

PLANNING BOARD MEETING**TOWN OF LITCHFIELD****Held on December 3, 2013**

Minutes approved January 7, 2014

The Litchfield Planning Board held a meeting in the Town Hall conference room 2 Liberty Way, Litchfield, NH 03052 on Tuesday, November 19 at 7:00 p.m.

MEMBERS PRESENT: Russell Blanchette (Chair), Michael Croteau, Michael Caprioglio, Bob Curtis and Frank Byron (Selectmen's Rep)

MEMBERS ABSENT: Tom Young (Vice Chair), Kevin Bourque (Selectmen's Rep), Joel Kapelson,

ALSO PRESENT: Jennifer DiNovo (NRPC Planner), Joannie McKibben (Administrative Assistant)

CALL TO ORDER

Mr. Blanchette called the meeting to order at 7:00 p.m. and joined the Board in the Pledge of Allegiance.

Public Input: No members of the public wished to speak at this time.

1. Site Plan review application for Continental Paving, Inc. at Tax Map 21 Lot 18 Morgan Road. Applicant wishes to construct a 9,900 square foot maintenance building to service existing vehicles onsite. Site work also includes additional access, parking areas and stormwater and drainage improvements. If the aforementioned application is accepted, notice is hereby extended to application approval consideration and/or continuation(s) to a date certain, as required.

Mr. Anthony Basso of Keach Nordstrom Associates is representing Mr. Rick Charbonneau one of the owners of Continental Paving and Litchfield Sand and Gravel. He explained that the project is located on Morgan Road which is off of Albuquerque Ave. at the entrance to Litchfield Sand and Gravel. Mr. Basso explained that you come in Morgan Road and before you get to the gate to the pit there is a scale house and a maintenance building

now. This is actually going to essentially be on that same plot of land. The tract is actually 257 or so acres, and they are using a couple of acres. This sits behind the driving range in the woods, there is a driving range that you can see on Albuquerque and then there is a woods line, this is actually in the woods and behind that and between the driving range and the scale house. Tony stated that what they are proposing is a maintenance building for equipment that is used on site to bring in service and then have it go back out to wherever it has to go. They are proposing about 9,900 square feet, it is going to have access doors on both the north and south ends of the building, they have proposed a little parking lot on the east side and the building will be serviced by an on-site well and an on-site septic system. Storm water will be handled on the west side of the building and we will dig a stormwater area and essentially there is really good soil there so they will infiltrate drainage and add an overflow in the direction of the gravel pit. Tony stated that there is a little bit of additional pavement out here, there is some gravel around this maintenance building. It is really from the perspective of the operation that goes on here, you are not going to see anything different. There is going to be woods line to Morgan Road left and there is woods line between us and the driving range which the Charbonneau's also own. This will not be near any of the permittees of this property at all, Tony stated that they had applied for their septic permit and also applied for a site specific permit from the State, they have gotten comments back for site specific. They got comments from NRPC and from the Fire Rescue and also comments from Lou Carron today. Mr. Basso stated that they are prepared to address those comments and any other comments the Board has. Mr. Basso stated that one other thing is that this project will need approval in Londonderry as well, they are not doing any work in Londonderry but part of their parcel extends into Londonderry.

Mr. Blanchette went down the checklist and asked if all abutters have been notified, all fees have been paid and escrow established. Joan stated that this is correct.

Mr. Blanchette stated that the Planning Board will first receive information to confirm the application is complete, secondly, the Planning Board will vote to accept the application for consideration but this does not approve the application. The Planning Board will then consider the merits of the application and if applicable will approve the application. Review of the circuit rider application document to determine completeness. Russ stated that he had the NRPC report in front of him. Jennifer stated that for acceptance on the second page, Russ went through a couple of the things there: signature and seal, registered survey, which has been confirmed and the signed application received was also confirmed. Mr. Blanchette asked if any of the Planning Board had any questions on the application. Mr. Curtis asked if all the items were complete and all fees have been paid. Joan stated yes. Mr. Blanchette wanted to remind the public that this vote does not approve the application, but only places it in front of the Planning Board for consideration.

Mr. Byron stated that there are two waiver requests. Mr. Basso stated there was one for traffic impact analysis and a waiver of the boundary of the entire parcel. Mr. Basso stated that the boundary lines they are near are shown, the other boundaries are hundreds of yard away, so he showed was was pertinent. They are asking for a waiver for the traffic analysis because this is to service the stuff that happen on trucks and vehicles that go to and from this site and work on this site as it is, it is not changing this operation in any way, just to service what is going on here. Mr. Caprioglio asked if there would be any additional traffic from other facilities. Mr. Basso stated no.

Mr. Byron stated that he thinks what the Board needs to do is to act on each of the individual requests for waivers and either approve or decline them. Jennifer stated that the way it is set up here is act on acceptance first and the first thing the Board would do is to act the submitted waivers for approval. Mr. Byron stated that the problem is that if you accept the application, what you are saying in effect by state law is your application is complete; they have not submitted all the information. What they have done is to request two waivers. Mr. Basso stated that regarding this, the Board is correct it assumes that everything has been submitted, but the option on that checklist is to either submit a waiver or submit the actual item, they have submitted the waiver, so it is complete per the State law. If the Board then votes after they accept the application and voted not to approve that waiver, then the application still is in place, it just means that Mr. Basso needs to bring back to the Board the traffic study or boundary. Mr. Basso stated that the application checklist, technically you are looking for either a waiver request or the actual item, that will suffice for the state law and then afterwards that can be determined whether it needs to be in or not, so the waiver request does take the place to fill that spot.

Mr. Blanchette stated that he thought they would go through the approval first and then go through the waiver requests.

Motion: by Mr. Caprioglio to accept the application from Litchfield Sand and Gravel, Case Number: 1312 LIT SP M21.

Second: by Mr. Curtis

Motion Passes: 5-0-0

Mr. Curtis asked if there was any regional impact. Mr. Blanchette stated that he believes there would be because they have to appear before the Londonderry Planning Board. Jennifer stated that from what she has heard from Jen, she does not believe so. Mr. Basso stated that they only have to go to Londonderry because their property physically goes into Londonderry, they actually own land in Londonderry. Mr. Caprioglio asked if the building that was there now is going to be torn down and replaced with this building. Mr. Charbonneau stated no the building is staying there. The new building is to repair the 1 ton

trucks that they have there and all the big equipment they have there, which is cheaper to have this facility rather than to break down the equipment and move it to another location to get repaired. Mr. Caprioglio asked that if they have a 10,000 square foot building, what else will they be doing there, will there be more employees, more traffic or is it basically just going to make the work easier. Mr. Charbonneau stated that it is just to take care of the equipment. The majority of the repair work is done at the Londonderry facility. Mr. Basso stated that the big stuff that is there is a pain to haul. Mr. Caprioglio stated that if you are an abutter you are not going to see an increase in traffic due to other vehicles coming in. Mr. Basso stated no. Mr. Charbonneau stated that during the summer time there is very little service it is more during the winter time. Mr. Blanchette wanted to inform the Public that this portion of the process will not consider the application for approval, and will solicit public input after. Jennifer stated that she believes they need to open the public hearing. Russ stated that they accepted the application and now they are reviewing the waiver requests. Mr. Basso showed on the Map that you can actually see the relationship between the little are they are proposing and then all that property that they own, and that does not include the other tracts that they actually own that are not part of this actual physical tract. Mr. Charbonneau stated that collectively they have about 650 acres between Londonderry and Litchfield.

Mr. Byron stated that the Board needs to take action on the waivers and action on the Regional Impact. Jennifer stated that she does not believe there is any regional impact.

Motion: by Mr. Croteau that project: Litchfield Sand and Gravel, Case Number: 1312 LIT SP M21 does not meet Regional Impact.

Second: by Mr. Caprioglio

Motion Passes: 5-0-0

Mr. Croteau asked about the boundary of the entire parcels. Mr. Charbonneau stated that they have that on record with the original approval of the quarry, and if they pull those plans out it is all done. Mr. Charbonneau stated that the Planning Board does have it on file, it is just not on this building. Mr. Basso stated that he did show the boundary lines that are relevant.

Motion: by Mr. Curtis to move that the Litchfield Sand and Gravel request for waivers in connection with Case Number: 1312 LIT SP M21 in regards to the waiver from the Land Use Laws and Site Plan Regulation and the second waiver in regards to the Boundary of Entire Parcel be accepted.

Second: by Mr. Croteau

Motion Passes: 5-0-0

Mr. Curtis stated that one of the things that always concerns him with any kind of maintenance, service on vehicles, is pollution and wanted to know what kind of plans are in place to handle things like waste oil, gasoline, diesel fuel spillage, storage, etc.? Rick stated that there is no gasoline storage, they do not use any gasoline. Rick stated that they do have some diesel fuel on site but it is at the asphalt plant. Rick stated that there is nothing on this site. Occasionally they will have barrels of oil when they drain the oil out and they put it into other barrels and they discard it off to a recycling center. Tony stated there is no bulk storage of hazardous material proposed here on this site. Mr. Caprioglio asked about additional external lighting. Mr. Basso stated they will only be on the walls of the building. Rick also mentioned that they do have spill kits in the shop. Rick stated that they storage bunkers in Londonderry, Tony stated that they are not proposing any bulk storage. Mr. Byron asked Rick to talk about the activities will be going on in the building. Rick stated that they will be doing, undercarriages, welding, break jobs, changing tires, etc. Mr. Byron asked if there will be any pressure washing. Rick stated that there may be some, but nothing major. Mr. Byron asked where the waste water would go. Rick stated that it will happen inside the shop. Mr. Byron asked of there was space inside the building other than the workshop space or if it was going to be office areas. Rick stated that it is just a big open building. Mr. Croteau mentioned that he noticed on the application that on the Overlay district that they had the Aquifer checked off, and asked if there was going to be any impacts to the aquifer. Rick stated that they do not believe there is. Mr. Basso stated that they are actually putting the stormwater back into the ground so even the impervious surfaces that they are creating are actually taking that stormwater that would of gone in that ground water location and they are putting it into a stormwater area where it is treated first and then allowed to infiltrate. There will be no detrimental impact. The stormwater will be treated and infiltrated entirely. Mr. Caprioglio had questions about trees being cut down. Rick stated that the access is right there. Mr. Basso stated that there will be some trees cut down behind the existing scale house building. Showing the map, Basso showed where the tree will be cut. The tree line goes back and they are only going to cut a little out. Mr. Caprioglio asked if an abutter would see any change. Mr. Charbonneau stated that he was the abutter. Mr. Caprioglio explained that he means the abutters closest to Morgan Road. Mr. Basso showed the Planning Board on the map the tracts of land that Mr. Charbonneau owns. Mr. Basso stated that if you were to look from Albuquerque across the driving range, the woods at the back side of the driving range will probably be thinner because of the swerve cutting some of the tree lines but it will not be gone just cutting back and thinning it out. They are leaving a substantial buffer. Mr. Byron asked about grading away from the buildings so that you have to be grading down. Mr. Basso showed on the map where the stormwater treatment detention which will be a low area in the back, they are going to be flowing the water on the sides and around into the back, its treated in both

of those areas and infiltrated in another area. All of the grading is inside the tree line. Mr. Byron asked if there were any oil separators they plan on putting in for movement of the water or if it is just going to be sheet flow. Mr. Basso stated it is sheet flow. It basically flows off from the building which is the high spot and flows out in both directions and then it gets picked up in a swale into the treatment areas and then into the infiltration. The treatment area is provided for settling and the time needed to take care of any pollutant loads which meets DOT standards for stormwater management for this kind of facility. Mr. Byron asked how much impervious area around the building are they planning on putting. Mr. Basso stated that they are not going to pave all that, they are only doing a little additional paving. Mr. Basso showed on the map and explained what would be pavement and gravel. Mr. Basso showed on the map where the entrances are on the building. Mr. Curtis asked if there was going to be any long term parking of the vehicles. Tony stated there is none proposed they can't because of the aquifer area. Mr. Croteau stated that he noticed in the notice from the Fire Chief that one of the things is the building may require a sprinkler system. Rick stated that what they are asking for is to approve the size of the building and the building will be sized whatever it takes not to have a sprinkler system, if they say 9100 square feet they need a sprinkler system they will build it smaller. Mr. Basso stated that what he is talking about here is sprinkler systems, size is definitely a factor, if it is over 10,000 it becomes automatically required regardless of the building materials, but up to 10,000 depending on the combustibility, the materials used to manufacture the building determines whether you need a sprinkler or not and also the uses inside that building. Mr. Basso stated that when the Charbonneau's have their architect do their building they will do their determination and work on the fire department on that for two issues; the fire alarm and the sprinklers. Mr. Basso stated that there is not going to be bulk storage, hazardous materials inside or outside which was a question that the fire department had. Tony stated that the goal here is to build 9900 square feet or less without sprinklers. Mr. Croteau stated that looking at the application where it says issues; one of the things that is checked off is easements. Rick stated they don't need easements. Mr. Croteau asked if there was anything from staff concerning that and was that an issue. Jennifer stated that she was not sure on that one. Mr. Croteau also mentioned steep slopes, and asked if it was behind the building. Mr. Basso stated that they do not have any steep slopes in the area they are working in at all. Mr. Basso stated that they actually did the field topography that is showed on the plan and there are no steep slopes. Mr. Byron asked if the building would be heated by natural gas. Rick stated it would be heated by natural gas. Mr. Basso stated that would answer the easement question, it is the PSNH (New England Power) easement that runs. It is really off the plan but they are at the limit right there. There is a 350 foot wide New England Power easement that does go through this property. Mr. Charbonneau stated that they own the property and the easement.

Jennifer stated that staff had several questions in which she believes Mr. Basso spoke with Jen Czysz on. Mr. Basso stated he did talk with Jen and will go through them real quick. Mr. Basso stated that the waivers were the first two which they already dealt with. Number two in the general concerns was how would emergency access be around the building. Mr. Basso stated that this is all flat gravel area for access and there is actually a gravel panel all the way around the back so there is access on all four sides of the building. Mr. Byron had a question relating to that; What type of facilities do you have there that would be able to be used for putting out a fire. Rick stated that there is a hydrant on Albuquerque. Mr. Byron asked how far away the hydrant was. Rick stated that he was not sure probably between 600 and 1000 feet away. Mr. Basso stated that the next question was concerning vehicular circulation, pedestrian patterns and they don't really have any of that going on, it is just for the winter time. For the landscape area, there is just a little bit of mulch and all the rest will be loamed and seeded. Mr. Basso stated that there is no new proposed signage. Mr. Basso stated that the structure is going to be a pre-engineered metal building. The parking is just for the mechanics that might be working here when they bring equipment in for service, there are no visitors or customers or any kind of thing like that. Stormwater calculations were submitted and reviewed by Lou Caron and the external lighting is just going to be wall pack around the building. Jen asked about the impervious area, and wanted to make sure they were 15% or less. Mr. Basso stated that you can go higher than that with a conditional use permit, but they are probably at 1%. Lou Caron reviewed it, Fire Department reviewed it and all the stamps and signatures are on there. Mr. Curtis stated that he thought it was said that the rear of the building was going to be gravel as well but the plan does not reflect that. Mr. Basso stated that it is not a gravel, it is a wide panel of loam and seeded but it is a big wide panel, there is access all around the building. Jennifer asked if it was possible, to add on the plan an approximate location for the lighting. Mr. Basso stated that he would do that they are just going to be wall packs on the building.

Mr. Basso stated that regarding Lou Caron's comments, rather than trying to go through and answer stormwater and things like that, He will commit to the Board to satisfactorily address his comments rather than try to explain and get into the detail of that kind of stuff here tonight. He believes that without Lou here it would not be appropriate, but they will commit to satisfactorily address his comments. Mr. Caprioglio asked if there were any comments from the Police Chief. Jennifer stated that she did not have any. Mr. Basso stated that they did not receive any. Mr. Blanchette asked if there were any more questions or concerns from the Board. The Board wanted to discuss Lou's review.

Mr. Basso stated that on Sheet 1, 7: existing conditions, Plan there is a dug well, he just needs them to show it on the plan and that it is going to be closed off. Mr. Basso showed

where it was on the map. On sheet 2, Lou wanted to note 1 to include the proposed use of the building is equipment maintenance. On sheet 3, Lou was concerned that this was a little flat so he wanted them to raise the building about a half a foot to get a little more pitch, Mr. Basso stated that they will do that. The 202 contour follows the edge of gravel and you can see that it is the same line as the edge of gravel so Lou wants that differentiated a little better which they will do. The 201 contour, Lou wants shown contiguously in the detention basin. The drainage calculations; which the first one is not really a comment because they are reducing the peak which is what they need to do. No. 2 drainage, they need to provide 50 years storm calculation in the basement and Lou said they would temporarily back it up into the treatment areas and it would not create an issue. The post development sub catching areas, Lou wanted them to make sure that anything from Morgan road isn't making it into this and it is not because this is higher than this all around it, so they catch everything and treat and expose of it, Lou just wanted them to make sure that the driving range didn't flow into them, which it does not. Mr. Basso stated that they have to make sure they have capacity, which they do not have that issue. Mr. Basso stated that they were on the phone on and off with Lou during the day answering questions as he went. Mr. Basso stated that it is all pretty much resolved, they know what they have to do.

Mr. Blanchette formally opened the meeting for Public Comment for abutters and members of the public who would like to speak.

Public Comment:

Mr. Don Robideau of 17 Brook Road, Litchfield asked if he could be shown on the map where the houses are on Brook Road and where the building is that is going to be built. Mr. Basso showed that Brook Road is right along the north line of the entire sand and gravel property, and they are down off Morgan Road, they are not proposing anything anywhere near Brook Road. Mr. Basso explained that this is a 1000 scale map so they are quite a distance from any of those home. Mr. Robideau asked if there was a fence around the whole property. Mr. Basso stated yes. Mr. Robideau asked if they were taking any trees down along Brook Road or Forest Lane because the golf course is on the corner of 3A and Albuquerque and asked if it abuts Forest Lane also. Mr. Basso stated no. Mr. Basso showed on the map where the driving range was and showed where Adams Way was, Forest Lane. Mr. Basso stated that they are way down from there, scale wise they are almost 2000 feet from Brook Road. Mr. Robideau thanked Mr. Basso. Mr. Charbonneau stated that because a lot of the Board members were not there when they originally got their quarry approved, he explained they fenced in the whole quarry and everything outside of the fence is basically a no cut zone, especially along Brook Road and anything that came close to housing, there is a big buffer. The quarry is about 120 acres in size. They have 650 acres. They have buffers thousands of feet in most cases. The closest house to

any edge of the quarry is 1500 feet and there is one house. Mr. Blanchette thanked Mr. Charbonneau for the clarification.

Mr. Mike Short who is with Claudia Boozer-Blasco of 13 Brook Road, asked what a no cut zone was. Mr. Charbonneau stated that you can not cut the trees on the approved plan. When they originally got the facility approved, they came to the Planning Board and agreed that they would not cut trees in those areas. This always stays a buffer between their operation and all the houses. Mr. Charbonneau stated that it is part of the approval. Mr. Short asked what the increased number of employees that would be working in the facility. Mr. Basso stated there would be no more. Mr. Short asked about the level of training of hazardous waste, and was there any. Mr. Charbonneau stated that they don't deal with hazardous waste. Mr. Short asked about spillage. Mr. Charbonneau stated that they have oil, which is not considered hazardous waste. They don't deal with hazardous waste. Mr. Charbonneau stated that if motor oil gets spilled on the ground it is contaminated but it is not hazardous. They have procedures to mediate that. Mr. Charbonneau stated that in their original approvals, they have to notify the fire department when they have over a 30 gallon spill and then the DES comes down and check it and they have to put it in a pile and haul it off to an approved site. Mr. Short asked if there was a level of training of the employees to handle that kind of thing. Mr. Charbonneau stated that his employees know. He believes that you don't need a lot of training to know if you dump oil on the ground you need to clean it up. Its just basic knowledge.

Public input is formally closed.

Mr. Byron mentioned that the comments from Chief Fraitzl talked about issues for fire protection at a point where you design the building; Mr. Byron's question is if he requires some type of fire protection, how are you proposing this to be handled. Mr. Byron stated that they mentioned the hydrant down at the corner of Albuquerque and Morgan Road. Mr. Charbonneau stated that if the Fire Chief says whatever building they build, they have to have a sprinkler system, they will not build the building. Mr. Charbonneau stated that they will be able to design a building with engineering staff that says up to this size building that they will not need a sprinkler system and they believe that will be something under 10,000 square feet. Joan mentioned that when she gave the plan to the Fire Chief, he had told her that he had a meeting with Mark Charbonneau a couple of week prior. Mr. Charbonneau stated that he is talking about 9,600 square feet, we already had 9,900 on the plan because everyone thought it was under 10,000. Mr. Charbonneau stated that they believe that the material that they build the building with will determine what size they can build the building without a sprinkler system. Mr. Lynch stated that to address the concern, the use of the building , you are allowed by state law and by state fire code, you are allowed up to

12,000 square feet. Mr Lynch stated that under the code under type 2, the building construction material is a factor in whether a sprinkler system will be needed or not. Mr. Lynch stated that the statute is clear. Mr. Lynch stated that because of the nature of the building they can go up to 12,000 square feet. The building code is what we go by.

Motion: by Mr. Caprioglio to approve the application of Litchfield Sand and Gravel Case Number: 1312 LIT SP M21 with the following conditions of approval: Plan copies with professional seals and signatures, Original Mylar with professional seals and signatures, Electronic submission per regulations (As-builts as required), Bond estimate (where applicable), All fees paid, and escrow maintained as required, State Permits for Subdivision (subsurface/septic) and Alteration of Terrain and address the issues of Lou Caron dated December 2, 2013.

Second: by Mr. Curtis

Motion Passes: 5-0-0

2. Conceptual discussion Conservation Open Space Development Map 9 Lot 2

Mr. Anthony Basso representing Mr. Sousa came in front of the Board to explain to them that they were proposing to do a 12 unit conservation open space development. Mr. Basso stated that they would be back within 4 to 6 weeks with an application.

3. Multi-Family Housing Overlay

Jennifer DiNovo and the Board went over the revisions and made changes as needed.

Motion: by Mr. Curtis to move the Multi-Family Housing Overlay as modified tonight to public hearing on December 17, 2013.

Second: Mr. Caprioglio

Motion Passes: 5-0-0

4. Site Plan Review Changes

The Board reviewed the Site plan review changes (Section 120.1.5) (1) Driveway access space) with Jennifer DiNovo from NRPC.

Motion: by Mr. Caprioglio to send Site Plan Review Regulations Section 120 General Standards to Public Hearing as amended.

Second: by Mr. Curtis

Vote Passes: 5-0-0

5. Approve insert for 12/13 HLN for the 12/17 Hearing.

Joan stated that the CPG Grant will pay for this. This insert will be in the 12/13 HLN. The Board reviewed the insert.

Motion: by Mr. Caprioglio to approves the insert as amended

Second: by Mr. Curtis

Vote Passes: 5-0-0

6. Items for the 2013 Annual Report

Mr. Blanchette went over some of the items that were accomplished by the Planning Board this year that should be added to the report and asked the Board for any input they might have to add to the report.

Approve minutes of November 5, 2013 and November 19, 2013

Motion: by Mr. Croteau to approve the minutes of November 5, 2013

Second: Mr. Blanchette

Vote Passes: 2-0-3

Motion: by Mr. Caprioglio to approve the minutes of November 19th as amended

Second: by Mr. Curtis

Vote Passes: 5-0-0

Any Other Business:

Joan stated that Kim from NRPC will be meeting with residents in town regarding the Agricultural District on December 10 at 2:00 PM in the Town Hall meeting room.

Mr. Croteau asked for an update regarding the impact fees. Russ mentioned that they received a draft for Phase I for the Schools and Roads. This will be put on the agenda for January.

Russ mentioned that he will attend the ZBA meeting on Wednesday, December 11th to represent the Planning Board.

Motion: by Mr. Caprioglio to Adjourn

Second: by Mr. Curtis

Vote: 5-0-0

The Next Planning Board meeting will be held on December 17, 2013 at 7:00 pm as

a Public Hearing.

The meeting adjourned at 9:50 pm

Minutes taken by: Donna Baril