It is unclear why the area categorized as unconnected pavement was reduced by 0.112 acres" and he assumed that they expected it to be increased.

Mr. Berry said no the change is land cover type so they had originally modeled all of that area as pavement inside of the pit floor but when they asked them to show all the roads and show as gravel they changed that pavement to gravel surface and increased the gravel surface. He said they removed the pavement because it's really not pavement its gravel surface.

Mr. King said it sounded like somebody was unclear why the number was reduced.

Mr. Berry said she was (DuBois & King PE Sarah Whearty) unclear and explained that the responses in dark bold print were from DuBois & King.

Mr. Berry said he wasn't trying to trivialize this but they were talking about numbers that don't matter.

Mr. King said he was not disagreeing with that his issue was with the professional on the job that was unclear why the numbers changed. That's what I'm puzzled by that's their job-numbers he said.

Mr. Pelkey said it would have behooved them to make a phone call and get an explanation.

Mr. Berry said on page 5 they questioned where certain employees were going to park and they answered where they were going to park and they also noted that until they open up the pit far enough so they can meet their 300 ft. setbacks there's a temporary area where people will have to park and they acknowledged that.

He said their comment is that they provided an analysis for the a.m. peak traffic and they did that because they were looking for the peak numbers, not the average, daily or weekly numbers. He said they were looking for those peak numbers against the adjacent peak traffic which happens between the hours of 7 and 9 a.m. He said typically the way these pits operate people stack up in the morning to get their materials in the pit so there's more traffic in the morning and there's an articulation that takes place during the day as different haul runs are done. The afternoon peak hours other than the 1 or 2 employees leaving the pit are going to be less than the a.m. If the board wants me to provide p.m. hours I'm happy to do that but I don't know that it provides any benefit he said.

Mr. Pelkey recalled that there was no model they could use to base their trip estimation on so they estimated their trips based on what was being done at a nearby pit because there is no standard for them to use to make an estimation of what the trip generation is.

Mr. Berry said that's correct and clarified that the neighboring pit is owned and operated by the same applicant and the individuals removing the materials from that pit are likely to be the same operators of this pit so that's why that pit was chosen.

Mr. Pelkey said without having a standard to use that's a pretty fair way to apply.



Mr. Berry said one of the things they've done since their last meeting was they based their generation on a fully loaded 17.5 yard vehicle and Mr. King pointed out there may be vehicles that are smaller than that coming and going so they redid it and provided 2 calculations within that trip generation to show there could be an increase in traffic though small if there was a preponderance of smaller vehicles.

Mr. King said that is in their updated traffic routes and surrounding road network.

Mr. Pimental said if there are any of these comments that they need to add as conditions of approval he wanted to keep track of that so they can put them in when they get to the end. He asked if the expected p.m. truck trips are something the board would like to see or something they don't feel is necessary.

Mr. King said he agreed with Mr. Berry's analysis that the a.m. peak is the most concerning and he was not saying there isn't a p.m. peak but out of the 2 the a.m. would capture what's going to happen in the p.m. He then asked for the proposed shut down time of the pit.

Mr. Berry said 6 p.m.

Mr. King said we have a significant traffic flow of people coming home but he doesn't believe it's in excess of the a.m. peak.

Mr. Pelkey said the traffic load may be equal or greater but the load of what's being added to it from the pit won't be exacerbating the issue as much as in the morning. There may be an equal number of cars as in the morning but there won't be an equal number of trucks he said.

Mr. Berry said he would disagree with that and there's less traffic coming and going from the operation in the afternoon.

Mr. Pelkey said all he is saying is the operation is not going to affect whatever traffic there is as much in the afternoon as it would in the morning.

Mr. Berry said he would agree with that.

Consensus of the board was they did not need to see any additional information on this.

Mr. Berry said the memo does not discuss any non-truck related trips to the site and they suggest that the employees to and from the operation be added to the trip generation. He said they are talking about maybe 2 employees and if they show up half an hour apart they're going to show up in 2 different peak hour intervals and won't even move the needle on the trip generation. I can add the employees in but I don't know that it changes anything he said.

Mr. Day asked if they were only going to have 2 employees in the pit.

Mr. Berry said it's not a big operation.

Consensus of the board was they did not see a need for it.

Mr. Berry read (page 6) "Based on BS & E's assumption of 50,000 cubic yards of material per year and truck/load information we agree with their calculations for the a.m. peak hour.

Assuming 1/3 of entering trips arrive during the a.m. peak hour seems reasonable-some may arrive earlier, some later" so that's why nailing down a peak generation is a little difficult and a little subjective and it's going to vary day to day. We tried to do their best to estimate it for

purposes of conversation he said.

Mr. Pelkey said even if all of the projects that are looking for aggregate at the same time they're far enough away that they're there at opening hours to try to get to their particular jobs in time and they still wouldn't be there any earlier than when the site is going to open.

Mr. Berry said that's correct and if they were they would be driving their peak down. He said when they talk about offsite impacts they have designed the entrance pad to be paved to protect the shoulder and they briefly discussed there may be some running and shoving that takes place at the entrance. He said they suggested that this be reviewed in their plans and they show a basic inlay area if that running and shoving does take place and there is damage to the road that is attributable to this project they do provide for that inlay in Chestnut Hill Rd. It's essentially what we call a mill and fill we go through we mill out the top 1"/1.5" based on the pavement depths and then fill it back in to ensure that there is a smooth surface there upon completion he said.

Mr. Pelkey asked if that would be as a result of an inspection by the Town.

Mr. Berry said it would be as a result of an inspection by the Town and them as the consulting engineer.

Mr. Pelkey said that's part of the inspection that's already listed further on down under maintenance and review.

Mr. Berry said yes and she points out that it's on sheet 18 in one of the notes they provided. He said they asked for truck turning movements and they provided them on sheet 40 and 41 that explain why those are WB-67 or 73 ft. vehicles for the low bed entrance now and again. He said those vehicles are not anticipated other than maybe machinery moving so essentially the driveway entrance is well over designed for what the average use is going to be.

Mr. Pelkey asked if the driveway entrance changed location.

Mr. Berry said yes and there was discussion at the last meeting about the placement of the driveway entrance in relation to Chestnut Hill Rd. He said they moved it up slope to take advantage of a platform that exists in Chestnut Hill Rd. and when they looked at it on site the chosen location met the site distances. He said he and the gentleman from DuBois & King agreed if they moved it back down slope half way between where they showed it and where the existing entrance is the amount of sight distance is increased based on that movement and that the platform he was trying to avoid is not in anybody's view. So even though we met all of the AASHTO rules and the Town rules with the way we had it designed moving it a little further away from the crest of the hill we improved the safety of that intersection he said.

Mr. King asked how much it was moved.

Mr. Berry said 53 ft. down slope.

Mr. Day said so it's at the bottom of that valley right there.

Mr. Berry said no they're still on the side slope. He said they stated that there were no cross sections available for the entrance pad and they provided the cross section.

He said there was no crash data available to them and they acknowledged that there is no crash data available (for this location).

Mr. Berry said they did a multi-phased multi-purpose analysis of the sight distance. He said first stopping sight distance is a measurement of the entrance object looking at an object traveling along the roadway. He said that's done at 3.5 ft. looking at 3.5 ft. and there is a misconception in most regulations that talk about 3.5 ft. looking at .5 ft. that is passing sight distance along the alignment of a roadway not stopping sight distance object looking at object.

He said they originally used 3.75 ft. looking at 3.75 ft. because that is the standard in NH but that's not the standard in the AASHTO green book. He said they were asked to review it at 3.5 ft. looking at 3.5 ft. so they've updated their plans to do that. You're essentially talking about .25 ft. of difference in that sight distance he said.

He said they looked at this at all different types of speeds and they've proven by sight distance that they have sight distance up to 50 mph on a 6% downgrade slope which is prescribed in the AASHTO manual when the operating or the posted speed limit is 35 mph and you have 85<sup>th</sup> percentile speeds probably between 40 and 45 mph. He said at all speed ranges they have more than adequate sight distance at their intersection.

He said the second safety item that came up at the last meeting which there is really no regulation for but they went through the exercise for the board is to provide a sight line profile of the alignment of Chestnut Hill Rd. to ensure that people traveling along Chestnut Hill Rd. had adequate sight distance along the alignment. He said that would allow for vehicles traveling along the alignment to be able to see a vehicle stopped at their entrance and pulling in. He said what that analysis found is there is adequate sight distance 3.5 ft. tall looking at a 2 ft. tall object which is the metric used in the AASHTO manual for that purpose.

Mr. King asked what page that was on.

Mr. Berry said pages 32 and 33. He said at the end of all that discussion DuBois & King said they have no further comments and this was something they reviewed both on the plan documents and in the field.

Mr. Pelkey said one other thing the Town's engineer said concerning sight distances was during the site visit they said that both parties agreed on the location for the proposed driveway that maximized the sight distance in both directions and the sight distance provided meets the requirements of the Town of Farmington.

Mr. Berry said DuBois & King acknowledges that they've got the Special Use Permit approved by the Planning Board and the Conservation Commission and that a Wetlands Permit is required. He said they commented that special care should be taken to ensure work is limited to the construction of the driveway and the storm water management features during construction and that has to do with the entrance location to the abutting home.

He said they added an additional note to sheet 12 and 24 of 29 that had to do with the interim practices for sediment and erosion control.



He said the further ground water protection zone comment related to an AOT standard and they noted that they have no additional comments and that they meet that standard.

Mr. Pelkey asked if there were any comments from Mr. Pimental or the board before he opened the hearing for public comment.

Mr. Pimental said the other thing that may be interesting for the applicant to go over in detail is the traffic routes and surrounding road network updated memo. He said the original was back in Feb. but they revised it in Aug. and there was quite a bit of work that was done to look at safety concerns some of which the applicant has already talked about in terms of the height of drivers' eyes but there were also other safety concerns that were forwarded to the applicant like brake reaction, brake distance and a lot of that is covered in that memo and not in the memo that the applicant just went over. It may be worthwhile to have the applicant walk us through those few pages of the updated traffic memo because that was something that specifically added quite a bit of revisions to it he said.

Mr. King said that was updated based upon a memo of concerns that was sent by Mr. Pimental to the Town's engineer.

Mr. Pimental said they put together an e-mail that was sent to the applicant in June that listed all of these out and the applicant addressed them and worked with DuBois & King on a lot of what you just heard about with the AASHTO standards in the green book but this memo does a really good job of going into more detail about that particular e-mail with those concerns.

Mr. Berry said the memo is a Reader's Digest version of a rather extensive manual published by AASHTO called the green book and that it's essentially a highway design manual and they all use it for guidance and reference when determining whether certain features of roadways are safe. He said there is a secondary AASHTO manual that's called the low volume manual and it's their recognition that the standard AASHTO manual is for highways and it is being used and extrapolated for the purposes of local roads so they dumbed down the AASHTO manual to a low volume roadway version so people don't get too hung up on meeting national highway standards for the purposes of safety considerations on local roads.

He said they reviewed stopping sight distance as they would at the intersection and he used the term intersection but it is not a traffic intersection as defined by AASHTO and they discuss that in their traffic memo also. He said intersection sight distance and stopping sight distance are 2 measurements of safety at an intersection and stopping sight distance is the standard use.

He said intersection sight distance is a recommended review practice so for instance when they do a NH DOT permit they are required to meet stopping sight distance requirements and occasionally they will ask them to review intersection sight distance requirements so they can weigh that out as part of a safety analysis but they are not required to adhere to intersection sight distance requirements. I will point out that we do meet those intersection sight distance requirements but we're not required to he said.

Mr. Berry said stopping sight distance is a measurement at 3.5 ft. looking at 3.5 ft. and that's in

both directions as the user is sitting at an intersection waiting to turn and also contemplates drivers driving along the alignment looking at people stopped. He said the looking at 3.5 ft. comes from the AASHTO manual and he referenced where that is (in the memo).

He said brake time reaction is a calculation that is used in determining the appropriate stopping sight distance should be. He said they point that out in the memo but AASHTO dumbs a lot of that down into a standard chart that they've also provided as reference and it's a very simple metric-your design speed vs. your design speed along a certain alignment based on the slope of the road determines what kind of sight distance you have. He said that metric is basically a derivation of all the calculations that would go into 11.2 seconds of decision making time or deceleration time or .2 seconds of brake analysis time all of that is boiled down into that metric. He said the metric is provided on a flat surface, most roads in NH are not flat but it is provided on a down grade surface from zero to 9+ % and it's provided on an incline so if somebody is moving up a slope as they hit their brakes they're going to slow down faster and therefore require a less sight distance and as somebody is coming down a hill at you they would require more sight distance so that metric increases those sight distance requirements based on the slope in which the vehicle is traveling.

Mr. Berry said the next metric that they used for sight distance had to do with the travel path along the alignment and this is also a metric of stopping sight distance but measured in a different way. He said 3.5 ft. looking at 2 ft. tall at the alignment that is different than passing sight distance which is 3 ½ ft. tall looking at .5 ft. tall. We are not considering the passing sight distance on Chestnut Hill Rd. he said.

He said based on all of those metrics and calculations they provided a sight line profile of Chestnut Hill Rd. where they profiled out on pages 31 and 32 the center line grade of Chestnut Hill Rd. they matched it mathematically the best they can and fit the appropriate curves to that and what you can see from this is that sitting at their intersection looking back at 2 ½ ft. and vice versa you have sight distance for vehicles operating along the alignment in both directions. He then corrected that is for 3 ½ ft. at 2 ft.

He said in the field they had the metrics used, they had the pleasure of having vehicles operating around them at rather high rates of speed and they pulled 14 ½ ft. off the existing edge of the pavement luckily the vegetation is pretty well pushed back there so it's not obscured and they can visibly see and measure sight distances in the field.

Mr. King said one of the biggest concerns was people coming north on Chestnut Hill Rd. and traffic being stopped at the access point which they moved down slope 53 ft. and asked based upon the down grade which he said was 6% in some of the area what is the sight distance they have and what he determined and the Town's engineer agreed with would be the requirement based upon that slope.

Mr. Berry said it's based on speed and they agreed in the field that they had 474 ft. of sight distance.

Mr. King asked from the newly proposed access point looking to the right going south.

Mr. Berry said yes and they agreed they have 474 ft. He said based on the posted speed limit they only need 271 ft. with the posted speed limit being 35 mph. He said if operating vehicles are at 40 mph they need 333 ft., if they're going 45 mph they need 400 ft. and if they are going 50 mph they need 474 ft. of sight distance so they have sight distance clear view up to a vehicle operating at 50 mph.

Mr. King said there was concern about vehicles stacking in that situation where people would be coming over the crest of the hill and that sight distance or braking distance would be shortened based upon the vehicle stacking and asked what was the discussion and the outcome of that.

Mr. Berry said the outcome of that is they have such ample sight distance that the amount of stacking even if it consumed 100 ft. they would still have ample site distance.

Mr. Pelkey said the requirement is 270 ft. and they have almost doubled that.

Mr. Berry said they have 200 additional ft. of sight distance based on the posted speed limit. He said they have 150 based on what is likely the 85<sup>th</sup> percentile of 40-45 mph.

Mr. Pelkey said they could add a couple of vehicles in the queue there and still be well within the requirements.

Mr. Berry said Mr. King said he needed a reason to say yes and they wanted to give him ample reasons to say yes.

Mr. Pimental said he might have some additional questions when they get to the conditions. He said one thing they want to have a discussion about is the additional gravel that may or may not be needed on Cocheco Rd. and the comment that's in the memo about pavement being needed for long term maintenance and the Road Agent is here and he may want to speak to that. That and some small items about what you want to do about the remaining septic and well site if you prefer to have an approx. location put on the map and making some decisions on the inspection schedule whether we want this to be yearly or every other year he said.

Mr. Pelkey said he wanted to get the design piece of it out there and the discussion of all of the design elements they brought up and talked about last time and go through that and then open it up for public comments and questions.

Mr. Pimental said he would add the first review that went out to third party review, the second, the comments that have been received, the changes that have been made to the plan and all the subsequent materials seek to address a lot of the comments that have been brought up since this was first reviewed at the Technical Review Committee. I think a lot of work has gone into making these changes so what we have in front of us today is significantly different than what we had in front of us in May and I think it is a better project because of the comments that have come out of the public and the board he said.

Mr. Pelkey said having read the latest submission with the changes the applicant has done a lot of work to try and meet the questions and concerns that were brought up from both the board

and the public. They did quite a lot of work in order to do it so I appreciate that he said. He then opened the hearing to public comments and questions.

Norman Russell referred to the DuBois & King report regarding the sight distance review and said they already read the paragraph that says the sight distance provided meets the requirements of the Town and he wasn't aware that the Town has any regulation with regard to sight distance. He asked if that is in their opinion that it meets the requirement or is there an actual requirement that the Town has adopted for sight distance because he says it is a requirement.

Mr. Pelkey said he read it as that's their opinion and they didn't quote chapter and verse from the Town when they said that. He asked Mr. Pimental if he was correct in that.

Mr. Pimental said he can't say exactly what they were interpreting that as.

Mr. King said one of his questions is has the Town to his knowledge adopted a formal sight distance requirement based on speed or if we have been using other standards such as AASHTO as a reference to determine if it's compliant.

Mr. Pelkey asked if they didn't have any sight distance requirements how they could hold anybody to them.

Mr. Russell said he would conclude that they're willing to accept the standards in AASHTO in this case and perhaps that might be an acceptable thing for the board to do he was just asking because he wasn't aware that there were any requirements by the Town and that's not the only place that is mentioned.

He said during his review Mr. Berry said it was consistent with the local requirements and that made him ask again about "local requirements" and that would be the Town and he also said it met Town rules with regard to that and he wanted to know if there were specific rules the Town has adopted and he wanted to make sure he was getting the context correct.

Mr. Russell said later on in the sight distance review they again call out Chestnut Hill Rd. as posted as a 30 mph road and pointed out where that was stated in the review. He said then it says the sight distance provided meets the AASHTO requirement and that AASHTO is a guide for design and there are no requirements in AASHTO.

He said in the following paragraph it appears that they know that it's actually 35 mph because later on in the next page they are talking about the AASHTO green book standards again and it says 45 mph and in parenthesis it says 10 mph over the posted speed limit so it seems as if they either didn't correct that if they remember from an earlier meeting they said it was a 30 mph zone and a comment was made that it's not 30 mph it's 35 mph so there is a contradiction in the verbiage in the memo itself.

He said looking at the AASHTO standards there is no requirement that you have to follow it's a guide and it's quite encompassing and it goes even into camp roads and in section 9.5 that Mr. Berry said he didn't have to follow it describes intersection sight distance. He said it specifically speaks to this application because it covers roads that are 35 mph, a minor road being



controlled by a STOP sign which is the case here and the major road is Chestnut Hill Rd. He said it breaks it down further into what constitutes adequate intersection sight distance and the guide calls it out for gap time, how long it takes a vehicle taking a left turn from the time that that driver decides to move before he's in the other lane and up to speed.

He said all these calculations that they've been given tonight have been based on a regular passenger vehicle but that section deals specifically with heavy trucks and combination vehicles and if you do the calculations it doesn't meet those calculations. He said if you do the calculations it comes out to in excess of 600 ft. required because a heavy truck leaving and crossing in the near lane of traffic entering into the other lane of traffic is calculated out at somewhere in the neighborhood of 11 ½ seconds and if you use the factor of 35 mph then it calculates out to be about 600 ft. of sight distance that is the guideline for the intersection. Mr. Pelkey asked if he felt that there's adequate visual room for a car approaching a truck pulling out onto the road for them to avoid running into the back of them if they're not up to full speed within 6 or 7 seconds. He asked if he thought that a truck pulling out onto the road not coming up to speed constitutes a hazard because of the sight line. They may have to slow down but I don't know that they would run into the back of them he said.

Mr. Russell said there is guidance on that as well and the guide says it's designed with the sight distance in mind so that the vehicle doesn't have to slow to less than 75% of the speed. He said it's a rather short distance and that is what he is concerned about because there's not a lot of time and there are a lot of types of drivers and he is concerned about the safety of the drivers. So I'm making the board aware and saying that I think that if you look at this specific chapter it's not going to allow it. I would like to see this project done but I'd like to make sure that it's safe that's why I bring it up he said.

He said he thought this should be looked at and that there are alternatives that this could work but it might take some concessions or changes and he would like to see the safety addressed.

Mr. Pimental said in terms of the 30 mph reference the way in which this memo was structured it had the original comments and then the updated comments so that 30 mph is a legacy from the original comments that were made. He said all of the references on the plan sets have been changed to 35 mph.

Mr. Pelkey said he understood but it's good to state it.

Mr. Pimental said in terms of the Town's regulations when it comes to sight distance there is some road access management regulations in the zoning but that is only for Rt. 11 and that is the minimum distance between driveways and it goes into some detail there and in the site plan regulations in section 19 when there are projects that trigger a traffic impact analysis sight distance is called out under a number of other categories circulation, adequacy, entrances and exits, traffic flow and turning lanes but there are no specific numbers associated with it. All it says is if the Planning Board wants to ascertain specific provisions having to do with the traffic impact analysis the Town is essentially defaulting to the applicant and to whatever guidelines



and standards the Town is not setting any of those numbers at the local level. It's just saying what a traffic impact analysis will include but it doesn't give specific distances and the only distances that are referenced are in the Rt. 11 access management he said.

He said in terms of the heavy vehicles turning out slower at an intersection he would defer to the applicant to address that comment.

Mr. Berry said they did not address chapter 9 in their document so he can't speak to it in as greater detail as he is on other chapters though he is pretty well versed on chapter 9. He said he wanted to point out a couple of things and this was not an effort to be disrespectful to Mr. Russell. He said they keep referring to this driveway as an intersection road it is not. He said their site plan review regulations do not define major commercial projects as roads they are driveways. He said the DOT would consider this a driveway so they are applying a standard that is inappropriate for this particular use.

He said secondly he wanted to point out if this was a DOT road they would be required to have 400 ft. of sight distance-no more, no less and it does not matter whether it's on a slope, flat, uphill, downhill, heavy truck or vehicle of small proportion it's 400 ft. of sight distance. He said they went to great lengths to try to prove to the board that they meet the AASHTO standards for the purposes of this application.

Mr. King said he reviewed section 9.5 in detail and that everyone that spoke is right to a certain extent. He said what Mr. Russell is referring to talking about the slow vehicles pulling out is correct as far as their assessment and based upon that footage and the available sight distance what is likely to happen which is their concern in this section is the vehicles will have to slow down to below 75% of their travel speed in certain situations if there is a slow vehicle pulling out to the left.

He said there is adequate stopping distance by AASHTO standards but asked if the vehicles are potentially when they are coming over the crest of that hill going to have to slow based on vehicles pulling out to potentially half the speed they were traveling at if they're traveling at a 35 mph speed limit. He said that's very likely possible and in inclement weather or at night that is where he has a concern. I'm not saying it can't be addressed potentially with signage to put a driver on notice that he is coming to an area that he needs to be aware of.

Mr. Pelkey said there is signage on the drawings.

Mr. King said it wasn't brought up during the presentation. He said he didn't think either of them was really wrong but it's a guideline and when you apply some of the stuff in section 9.5 and they could go around about whether this should be considered an intersection or not, he thinks it is relevant based upon what is typically going to happen out of there. They're going to have slow moving vehicles pulling out and pulling in and normal vehicles which are traveling today are going to experience a change-potentially at peak times to an unknowing person that comes by there once a month and all of a sudden this is underway and its going to be an unexpected-potentially in inclement weather, concern. If signage is added that's a good point

to discuss he said.

Mr. Mains said you can't get one thing out in one of these meetings that hasn't gone around the whole town so for him to put that sign up on both ends saying slow down entering trucks and stuff like that because we had those before that indicates to these people out here that that's where that place is at.

Mr. Pelkey said there was a comment from the last meeting that they thought signage would be appropriate.

Mr. Fisher said he didn't know the feasibility of it but it was discussed at a meeting he was at earlier today concerning another intersection but a hazard avoidance system, electronic signs with lights on them coming and going in both directions with the triggering mechanism coming off the driveway to trigger them. He said he didn't know if that would be feasible to install kind of like the flashing lights they have at the crosswalk on Central St. for school kids. I don't know if there are any requirements to do that or if its mandatory but it might be something to think about he said.

Mr. Mains said there are logging trucks coming out of the side roads on Rt. 11 and everybody around here knows where they are coming in at and he thought they are making a bigger problem than what the problem is. I think people are smart enough if they see a sign out there that says to slow down he said.

Mr. Fisher said there should be some type of signs and there are various types of signs and he was not stuck on electronic signs.

Mr. King said he just realized this was part of the changes and that he is showing both signs and the distance is the same and he has them located at 250 ft. a proposed sign saying "Trucks Entering and Leaving Roadway" at 250 ft. from either side of the entrance. He asked why 250 ft. was chosen and how that distance came about.

Mr. Berry said in the UTE it discusses distances where these types of cautionary signs should be placed and the concern is if you set them too far from where you are trying to caution people they forget and if you set them too close they're not effective. He said the effective zone starts where their sight distance is calculated from and to so if they want to move those signs to those points or to the top of the crest of the hill that's a perfectly acceptable location also.

Mr. King said that before they crest the hill they could be put on notice so he thought they may need to be further up the hill. He said coming over the hill they do have to have increased stopping distance because of the slope but also especially in inclement weather sooner than later would be better there.

He said on the other side they could be consistent with the speed and the stopping distances are reduced because of the uphill. He said he didn't know if there are other things they may need to work around for distractions because they want to put it in a spot that that's the only thing there so they're going to see the sign.

Mr. Berry said there are no distractions in that location and he spent a lot of time at the crest of

the hill and there's no mailbox or other signs there and there is a utility pole but it is pushed off the pavement.

Mr. King asked about the downhill slope where there are some driveways there and so forth.

Mr. Berry said they could put it right in the sag where there is a sign that's a reflective post for the culvert crossing but there are no other signs. He said they could move that sign to the other side of the culvert crossing or leave it where it is either way is acceptable to them.

Mr. Pelkey said they could see half a mile down that road and a truck is going to pull out in front of you anyways. He said we've all been going down Rt. 11 and had somebody pull out of Bradsher's pit in front of us before we know what happens. They're going to pull out some times and you're going to have to slow down even if they can see you from a mile away he said. Highway Dept. Supervisor Ed Brannan said they initially had some concerns about the entrance to the pit but they have addressed that. He said their biggest concern is Cocheco Rd. and right now that road doesn't get a lot of truck traffic and the apron turning on to Cocheco Rd. from Chestnut Hill is going to be a concern even with gravel. He said if they could get that paved that would be good.

He said the other big concern is the bridge it's not red listed but it's not in great shape and it's a pretty big concern of theirs. He said they rebuilt the deck in 2004 but it still has the original stone abutments and super structure. That's quite a concern for us and I'm not sure exactly what the increase in truck traffic is going to do and I'm sure there will be an increase he said.

Mr. Brannan said the signage on the road ideally they install it and they maintain it and if it needs to be upgraded it needs to be on them if they decide they need to go further.

Mr. King asked if he was referring to the proposed signage on Chestnut Hill Rd. or Cocheco Rd.

Mr. Brannan said on Chestnut Hill Rd. and he didn't know what signage they would be able to do on Cocheco Rd.

Mr. King asked what signs are on Cocheco Rd. now.

Mr. Brannan said there are no signs for the bridge right now and it's not restricted.

Mr. King said as anybody that has traveled that knows it's a concern with the available width and trucks.

Mr. Fisher said there used to be a sign that said narrow bridge but that is missing now.

Mr. King said if the Town has posted it, it needs to be reposted because you're not going to see 2 trucks pass there. You might see a car take on a truck there thinking there's enough room and they find out there's enough room but they may not do that again he said.

Mr. Brannan added that if 2 trucks pass on that bridge somebody is buying a mirror.

Mr. King said it has historically been that way and AJ Foss is on that road and they use that on a daily basis. He said their trips per day are not to the extent that this application will be and there are other people that use it, LaPierre uses it and so forth. He said the Town uses for the Town trucks and when we get that bridge rebuilt it needs to be out to the full width for safety.

Mr. Brannan said he wanted to make sure they were aware of the state of the bridge.

Mr. Pelkey said the big comment to take away for the board was to talk about paving the apron where Chestnut Hill Rd. comes to Cocheco Rd.

Mr. Brannan said the biggest issue for them now was getting that apron dealt with.

Mr. King asked if there is a guardrail on that corner.

Mr. Brannan said there is a telephone pole that's very close but there is no guardrail.

Mr. Fisher said there is a guardrail across the street from where Cocheco Rd. and Chestnut Hill Rd. intersect.

Mr. Berry said they are happy to base in the radius and maintain the signs that's no problem.

Mr. Pelkey asked if they wanted to stipulate the distance of the signs in the conditions of approval.

Mr. King said he thought the board would have that discussion after they finish the public comment.

Mr. Russell said he hasn't looked at the current plan for the haul road profile. He said on the last plan the last location was shown to have a 4% grade shortly after you came in to the site and because of the 4% grade it added 8/10 of 1 second to the gap time required to pull out on to the road. He said he didn't know if that was still the case because he hasn't had a chance to review the plans.

He asked if that is the same case for why it couldn't begin further in on the site and 8/10 of a second doesn't seem like much but you could travel a lot of feet in 8/10 of a second at 35 mph.

Mr. Berry directed the board to sheet 15 and told Mr. Russell that they are at 2% for 75 ft.

Mr. King said that was because they moved it downhill 53 ft.

Mr. Berry said yes where it's flatter.

Mr. Russell said that Mr. Berry is right that you can call that a driveway and you can call it whatever you want but it's a commercial excavation operation and if there's a stop sign at the end of the driveway there's a reason there is a stop sign there and this has to be taken a lot more seriously than if it was at the end of your driveway.

Mr. King said on sheet 15 it shows they moved it 53 ft. to the north and asked if the drainage on the lower side was still all going to be captured in that swale and draining back on to the site.

Mr. Berry said yes.

Mr. Pelkey said that was a concern of an abutter as far as where the drainage was going to go and they had to redesign it because they moved it.

Mr. King said the corner pin is pretty much at the end of that 80 ft. radius there.

Mr. Berry said that is by design.

Mr. Pelkey asked if there were any other public comments and seeing no requests to speak closed the public comment portion of the hearing. He then asked if there was any more discussion from the board.

Mr. Pimental said the next would be to act on the waiver. He said the board has 2 choices-they can act upon the waiver as requested...

Mr. Pelkey said it's a modified waiver because the waiver is only going to list one property that he couldn't actually determine. It's not for all the properties it's just for the one abutter he said. Mr. Pimental said they typically don't necessarily look at it that way they look at it as the waiver is to that section of the regulations so it doesn't really matter if it's 5 or 50. He said because the applicant has gone out and they feel comfortable with an approx. location then the board has an option whether or not they are okay with them adding that one approx. location for that or just saying they'll vote on the waiver as not having that information put for that particular property.

Mr. Pelkey said he would rather vote on a waiver because they don't have all the information. Mr. King said he would ask the applicant to add the approx. location on the plan but they would consider the waiver because it's not located. He said it kind of does both-it says to show the location as approx. we're granting a waiver based upon them putting an approx. location on the plan as a reason to grant it.

Mr. Pelkey said that and the fact that they made a pretty good effort to comply with it and went to all the other abutters and made a determination.

Mr. Mains asked if they are talking about Map R32, Lot 05.

Mr. Pelkey pointed out the correct lot they were talking about on the site plan.

Mr. Mains asked if they sent them a certified letter so they could send them back something.

Mr. Berry said no and that he visited the property and tried to contact the owner 3 times.

Mr. Mains said if they approve that with the understanding that he is going to send them a certified letter indicating that he needs that.

Mr. Pelkey said if they grant the waiver he doesn't need it. He said if they grant the waiver they say he made the effort and they will close the door on that and say we have an approx. location for it and we're going to grant the waiver based on we think he made every effort that he needed to.

Mr. Mains said he went to see the guy and 3 times he isn't there. That's a justified thing for me to say he doesn't care he said.

**Motion:** (King, second Day) to grant the waiver conditionally on them adding the approximate location of the unknown well and septic system to the plan;

**Discussion:** Mr. Pelkey said accepting the waiver would be a condition of approval for the plan set not to the waiver.

Mr. King said it would be conditional on they would add the approx. location to the plan set.

Mr. Pimental said he wouldn't do that.

Mr. Pelkey suggested that they grant the waiver but they make it condition of approval to the plans being accepted.

Mr. Pimental said he wouldn't make a condition on a waiver request. He said he would approve or deny it and then as a condition prior to the signing of the plans which he has written as add the approx. location of both wells and septic systems.



**Amendment:** by Mr. King: to grant the waiver;

Seconded by Mr. Day.

Mr. Mains said if he goes back 15 times now we're going to grant this thing and we're going to say we granted it but you're going to have to find out if he can put it on the map.

Mr. Pimental said the applicant has already said that he knows the approx. location so all they're asking him is to put the approx. location of the well and the septic system on the plans.

Mr. Pelkey said with a note stating it's the approx. location.

Mr. King said the only thing on the table is a motion to grant the waiver.

**Vote:** the motion passed 5-0.

Mr. Pelkey asked the board to return to the discussion on the approval for the application.

Mr. King said based upon the safety concerns he was glad to see the applicant has added some signage to his proposed plan. He said he would like to see on the uphill side and that the applicant should feel free to give him a reason why it doesn't make sense, to put the driver on notice as soon as possible maybe at the crest of the hill, plus or minus decisions between him and the Planning Dept. or the Road Agent if they have a reason they want to move it 10 ft. this way or 10 ft. that way. He said also on the downhill side to be moved a little bit further away which may be just on the other side of the culvert which may only add an additional 40 or 50 ft. but it's not really as big a concern there.

He said he thought that the biggest safety concern they have is people coming over that hill, not paying attention, it's foggy, raining, snowing and vehicles are pulling out and they put them on notice that there are trucks turning here that weren't always turning here.

Mr. Mains asked why they couldn't make them like the school signs where you have to get out and push a button. He asked if there is something they could put on that that flashes when there is a car coming towards it. There are signs that are made like that he said.

Mr. Fisher said there are but they would have to put in solar panels and there's no requirement for that.

Mr. Pelkey said if the speeds are being exceeded consistently on the road that is a Town administration issue to go do what they need to do to slow the traffic down he didn't think it was the applicant's job to slow all the traffic on the road.

Mr. Mains said he agreed and it was just a suggestion.

Mr. King said it may be 5 years from now when that might be the standard where they want them to be in a light or a sign that has some illumination but he didn't think that was common today as far as requirements.

Mr. Pelkey said this whole discussion at some point will have to visit their regulations to see if they want to actually clearly invoke some of this stuff but that is not for today we're not there right now.

Mr. Day said it would be adequate enough if he backed the signs up either side 25 ft. or so, so you could see it at the crest of the hill and back down the other way so you could see a little

more and have a little more distance like Charlie is saying and this would be adequate enough for his opinion on this Planning Board.

Mr. Pelkey said that is going to go in the plan under the Conditions of Approval. He asked to go for the staff recommendation right now under application.

Mr. Pimental said the only other things to discuss are does the board want to make the recommendation that the Road Agent has suggested of the 5-6 ft. of pavement on the western corner of the intersection of Chestnut Hill and Cocheco Roads as a condition prior to construction as pavement. He said right now the suggestion was gravel and asked if they wanted to require that to be pavement.

Mr. Pelkey asked if that was an addendum to the application that shows that and if that would become part of the plan set or is it just part of the application.

Mr. Berry said he could make it part of the plan set so it's all cohesive.

Mr. Pelkey said that memo that depicts the area that is supposed to be addressed on Cocheco Rd. to be added to the plan set to depict where the paving would be installed.

Mr. King said his answer was very simply yes that it needs to be added and that it needs to be paved. He said there is no way it's going to stay if it's not paved.

Mr. Berry said he agreed 100% and that's not a problem. He said they are talking about a piece of pavement about the size of the table the board was sitting behind.

Mr. Pelkey asked if they discussed and agreed on the performance bond and escrow amounts. Mr. Berry said yes.

Mr. Pelkey said it has to be approved by this board and there is a recommendation on his checklist and he wanted to make sure they had already discussed it and the board will still have to discuss it.

Mr. King suggested that they should run it by the board and if anyone has questions, concerns or discussion regarding the memo supplied by DuBois & King that they discuss it and then consider conditional approval. He said it appears when you read through it that everything is pretty much in agreement but he didn't know if the board as a whole is accepting that.

Mr. Pelkey said from his reading of it he didn't see any actions coming out of that but the members' opinions are as valid as anyone else's and asked if there was anything else that needs to be discussed in that memo. He then asked the board to talk about the performance bond and the recommendation and the agreement between the applicant and the Planning Dept. He said they came up with the figure of \$30,000 to be submitted as a performance bond that would be to pay for reclamation if the Town ended up having to do it.

Mr. King asked for the basis of the calculation.

Mr. Berry said they discussed that at the last meeting and it was based on an average depth of loam of the entire site and he provided the calculation but he didn't have it in front of him.

Mr. King asked for the total surface areas/acres to be reclaimed.

Mr. Berry said it's based on only 1 phase being open at a time so it's not 32 acres of reclamation

its 5 acres at a time.

Mr. Pelkey said the other amount that is in discussion is the escrow amount submitted to the Town for our inspections to pay for the cost of the inspections of the site and asked if there was anything else that is covered by that as well.

Mr. Pimental said it's really just a compliance inspection that would be done every year to insure that the site remains in compliance. He said there would be a memo to the Planning Dept. and then the applicant would have an opportunity to address any compliance issues.

Mr. Pelkey said this opens a question they need to discuss and that is what the period is for compliance inspections.

Mr. King asked what that amount is.

Mr. Pelkey said it is \$2,000.

Mr. Berry said he thought it was every other year.

Mr. Pelkey said they discussed this and he thought that 2 years was the number that they agreed on too.

Mr. Pimental returned to the \$30,000 and said in the original memo Berry Surveying provided it based on \$6,000 per acre as the appropriate value to collect over the course of the different phases and it rolls over.

Mr. Berry said that assumes 5 acres open at any one time.

Mr. Pimental said they added as a point of reference the City of Dover requiring a bond value of \$2,500 per acre so this is being more than that.

Mr. Pelkey asked the board what they thought about the period of compliance inspections and if it specifies who is going to perform the inspections.

Mr. Berry said what's required of the permits required for this particular project is that inspections are done on behalf of the owner to stay in compliance with those regulations and they would submit copies of those reports to the Town. He said in the Town's interest and that Kyle has been advocating for on other projects is that your consulting engineer review those and maybe the site to ensure general compliance with the rules.

He said where the dollar value came from on that is they were given a dollar value by the Town's consulting engineer that he thought was awfully high and if you take the highest billing rate in his office which is him sitting here before the board and you multiply that by about 8-10 hours to do the inspection and write the report you come to just slightly less than \$2,000 and he and Kyle agree to round it to \$2,000. That is not to say that if this project persists and inflation at 10% persists and their billing rates become higher over time we understand that but we want the board to know that this is not a blank check for "x" amount for these types of inspections he said.

Mr. Pelkey said they have a concern with the excavation operations in the town in general because they have a bunch of them that they are trying to get a handle on and make sure they're in compliance so rather than getting behind the curve on this we'd like to try to stay out

in front of it.

Mr. Berry said he agreed 100%.

Mr. King said he would like to see annual inspections but he doesn't believe the cost should be at that rate. He said the cost should not exceed what the total would be so he thought it should be inspected every year at a lower threshold of inspection to stay abreast of what is going on and they should set that limit at half of that. He said they should be invoicing for the cost not for that amount so if they go out there and there is very little change in 1 year the bill might be \$350 based on what they've changed and what's going on and it may be \$1,000.

He said there's more happening over a 2 year period so the bill might be a little bit more but initially based upon our concerns and just like he brought forth making sure that our newer gravel excavation permits stay in compliance it behooves them to be out there every year also for the Town to stay focused on getting it done on an annual basis.

Mr. Pelkey said it's the Town's responsibility to make sure all of the excavations comply and that's the reason for his concern.

Mr. King said if it's an annual requirement it's more likely to be completed than if it's a biannual requirement.

Mr. Pelkey said there will be inspection reports that are reviewed and some of that can be done by staff. It's just a matter of making sure that the inspections are accomplished as they're supposed to be and there should be a listing of those inspections as a record that's to be kept per the operations manual and a good piece of that could be accomplished by staff he said.

Mr. Berry said they are fine with Mr. King's suggestion and if they want to do it yearly that's fine as long as there's a stop gap for the billing.

Mr. Pelkey asked how they would word that for the conditions.

Mr. King said there would be annual inspections with the cost to be borne by the applicant to be billed at the actual cost with the cost not to exceed \$1,000 and to furnish the applicant with an itemized bill. He said if it becomes abused they need to hear about it so they can fix it.

Mr. Berry said they would like to request itemized bills for the reviews they have gotten so far.

Mr. Pelkey said he had no issue with that and if they're paying for it they were entitled to that. He asked if a motion was needed from the board to do so.

Mr. Pimental said the itemized bill for their reviews would come from DuBois & King.

Mr. Pimental returned to the escrow amount where they're changing that to instead of bi-yearly it's going to be yearly inspections and asked if the escrow amount is going to be established how they would phrase it or if they are getting rid of the escrow account.

Mr. Berry said the escrow account goes away essentially.

Mr. King said the Selectmen have to renew sign-off on the gravel excavation permit on an annual basis and if there's a non-payment issue the Selectmen will deal with it. He said they didn't need to be taking money a year from now for a \$600 expense next year. If it becomes a compliance issue we'll deal with it as a compliance issue he said.

Mr. Pelkey asked if they wanted to add something to the application that the Select Board uses so that they can...

Mr. King said he thought that would be a great idea for Mr. Pimental to add.

Mr. Pelkey said the inspection should be noted on the application to the Selectmen that way when all of the other excavations come in for their annual permit they can actually start stopping things and fixing them. He asked Mr. Pimental what else needed to be addressed.

Mr. Pimental then reviewed the list as follows:

- a). They are keeping the performance bond that is in place (\$30,000);
- b). The escrow is coming out and will be part of the Notice of Decision and is not a condition
- c). The applicant acknowledges the following: that inspection reports shall be submitted to the Town of Farmington' Planning and Community Development Dept. for review and if it is found that the applicant is not in compliance with the permit the applicant shall have an opportunity to address any deficiencies in timely manner. Failure to rectify compliance issues shall result in the revocation of the permit by the Board of Selectmen. Actual costs which are not to exceed \$1,000 will be incurred by the applicant for a qualified engineer during yearly inspections.

Mr. King asked what happens in a situation where they don't have a qualified person doing the inspections and they have the Code Enforcement Officer going out and doing a basic inspection that year and back charging for staff time.

Mr. Pimental said he didn't think they want to do that.

Mr. Pelkey said they have asked him to go look at other excavations and he won't do it.

Mr. Pimental said this is what got them into trouble before because the CEO does not have the expertise to do these types of inspections.

Mr. King asked to go back to the person that is doing it and what his qualifications are.

Mr. Pimental said it just says qualified engineer.

Mr. King asked Mr. Berry what defines an engineer qualified to do an inspection or do they say qualified professional.

Mr. Berry said he would define it as a qualified professional because a professional engineer does not have to do these inspections and a person certified in sediment erosion control activities can do these inspections.

Mr. Pelkey said that role is actually defined in the stack somewhere and he read it.

Mr. Berry said a qualified person is defined in their documents.

Mr. King said the wording should be changed to qualified professional.

Mr. Pimental asked if they want to set the permit approval for 2 years.

Mr. Pelkey said if they are going to do inspections every year the Selectmen have to permit it every year. He then asked if he meant for the entire excavation.

Mr. Pimental said this board has the authority to set how often they have to renew the permit.

Mr. King said they would have annual inspections for compliance and if it falls out of compliance then they will deal with it. He asked why they would even want to be as early as 2



years.

Mr. Pelkey and Mr. Fisher said they discussed 5 years last time.

Mr. Pimental said that's fine.

Mr. Day said if they're going to do the pit in 5 acre increments it comes out to more than 6 years anyway.

Mr. Pelkey said they weren't sure when they first came to the board what the time line was going to be so they really don't have a time line for the entire thing because it all depends on what the demand is right now.

Mr. Pimental then read the following: The Planning Dept. recommends that the board vote to approve the excavation permit for 5 years with the following conditions:

1). Conditions to be met prior to the signing of plans::

a). The applicant shall obtain the following state permits: i). NHDES Alteration of Terrain ii). NHDES Wetland Fill,

b). Add a note to the plan stating which waivers were granted and the date

c). Move the location of the uphill trucks entering sign on the northern side of Chestnut Hill Rd. closer to the crest roughly 150 feet

d). Move location of the downhill trucks entering sign on the southern side of Chestnut Hill Rd. closer to the culvert crossing roughly 50 feet

e). Add supplementary plan WB-50 truck turning movements showing 5 to 6 feet of pavement on the western corner of the intersection of Cocheco Rd. and Chestnut Hill Rd. to plan set

f). Add approximate location of both the well and septic system on Tax Map R07, Lot 03

g). Add plan number ERP 23\_001.

2). Conditions to be met prior to commencing excavation:

a). The applicant shall obtain the following permits: i). Multi-Sector General Permit ii). Local Driveway Permit

b). A performance bond in the amount of \$30,000 to be submitted to the Board of Selectmen to guarantee reclamation of the site;

c). A copy of the US EPA Notice of Intent & Storm water Pollution Prevention Plan shall be provided to the Planning Dept.

d). Form PA-38, Notice of Intent to Excavate from the NH Dept. of Revenue Administration shall be filed with the Town of Farmington's Assessing Office

3). The applicant acknowledges the following:

a). Inspection reports shall be submitted to the Town of Farmington's Planning and Community Development Dept. for review. If it is found that the applicant is not in compliance with the permit the applicant shall have an opportunity to address any deficiencies in a timely manner. Failure to rectify compliance issues shall result in the revocation of the permit by the Board of Selectmen.

b). Actual costs which are not to exceed \$1,000 will be incurred by the property owner for a

qualified professional to conduct yearly inspections.

Mr. King said he missed the pavement on Cocheco Rd.

Mr. Pimental said that is the drawing that is supplementary plan WB-50 (#1 e).

Mr. King said that is an offsite improvement that is to be done by the applicant and he wanted to make sure that clear in the Notice of Decision. He said not just adding the plan set but adding that as a condition before construction or operation.

Mr. Pimental suggested they have the supplementary plan added and prior to the commencing of excavation that the actual 5 to 6 feet of pavement be constructed.

Mr. King said that should be a point of operation because he could be in there for 6 months getting it ready.

Mr. Brannan said he wanted to look at the paving they are doing on Cocheco Rd. and inspect it when they're doing it to make sure that it's satisfactory.

Mr. King said the Highway Dept. should be put on notice and it needs to be overseen by them.

Mr. Pimental said under the Conditions prior to the signing of plans he revised #1 e to read "Add supplementary plan WB-50 truck turning movements to the plan set" and under Conditions to be met prior to commencing excavation he added e). The construction of 5 to 6 feet of pavement on the western corner of the intersection between Cocheco Rd. and Chestnut Hill Rd. Inspection and approval from the Town's Highway Dept. will be submitted to the Planning Dept.

Mr. Pelkey asked if anyone had anything else to add and there were no other additions or comments.

**Motion:** So moved by Mr. Pelkey and seconded by Mr. Day.

**Discussion:** Mr. King asked Mr. Pimental if he was sure he didn't have anything else on his list.

Mr. Pimental said no and this has been reviewed to death.

**Vote:** the motion passed 5-0.

**B). Possible Vote on Supporting Proposed Amendments to the Sarah Greenfield Economic Revitalization Zone-**

Mr. Pimental said in their packets the board received some amendments he made based on the feedback the board gave him at their last meeting on changing the ERZ in and around the Sarah Greenfield Business Park. He said there are 2 different maps and the one that is purple is how it exists today and we are going through the process of renewing this ERZ for the next 5 years. He said the map on the back of that sheet shows the proposed revisions which would be in the pink color and the hatched blue color is what is there now.

He said they would be removing part of the area in and around the brook that is a large wetlands and the area directly behind the Public Safety Building and extending the area to along Rt. 11 north toward Paulson Rd. including all of the Sarah Greenfield area and the adjacent parcels across the street as well as the area in and around the Rt. 153/Rt. 11 intersection that includes the old Honey Dew and several other parcels in that area.

He said these are more valuable parcels that are vacant and in need for this particular provision

that might help spur some development in these areas as opposed to what is on the books now.

Mr. Pelkey asked if they also talked about the lot that is vacant on the Meetinghouse Hill Rd. side of Rt. 11 next to the Farmer's Kitchen.

Mr. Fisher asked if that site is polluted and if they wanted to include it. He said there were some oil storage tanks in the back that leaked into the ground. He said it is not a Superfund site but he believes it still has some hazardous material that needs to be cleaned up.

Mr. King said he never heard that discussion but he was not saying there might have some bits of discharge over the years.

Mr. Pimental said that used to be a gas station.

Mr. Fisher said it used to have some oil storage tanks behind it.

Mr. King said that doesn't mean there is any contamination there.

Mr. Pimental said he hasn't looked into that at all and the only thing he would say about that property is that it's sort of unique in that goes around the Farmer's Kitchen and Aroma Joe's and then comes back out onto Rt. 11. He said those 3 other properties are not underutilized there are businesses that are already there. It's up to the board and it might look a little funny but there's nothing wrong with including that. That is an underutilized parcel he said.

Mr. King asked why they couldn't add in everything that's behind 3 Phase including all the lots right out to the end of that lot and include the property which is now B & B and there's a parcel just down below it.

Mr. Pimental said all of that wasn't discussed at the last meeting.

Mr. King said it just makes sense to come out to Rt. 11. He said all they are doing is designating additional land that when there are improvements done that taxation will go into that fund.

Mr. Pimental said this is more of a tax credit for those property owners. He said his is not overly familiar with this program but they are working with the Economic Development Committee to host a workshop in Oct. with the woman who is responsible for this program at BEA. He said they are doing an online Zoom meeting that will be recorded and all of the business owners in all of the ERZ's in town will be invited to participate along with the Planning Board, the Selectmen and the EDC.

Mr. King asked why this wouldn't be determined after that meeting to get her professional input.

Mr. Pimental said he was looking to get ahead of it because the Dec. 31 deadline is going to come quickly. He said they don't have to vote on this tonight and they want to wait until after the workshop in Oct. and then revisit it in Nov. that's totally fine.

Mr. Pelkey asked him to put it on their agenda for after the workshop and then those that want to attend it will be smarter.

Mr. King said they may give us an argument that's for or against enlarging it.

Mr. Pelkey said this is going to be specific to Farmington and they could pull out the maps and

discuss it.

Mr. Pimental said the ERZ workshop is going to be on Wed., Oct. 25 from 5:30 to 7 p.m. He said he is going to work with EDC Chair Danielle Harris to come with a flyer that they will share and the SRPC is going to put a Zoom meeting together for people to register to attend and they will get a list of all the ERZ property owners and get that notice out to them so they're aware of the upcoming workshop. And I'm sure I will promote this between now and Oct. 25 he said.

**6). New Business:** None

**7). Member Comments:** None

**8). Any Other Business before the Board:**

**Zoning Amendments-** Mr. Pimental said they are using their next meeting on Oct. 4 as their first workshop on zoning amendments for this year. He said they are concentrating on zoning amendments using our Housing Navigator to look at some of the density and lot size non-conformities in the Urban and Suburban Residential districts as they start to expand out from the Village Center district.

He said if the board members have anything that they want to address in the zoning amendments to let him know so they get that on the docket. He said they have made a lot of amendments over the last 3-4 years so they want to keep it down a little bit but if there is something important then please let him know.

**Upcoming Meetings-** He said the Housing Navigator will be here on Oct. 4 to discuss what she has come up with so far. He said the Oct. 18 meeting is going to be busy and asked the members to let Mr. Pelkey or himself if they are unable to attend because there will be public hearings for the Grondin Drive subdivision, a Ten Rod Rd. boundary line adjustment and the Kodiak Group amended site plan.

**USDA Community Facilities Grant-** Mr. Pimental said the Town was part of a USDA Community Facilities Grant that was selected for funding so there is \$145,000 that is being split between Milton and Farmington so that work is going to be to hire somebody to help look at some of the issues for the Municipal Office Building and the old Town Hall. He said their packets the board received the application to look at what they put together and what they are intending to do. He said he finished writing a commitment letter for the Town and had the Town Administrator sign it today and that is due at the end of next week and they expect Milton to do the same. He said this came up as seeking to address some of the energy efficiencies in both of these buildings and issues with the flooring, the insulation, windows and doors. He said there are a number of different things and we will be able to have somebody come in and audit them and make recommendations on how to improve them as well as a public engagement component to reach out to residents on what they would expect an adaptive reuse of these buildings might look like. This is a funding source that we haven't explored a ton but the Town is eligible

because of the median household income levels so this grant may be something the Town should continue to explore as we move forward he said.

He said they found out about this being funded about a week ago and there is a pretty quick turnaround so they expect the money to be allocated by Oct.

**9). Adjournment:**

**Motion:** (Fisher, second Day) to adjourn the meeting passed 5-0 at 8:20 p.m.

Kathleen Magoon

Recording Secretary

A handwritten signature in dark ink, appearing to read 'R. Pelkey', is written over a horizontal line.

Richard "Rick" Pelkey, Chairman