

Town of Swanzey, New Hampshire
Swanzey Planning Board
Meeting Minutes – January 7, 2016

Note: Draft Minutes are subject to review, correction and approval by the Board. Review and approval of Minutes generally takes place at the next regularly scheduled meeting of the Board.

The regular meeting of the Swanzey Planning Board was called to order at 6:00 p.m. by Chair Glenn Page. Members present: Glenn Page, Scott Self, Jane Johnson, Don Skiba, and Joe Smith. Jim McConnell joined the meeting at 6:30 p.m.

Absent: June Fuerderer and Selectmen’s Representative Deborah J. Davis.

The Chair took the roll and read aloud the agenda for the meeting.

Others Present: Director of Planning and Community Development Sara Carbonneau, Attorney Silas Little, Chair of the Ashuelot River Local Advisory Committee (ARLAC) Barbara Skuly, Representatives for Mitchell Sand & Gravel, LLC Kevin Parsons, David MacLean from GeoInsight, Driller Bart Cushing, Civil Engineer Mike Penney with GeoInsight, Blasting specialist Joe Tabor, Mitchell employee Jacqui Beaman, Resident Richard Sainsbury, Resident John Davis, Resident Jean Snow, Dick Fraser of One Source Property and Permitting, Gary Patch from Lane Construction, and several others.

Minutes:

- Minutes from December 17, 2015 were considered. There was a **motion** by Smith to approve the Minutes of December 17, 2015. There was a second by McConnell and no further discussion. All were in favor. **Motion passed.**

Regional Impact: Board members considered whether any items on the agenda could be construed as having the potential for regional impact. **Motion** was made by Self that there were no new items on the agenda which could be construed to have potential for regional impact. There was a second by Smith. All were in favor. **Motion passed.**

A. PUBLIC HEARINGS –

Site Plan Review and Request for Modification to Existing Excavation Permit

pursuant to RSA 155-E - GeoInsight, agent on behalf of Mitchell Sand and Gravel, LLC, wishes to modify the existing site plan to remove rock for use as construction aggregate to an elevation of 300 feet, as well as other changes that “reduce the potential environmental impacts such as noise and aesthetics to Swanzey residents.” The property is situated off West Swanzey Road and is shown at Tax Map 86, Lot 1 situated in the Business District. Public hearing opened.

Kevin Parsons, spokesman for Mitchell Sand and Gravel, LLC, addressed the Board. He said the operation will continue for eight to ten years. He said the plan entails relocation of the crushing operation. He said the owner also wants to upgrade the facility to make it more efficient at significant expense. The aggregate processing will be moved to the back of the property. The application asks for extending the life of the facility to justify the

expense. He noted that the Town of Winchester, NH has already approved the request and New Hampshire Department of Environmental Services (NH DES) has already approved the request. He noted questions with regard to water resources. He said that they are under scrutiny from NH DES. He referred to the water testing protocol that has been done. He passed out a copy of a document concerning the Water Monitoring and Reporting Program that is in place. Parsons said that the risk to the river is minimal. He spoke about an aquifer that lies under the front of the property. The operation footprint has been reduced, he said. He said that the area above the aquifer has been taken out of operation. Parsons said the pit has been on-going for 50 years, and has economic value to the community. Eight folks are employed at the pit. He said lowering prices for asphalt is a benefit to the town. He noted that aggregate is needed for roads and driveways. He noted tax revenue to the Town without impact on government services. He spoke about best management practices that are conducted by the company.

David MacLean spoke next. MacLean said he is a professional hydro-geologist and has been for about 28 years. He said he has been focused on water source protection and has done work in New Hampshire. He displayed some charts of the sand & gravel aquifer. He said no aggregate will be taken from an aquifer. Sand and gravel aquifers are the largest municipal supply aquifers. He noted that in the past some 20 monitoring wells were installed on the property and no water was encountered. He spoke about test pits that did encounter sand and gravel aquifer on the property which then determined where the excavation could occur.

MacLean then spoke about discussions with NH DES, and said their primary concern was using nitrate related blasting materials which could add nitrate to the ground water and become a health hazard. He referred to data for 1988 and 1989 studies, which helped him determine bedrock flow of water. He said three wells were proposed to monitor the presence of nitrate related compounds, using them as sampling locations. He said samples are collected when blasting is occurring.

MacLean then addressed impact on the Ashuelot River. He said that the operation is unlikely to have an impact because of the tight granite bedrock without faults. He said that they do examine the bedrock to try to determine weaknesses in the rock. He said where aggregate is being removed, there are no weaknesses, and the rock is very tight. He said the chances of influencing the river are remote. He said that Large Groundwater Withdrawal Permit would be required if de-watering occurs with groundwater flow over 40 gallons per minute.

MacLean addressed the points made by the letter from Southwest Region Planning Commission (SWRPC) in regard to water quality. He noted groundwater flow toward the Ashuelot River. He noted four monitoring wells for heavy organic chemicals and none have been found. He affirmed best management practices being done for blasting.

Skuly asked for clarification about nitrates. MacLean said nitrate, nitrites, and ammonia are all being tested for. MacLean said that he didn't think groundwater would be encountered in the pit. If it requires removal of over 40 gallons of water, then the Large Groundwater Withdrawal Permit will be required. If groundwater is significant, Mitchell would not be able to operate. Skuly asked where the water would be placed if it has to be pumped out of the pit. Skuly asked about arsenic and whether the wells would be tested for arsenic. MacLean said he couldn't speak to that compound since it is naturally appearing in groundwater. MacLean said he didn't think that would be a real problem. There was a discussion about arsenic in the water. MacLean said that arsenic tends to be found in compressed sediment rock. Skuly asked about radon. MacLean said he didn't have data regarding radon but said that the problem is usually associated with the basements of tight houses since radon

is a dense gas and not a problem in open air. Discussion occurred about the elevation of the river which is 440 feet above sea level, whereas the request for the pit excavation is to 300 feet above sea level.

Bart Cushing who has a drilling business addressed the Board. He spoke about water quality from the wells. He noted lines of weakness in the rock run southwest but the rock is very dense. His work has been on the monitoring wells and a lot of testing has been done on the wells used by the business for employees. He said based on his drilling on the site, the flow of water is going south/southwest. He said he is not a paid consultant for GeoInsight or Mitchell. He said he has no records of complaints of families running out of water as a result of the Mitchell drilling. The wells are 425 feet which produce water for the business use. He noted it is expensive to remove water and obtaining a Large Groundwater Withdrawal Permit is a long drawn out process.

Mike Penney, civil engineer for GeoInsight, spoke next and said he has done work for aggregate mining companies. He said this is an ideal location to excavate rock for processing. He said that Mitchell runs a good operation. He noted that the last thing that Mitchell wants to deal with is water in their excavation. Penney addressed where the water would go, should they encounter groundwater. He said that Mitchell uses rainwater for dust control. He said that should there be water, it would be treated and discharged under NH DES rules with contingency to do so at the southwest section of the property. There was a discussion with Skuly regarding disposal of water produced at less than 40 gallons per minute.

Blasting specialist Joe Tabor spoke next and said they follow regulations from the International Society of Explosive Engineers (ISEE). He noted that nitrates have been a concern but now using emulsion based explosive. There is a small amount of nitrate, but much less than previously. Best practices means making sure the explosives are completely detonated. Page asked about notification of neighbors when blasting is about to occur. Parsons said that anyone who wants to be on the list can be added. Resident Richard Sainsbury said that he is on the list and that he has not been notified. Tabor said they would check on that. McConnell asked about notifying a radio station or newspaper so as to provide a warning about blasting during a particular week assuming weather cooperates and other factors are considered. Tabor said that they need flexibility and cannot easily predict a particular date to blast. He said blasting occurs about once a month. Johnson asked who to notify to be on notification list and Mitchell employee Jacqui Beaman was in attendance and said she would take names.

Resident Jean Snow said she has been out in her garden when she felt the ground shaking from the blasting. Tabor said there are regulations to abide by. Snow asked for information about ground vibration and Tabor said she could get information from Mitchell. Ground vibration is measured by inches per second. There was discussion about blasting and air and ground vibration. Snow also asked about noise and how it dissipates.

John Davis spoke and said he advocates for clean water. He said he has had concerns about the Mitchell operation in the past but during the last five and six years he has worked in construction and has had opportunity to visit the pit. He said he has been impressed with the operation in the pit. He spoke about the road being paved down to the pit, and a cover installed over the oil tanks. He said the banks are covered with wild flowers. In the scale house, truckers are told to keep their speed down to help control dust.

Parsons again spoke about the amount of money spent to get the property in shape. He said Mitchell cares about what the town thinks about him and his business. Parson asked the Board to vote in favor of the application.

Johnson said that she was sorry to hear so many references to “if” things go as planned. Parsons responded that the evidence provided by the Geolnsight engineers is that the likelihood of a water problem is minimal. Johnson acknowledged that her concern is that the future is unknown. Page said that if approved, water monitoring and reporting program would be required.

Page seated McConnell for Fuerderer. Public hearing closed.

Motion was made by Self to approve the request of Geolnsight, agent on behalf of Mitchell Sand and Gravel, LLC, to modify the existing site plan to remove rock for use as construction aggregate to an elevation of 300 feet, as well as other changes that “reduce the potential environmental impacts such as noise and aesthetics to Swanzey residents” on property is situated off West Swanzey Road, shown at Tax Map 86, Lot 1 and situated in the Business District with the requirement that a Water Monitoring and Reporting Program remain in force. There was a second by Skiba. All were in favor. **Motion passed.**

The Geolnsight folks and many residents left the meeting at 7:33 p.m.

Proposed Zoning Amendments –

- **Proposed Amendment #1 –**

Add the following permitted uses to Section V.C.II. in the Village Business District II:

1. Restaurant;
2. Hotel or Inn;
3. Bank or Financial Institutions;
4. Function Halls

- **Proposed Amendment #2 –**

Delete existing definition in Section XIII of “Hotel or Inn” and replace with the following definition:

Hotel or Inn: A building, or a portion thereof, where lodging is offered to transient guests for compensation and by which there are more than five sleeping *rooms with no cooking facilities in an individual room or apartment*. The accommodations shall constitute the temporary abode, for 30 days or less, of persons whose primary residence is elsewhere. A hotel or inn may also include customarily accessory facilities, services, and activities, such as outdoor and indoor facilities for dining, relaxation, or recreation for guests and the general public.

Page read aloud both amendments. He noted that the Village Business District II consists of the former Homestead Woolen Mills complex. Carbonneau suggested that the two amendments be treated as one Warrant Article. Self said that they address two separate sections of the Zoning Ordinance but there could be one Article with two amendments. There was a discussion about “cooking facilities” and the use of microwaves and coffee makers in hotels. Page suggested removing the phrase entirely. Page also suggested someone could apply for a variance to the amendment in order to add microwave use. Carbonneau also suggested removing “no cooking facilities”.

Motion was made by McConnell to approve Proposed Amendment #1 as stated above and Proposed Amendment #2 to read as follows, “Hotel or Inn: a building, or a portion thereof, where lodging is

offered to transient guests for compensation and by which there are more than five sleeping rooms. The accommodations shall constitute the temporary abode, for 30 days or less, of persons whose primary residence is elsewhere. A hotel or inn may also include customarily necessary facilities, services, and activities, such as outdoor and indoor facilities for dining, relaxation, or recreation for guests and the general public.” There was a second to the motion by Smith. All were in favor. **Motion passed.**

B. OTHER APPLICATIONS –

Attached Sign Permit Applications

EAI wishes to install 3 attached signs at property situated 33 Whittemore Farm Road, shown at Tax Map 51, Lot 1-5 situated in the Commercial/Industrial District. The Board considered the dimensions of the signs being requested.

Motion was made by Smith to approve the request of EAI to install 3 attached signs at property situated at 33 Whittemore Farm Road, shown at Tax Map 51, Lot 1-5, situated in the Commercial/Industrial District. There was a second to the motion by Johnson and no further discussion. All were in favor. **Motion passed.**

Renewal of Excavation Permit – Lane Construction Corp. d/b/a Cold River Materials

Lane Construction Corp. d/b/a Cold River Materials seeks to renew its excavation permit for the Jennings Excavation Site (Tax Map 13, Lot 11 and Tax Map 4, Lot 12). The property is situated off Flat Roof Mill Road.

Dick Fraser from One Source Properties and Permitting (on behalf of Lane Construction) was present to propose extension to the permit issued in 2013, which expires at end of January 2016. Fraser said that the site has been reclaimed and some sections have vegetated itself. The excavation site is fully depleted. He said the south end of the site needs to be graded. He said about two acres need to be reclaimed. The idea is to complete the reclamation process through 2017 and extend the permit to finish the reclamation. The property is high and dry said Page. Fraser noted that the Town has received a copy of the reclamation bond for the property which has been extended until 5/12/2017. There was discussion about folks getting into the land with ATVs and 4-wheelers ruining the seeding. Teens have burned a truck on the site and Lane Construction/Cold River Materials are thinking of prosecuting them. Carbonneau recommended five year permit renewal be tied to the reclamation permit.

Motion was made by Smith to approve the request of Lane Construction Corp. d/b/a Cold River Materials to renew its excavation permit for the Jennings Excavation Site (Tax Map 13, Lot 11 and Tax Map 4, Lot 12) on property is situated off Flat Roof Mill Road, said excavation permit to expire on December 12, 2020. There was a second to the motion by McConnell and no further discussion. All were in favor. **Motion passed.**

C. DISCUSSIONS/OTHER BUSINESS –

Municipal Facilities Review Committee Open House

Carbonneau mentioned the Open House for facilities on January 30th. Carbonneau said that the Department Heads will be attending the MFRC meeting on Monday. She also strongly suggested attendance at the Budget Hearing and the Bond Hearing, next Tuesday.

Board members terms

Carbonneau said that Self and Smith terms expire this year. Jeff Goller's position is currently held by Skiba until March and that is a two-year term to be voted on.

State Legislative News

McConnell said that the Legislature passed Senate Bill 146 about accessory dwelling units (ADU) being a minimum of 750 square feet. Carbonneau noted that with passage of this bill New Hampshire towns cannot require an ADU be any smaller than 750 square feet, which is disconcerting since the Town of Swanzey has an ordinance in place that restricts the maximum size of the ADU to 25% of the total square footage of the ADU and the principal dwelling (as an example, the maximum size of an ADU in a 2000 s.f. structure is 500 s.f.). She noted that the new square footage can meet workforce housing requirements.

Winter meeting for Southwest Region Planning Commission (SWRPC)

Carbonneau informed the Board that the winter meeting for SWRPC is February 16, 2016. She mentioned that legislative initiatives will be discussed. One bill would extend notification period for Planning Board applications – proposing 21 days. And she said she would prefer consistency for notification for all applications, not just Planning Board applications.

Cheshire County Budget & Other Matters

McConnell said that the Cheshire County budget is anticipated to increase by 7.11% which he said was too much of an increase. McConnell said regarding the Maplewood nursing home situation – the subcommittee will be meeting once again. The idea is to build a separate tower which will cost a lot less than the original “greenhouse” idea.

Adjournment

Motion to adjourn was made by Skiba, seconded by McConnell, with all in favor. **Motion passed.**

Adjournment occurred at 8:12 p.m.

Respectfully Submitted,



Beverly Bernard, Recording Secretary