

Planning Board Apr. 11, 2013

Members Present: Barry Hantman-Chairman, Chip Current, George Manos, John Russo, Chris Giordano-Selectmen's Representative, Janet Denison-clerk

Excused: Phil Emilio

Others present: Dennis Quintal, Charlie Zilch, Jim Lavelle, Mike Pelletier, Tony Fiore

Minutes

The minutes of March 28th were reviewed. Chip made and John seconded a **motion to approve the March 28, 2013 minutes as written**. John abstained. The motion **passed**.

Correspondence

- Notice from the Portsmouth Planning Board for a cell tower installation
- Email from Mary Pinkham-Langer to Janet Denison dated April 11, 2013 at 11:04am regarding the Hoyt excavation site

Board Elections

Chip made and John seconded a **motion to nominate Barry as Chairman**. The motion **passed** and Barry accepted the nomination. Chip made and George seconded a **motion to close the nominations for chair**. The motion **passed**. Since no one else was named, Barry accepted the nomination, stating he appreciates the trust put in him.

Chris made and John seconded a **motion to nominate Chip as Secretary**. The motion **passed** and Chip accepted the nomination. Chris made and George seconded a **motion to close the nominations for secretary**. The motion **passed**. Since no one else was named, Chip accepted the nomination.

Barry mentioned the positions as Danville representative to the Rockingham Planning Commission are open. They usually meet once per month on a Wednesday. The location is rotated around the county. Carsten Springer and Phil Emilio have expressed interest in attending.

Minor Lot Line Adjustment between Robert & Kathleen Dennis, 20 Colby Road, and Estate of Robert & Lorraine Chase, 24 Colby Road, known as tax map and lots 3-83-3 and 3-83-2.

The following outstanding items to be reviewed:

1. Indicate entire length of straight line to be created that divides properties as well as the separate length of same line for each lot
2. clearly indicate new versus old lot lines

3. show well radius
4. show distance from existing structures to new lines

After a short discussion, it was decided all four items have been addressed satisfactorily. Chip made and George seconded a **motion to approve the minor lot line adjustment between tax map and lots 3-83-3 and 3-83-2**. The motion **passed** unanimously.

Hoyt-Clydesdale Drive subdivision & excavation/restoration property owned by Al Hoyt and Sons, Inc., Tax Map 4, Lot 28

Charlie Zilch explained he spoke with Dennis Quintal, Jim Hanley (the drainage designer) and Mr. Hoyt, about the March 28th letter from Mr. Quintal, attached to these minutes.

There was a short discussion about leaving a tree buffer on phase three of the plan. This will be a commercial endeavor in a residential zone. Mr. Zilch said there is a large natural buffer already there which will not be disturbed. He was asked to provide a note on the plans stating the tree line and beyond will be left in its natural state.

The Board discussed the proposed eight acre pond. Mr. Hoyt would like to leave the area surrounding the pond as a hayfield or grassed lawn.

Barry asked about visual barriers during restoration. Mr. Zilch said they will have a safety fence from the entrance to the wetlands until the 3:1 slope is established, then fence will be removed.

Areas discussed from Mr. Quintal's March 28th letter were as follows:

Regulation Review:

9) According to the Site Plan Regulations section J.3., section 30, a 50' buffer is required between commercial and residential areas. The Board discussed what a buffer means: whether it is a visual vegetative buffer or simply an expanse 50' wide. It was agreed the pond will need to be finished before building on the new residential. Barry said the subdivision will most likely not be approved until the first phase is complete. He said as each area is reclaimed, the lot remains a commercial endeavor.

11) Mr. Zilch confirmed he has no problem with this item.

12) Three test pits is a state regulation and if they wish to have less than three, they need to explain why. Mr. Quintal said he cannot answer for the state but he believes when a sample is taken from one spot, it won't give an accurate representation. He said this can become an insurance issue for the owner. There is a public water supply to the north of the property. If that ever becomes impacted, Mr. Hoyt would probably want to ensure it wasn't because of this site.

Mr. Zilch said he will work with Mr. Quintal to find spots for more wells. Barry mentioned additional monitoring wells in the new excavation area may need to be requested.

14) The Board discussed having a written schedule outlining what will be done during each phase of the work. Mr. Quintal suggested planning to accomplish the work in a grid pattern.

16) There was a discussion about a safety fence around the finished pond. A fence will be needed during construction. Mr. Hoyt said the water may fluctuate about 10'. They plan to have a shelf for about 20' into the pond, then a 5:1 slope. Barry asked for a note on the plans outlining the sequence of when the fence will be installed and then removed.

17) Mr. Zilch explained the pond construction will be about a 5-10 year process. Mr. Hoyt doesn't have the demand for construction material as he did before. However, demand for material may increase, therefore they were asked to speak with DOT again and recalculate the traffic volume accounting for any possible increases.

A note on the plans was requested, stating the traffic will be limited to vehicles of a particular tonnage, not to exceed so many per day or month. This can be discussed in more detail later.

18) Mr. Zilch said Mr. Hoyt knows this already.

Plan review comments:

7) They will take care of silt control fence.

11) Mr. Hoyt does not wish to plant trees around the pond. He hopes to have an open grassy area around it.

15) The pond construction sequence will be explained along with methods to avoid water contamination.

16) More detail will be given for the outlet structure.

17) Mr. Zilch said the bottom of the pond will probably not be level. The word "uniform" will be deleted from the plans. The bottom of the pond is estimated to be 150'+/- elevation.

Other comments from the Board and Mr. Zilch included that monitoring wells will help address water supply. Barry said a note will need to be added regarding corrective actions if the water supply is contaminated. Mr. Zilch will need to propose an inspection plan and schedule. He will work with Mr. Quintal on this.

There was a short discussion about showing a typical house on a dry portion of the large lot to be created, regardless of whether or not Mr. Hoyt plans to construct a home on it.

The Board talked about having a valid excavation permit. Mr. Hoyt's current permit has expired; he's been working from the restoration plan of 2006, but it was pointed out that this plan hasn't been followed. Chris said no cease and desist order has been issued from the town or the state, even though the pit is not in compliance. Since the Planning Board is the regulator, Mr. Hoyt will have to speak with the PB about a permit.

A request to extend the review period for this application was discussed. Chris made and George seconded a **motion to extend the review period to July 25, 2013**. The motion **passed** unanimously.

Preliminary discussion with Jim Lavelle and Danville Action Games; Map and Lot 4-46, off Long Pond Road, construction of a paint ball facility

Mr. Lavelle introduced Mike Pelletier and Tony Fiore as potential buyers of the property owned by Bob Griffin. It has 500' of frontage on Long Pond Road and a ROW off Meadow Lark Lane. They would like to use the 68 acre property for a paint-ball and recreation facility. They have proposed having a residence/small office at the front of Long Pond; they have no intention of using the ROW. The first building will also have a small parking lot. The driveway will continue into the property, across the PSNH corridor, and end at a larger parking lot for a building that will house a pro-shop, snack bar, etc.

The Board discussed that this will require a variance as it is a commercial endeavor in the residential/agricultural zone. Barry said the use of a combination residence/office is a mixed use component. It was suggested the lot can be subdivided such that a home is on a smaller parcel and an office is across the driveway on the larger 60+ acre parcel. It is believed the storage facility on Kingston Road has their office in a separate building than the apartment.

Chris asked if any concessions can be made to the town. Mr. Pelletier explained they plan to speak with the police department about the possibility of using the grounds for training.

Mr. Pelletier said he will be the owner and Mr. Fiore will be the manager/operator. He explained different types of paintball games, including tournament style and speed ball, as well as just running through the woods. They propose having an arena, similar to a soccer field, about 75'x150' with inflatable sides, in the center of the property. They plan to use the entire lot with a trail around the perimeter. The perimeter will be marked so that participants will know the bounds.

The Board discussed their need to meet with the Zoning Board of Adjustment. The ZBA will probably want to discuss the impact to abutters, hours of operation, lighting, traffic impact, and the hardship. Until they have been granted a variance through the ZBA, the Planning Board cannot do anything.

They are able to have a road and septic system in the powerline corridor; they cannot have structures. It is unclear if a business can be set up underneath the lines. It was suggested they obtain a letter from PSNH stating their approval of the proposal.

It was the consensus of the Planning Board members that the plan sounds good.

At 9:00pm Chris made and Chip seconded a **motion to adjourn**. The motion **passed** unanimously.

Respectfully submitted
Janet S. Denison

Agendas:

- May 9, 2013

7:30pm Correspondence and minutes

7:40pm Hoyt-Clydesdale Drive subdivision & excavation/restoration
property owned by Al Hoyt and Sons, Inc., Tax Map 4, Lot 28

- May 23, 2013

7:30pm Correspondence and minutes

- June 13, 2013

7:30pm Correspondence and minutes

7:40pm Site Plan Review—Charter Brothers 27 Main Street



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March 28, 2013

Town of Danville Planning Board
210 Main Street
Danville, NH 03819

RE: Hoyt Pit Restoration Project
Tax Map 4, Lot 28
Engineering Review

Dear Members of the Board:

At your request, I have conducted a second engineering review of the above referenced project. This review includes compliance with requirements of the Town's Earth Excavation & Reclamation Regulations, Erosion & Sediment Control Regulations and customary engineering practices. CCMI based this review on the following documents hand delivered March 21, 2013:

- Copy of S.E.C. & Associates, Inc. 3 page letter dated March 19, 2013 to the Town of Danville Planning Board.
- Copy of Civil Design Consultants, Inc. 3 page letter dated March 21, 2013 to the Town of Danville Planning Board.
- Copy of engineering drainage calculations dated March 21, 2013 by Civil Design Consultants, Inc.
- Copy of full size plan set (8 sheets) of the "Gravel Pit Excavation and Restoration Plan, Tax Map 4 Lot 28 Clydesdale Drive, Danville, New Hampshire, dated October 15, 2012, Owner: Al Hoyt & Sons, Inc., prepared by S.E.C. & Associates, Inc. all revised March 18, 2013.

I submit the following comments to assist the Board with review of this project:
Previous comments that were addressed have been deleted.

General Project Comments:

As a minimum I believe the following State & Federal Permits will be required:

NH DOT Highway Access Permit (refer to Article 4.1.8 comment below)

NH DES AoT (Received 2012-AoT-0513) noted on Sheet 1.

Federal EPA Construction General Permit (Dated 2-15-07. The stated completion date is 12-31-12. I recommend this permit be renewed.), noted #13 on Sheet 1.

According to the Town Excavation Requirements this pit must follow the requirements of Chapter 155-E of the New Hampshire Revised Statutes Annotated and requires reclamation. Any expansion requires a new permit. Response states that an Excavation Report has been filed with the Town.

Regulation Review:

9. Article 4.1.5 (s) Excavation Plan must show existing and proposed fencing, buffers or visual barriers, including the height and material. The Response does not propose additional buffer. The Board should decide if this is acceptable and if so a waiver would be required.
11. Article 4.1.5 (ee) Excavation Plan must show the distances between disturbed areas and the closest property lines. Additional dimensions are required along easterly property line.
12. Article 4.1.5 (ff) Excavation Plan must show the location of three ground water monitoring wells. The Response states none are proposed, therefore, a waiver should be required.

14. Article 4.1.6 (k) Excavation Plan must show phasing of site restoration identifying designated areas and completion dates. The proposed pond construction covers a large area and is proposed to take years to complete. The work will not only involve excavating areas but also area for processing material with crushing equipment and staging material. Therefore, I recommend Phase II should show expected yearly sub-phase work areas for excavating, staging, processing and restoration along with volume of material removed and expected complete restoration dates for each sub area. This way completely restored area can be identified at stages and not left till the end of the project.
16. Article 4.1.6 (l) Town may consider requiring a perimeter safety fence be installed around the proposed pond, especially since residential building lots are proposed nearby. Response is that no fence is proposed. During construction I recommend that a high visibility orange warning fence be placed at the top of any unattended work area that has a steep embankment.

Although a 10 foot wide safety shelf is designed, during the dry season the water level may be below the shelf. If that occurs, most of the pond perimeter is proposed to slope at 3:1 grade. At that slope a person or animal could easily slide into the water. (Example: 5:1 for 20 feet may be safer). The Board should decide whether a perimeter safety fence be required or not.
17. Article 4.1.8 Detailed motor vehicle hauling information must be provided. The plan indicates that there will be a total of 502,700 cubic yards of excess material. The Phase time indicates that completion within 5 years. I estimate that would require about 28 loads per day, 5 days per week, 9 months per year. The Board should decide if this is clearly realistic and acceptable. I believe any changes from past traffic type or volume will require NH DOT approval.
18. Article 4.2.1 No excavation of a new area shall exceed five acres in size at any time. Phase I & II must be completely restored before start of Phase III or a waiver submitted for this requirement.

Drainage Review Comments:

Comments have been addressed.

Plan Review Comments:

Sheet 4 – PHASE II – GRAVEL PIT EXCAVATION & RESTORATION PLAN

7. Additional erosion control silt fence should be added to the low area along the easterly portion of the project.
11. I recommend at least some trees be planted at the toe of slope on the south side of the pond. This would provide a shaded environment in that abutting portion of the pond. No tree planting is proposed. The Board should decide if this is acceptable.

Sheet 6 – CONSTRUCTION DETAILS

15. The “Project Specific Construction Sequencing” is general and does not explain the process for excavation and processing materials on the site. This is a large pond to excavate and large surrounding area to reclaim. I recommend that a clearer understanding be provided of the work process within each sub area (see comment Article 4.1.6 (k) above)

The response Sheet 8, says no dewatering is permitted and that “All below water level ledge removal shall be done by an excavator outfitted with a hydraulically powered breaker.” I fail to understand how this can be conducted and manage that the pond, as it is being constructed, be kept free of sediment and contaminants from the equipment throughout the construction process. See Project Review Comment (B) below.

Sheet 7 – CONSTRUCTION DETAILS

16. I believe more detail is required to show a contractor how the outlet structure will be constructed. The outlet orifice does not match what is shown in the drainage calculations. The anti-seep collar made of what material? How and where is it attached to the outlet culvert?

Sheet 8 –DETAILS & CROSS SECTION PLAN

17. The pond bottom is proposed to be uniformly 18 feet below the water surface. Is there a reason for that specific depth? Wouldn't it be more practical ecologically to vary the depth on a pond this size? The Board should decide if the response that was presented is acceptable.

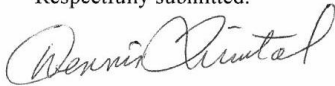
Project Review Comments:

- A) Comment addressed.
- B) The property appears to be located within a public water supply well head protection area. Any actions conducted on this site in conjunction with the proposed project must be carried out to not impact the groundwater quality in this area. I recommend the Board be allowed unrestricted access to the site at any time. I recommend the Board require periodic inspections. Since monitoring wells are not proposed, a schedule for water sampling of the pond and testing for contaminants should be established. The cost for this action to be paid for by the Owner. If contaminants are found, work shall cease and corrective actions taken. All this should be considered when bond limits are set.
- C) What is the final use of this lot? If for a residential dwelling, the plan should show location for dwelling, a 4,000 septic area, test pits and appropriate grading. If the Town will own the property, final design input from each department would be important at this time. (Access road width, parking area, dry hydrant, etc.) This information may affect the size and design of the proposed pond. The response states there are no future plans for this lot. Should the Board require that the lot now be labeled as "Non Buildable"?

This completes my engineering review of the project at this time. I would be happy to discuss any of my comments with the Applicant or their associated professionals. Obviously there are provisions in the Regulation that allow possible waivers to any of the above comments.

While this engineering review has been performed in depth, it is possible that some concerns may not have been identified. It does not relieve the owner and designer from the responsibility to meet Town requirements nor does it negate the Town's authority to require additional information.

Respectfully submitted:



Dennis G. Quintal, PE