MEMBERS PRESENT: Robert Smith, Chairman; Mark Beliveau; Lou Ann Griswold; David Cedarholm; Wayne Lehman; Howard Hoff, Alternate and John LaCourse, Board of Selectmen Rep.

OTHERS PRESENT: Paul & Svetlana Cote; John Mitchell; Jason Piparo; Ana Dadey; Anne Tappan; David Houston; Steve Frazier; Lindsey Boisvert; Luigi Pasto; Rebecca Jacobs; Kayla & Collin Laflamme; Christian Lapp; Steve Bullek, Lee Public Works Manage; Wayne Morrill, Jones and Beach Engineers and Caren Rossi, Planning & Zoning Administrator

Robert Smith, Chairman read the opening statement into the record.

ROLL CALL

All members were present and alone in the room.

MINUTES

Review & adopt draft minutes 11/12/2020

Wayne Lehman made a motion to approve.
Lou Ann Griswold second.
Vote: majority, minutes approved.

REPORT OF OFFICERS AND COMMITTEES

None

REVIEW ANY CORRESPONDENCE

None

NEW BUSINESS
A Public Hearing for the Town of Lee Storage Area to be established on a vacant parcel of land that is located at the end of Clay Lane. The property is known as Lee Tax Map # 3-05-00. This is a possible final hearing.

Wayne Morrill, Jones and Beach Engineers explained the plan. It is an 8-acre parcel of land. He started on this project at the beginning of the year. Test pits were performed to verify the materials as the original ones were done a long time ago, in the 1980’s. Originally it was going to be a gravel pit. It is not going to be now. We did receive an AOT permit which allows us to do tree clearing between October and March, as well as stump and grade the lot and install 2 small sediment basins as part of the AOT permit and install the construction entrance onto Clay Lane. The buffer along Clay lane is 50 ft. Turning the corner to the right the tree clearing has been brought in substantially, as shown on the plan. The side opposite from the entrance, will be cleared to the lot line. The Daniels Drive side, the trees will only be cleared back to a 200 ft buffer to the closest lot lines. The Town will remove the trees and grade it, so that over time there is room to have 2 stock piles of material if needed. There will not be any excavation, it is just a staging lot giving the town a spot for their material. The town will get all federal and state permits to do this. The town is able to start because we have the AOT approval. We have to notify the 14 days prior to the start.

Steve Bullek added that storage of materials was always part of the plan as the material hauled in was going to be used as the reclamation. The need for the material storage has always been a need. It would have just been a part of the gravel pit and we are not doing a gravel pit but still need an area for material storage.

Robert Smith, Chairman asked what the double lines on the site plan are.

Wayne Morrill explained its an existing trail.

Robert Smith, Chairman asked if it will remain?

Wayne Morrill explained that it will remain in the area that is not part of the storage area.

Robert Smith, Chairman stated that the trails that will no longer be active should be removed.

Caren Rossi commented that the trails were put in by the abutting property owners and it’s her understanding that no one received permission from the town to put them in. They just put them in.

Robert Smith, Chairman asked if anything other than rock, sand, stone etc. would be stored there? Equipment?
Steve Bullek stated that if we do a lot of tree work the excess maybe put there. The first thing to do is to plant grass after its cut and stumped. Until we start cutting shoulders and doing ditch lines. It will just be spoils and routine road maintenance materials.

John LaCourse asked if he will store the stumps for air drying?

Steve Bullek stated yes, until the company comes and grinds them and then he will re-use the grindings on other project’s for erosion control measures.

John LaCourse asked how long the process will be to get it ready.

Steve Bullek replied about 2 ½ weeks of solid working days.

John LaCourse asked if it was always a forested lot?

Caren Rossi stated she assumes it has been forested for as long as she can remember but she assumes like most parcels, years ago it was not. But since the town took it in the 80s for gravel pit, they never did anything to the lot.

Lou Ann Griswold asked what existing vegetation is for this lot and the adjacent.

Steve Bullek stated that it’s a lot of high old pine, some old hardwood. A lot of pulp wood. The house lot with the cemetery, he and Caren met with Mrs. Cote. They don’t have a lot of cover even moving the tree line back so we will be planting a buffer for her lot because the forest isn’t very thick. It’s the same for the other house near Cote. He explained the original access for this lot is along this property line but we will not be using it.

Lou Ann Griswold asked how often the material would be accessed, and what would the traffic look like.

Steve Bullek explained that it will be accessed in spring when getting ready for paving, a fair amount then perhaps 20 trips a day 2 or 3 days of the week, during a month and a half when the snow melts and then possibly a month in the fall. This is for regular known use. Also, if something special were to happen but that’s not known. A bit more in the fall when caught up and trying to get ahead for the next year. Most likely we will only have 1 pile for the foreseeable future.

Howard Hoff asked if there will be a gate, power?

Steve Bullek replied yes. He will like to make the entrance only a dump truck width to try to hid it. It is shown on the plan a bit wider but he will try to make it narrower than that. And no power on site. He explained the square area on the entrance is 6” minus which will help catch mud off the tires. If they do get mud and needed to, they will sweep the road.
Robert Smith, Chairman asked where the 10’ over flow goes?

Wayne Morrill stated that it goes onto the abutting property, open space. That is where the water goes now. They did a drainage analysis as required by the AOT and that is why the 2 ponds.

Robert Smith, Chairman asked about the elevation by the pond along the open space.

Wayne Morrill and Steve Bullek explained that there might be more excavation and tree cutting in this area since this plan was done because there was an agreement allowing the developers to take out more material to use in the development because when it was going to be a gravel pit, the idea was to have the floors levels match. This needs to be verified if it was done and what the elevation will be. It will be made to ensure there is no erosion.

David Cedarholm asked a question on behalf of a question on the Zoom chat, from Jason Piparo and that is; “what is the purpose of the project”.

Steve Bullek explained that the entire story. We had been buying sand for years, the price at that time was $5 to $6 per yard, with a lot less roads in town. 11 years ago, we got sand from the Old Mill Rd Federal project, at that time the town got enough sand to last us 13 years and the rest went to Little River Park. The only reason we didn’t take more was that we are out of storage room. When he took over the job in, Oct of 2018, he was told he needs to find future sand because we are almost out. He was left the information from the Clay Lane pit from 1988 and to start doing it. We went to the Con Com and SB approval to start the gravel pit. That isn’t happening as we were given wrong information. We still need the storage area because we don’t have any room on any town land to storage shoulder cuttings. We have been giving it away which goes against town policy. If we give it to someone, and we damage property while dumping it, we are now on the hook for damages. There is no place to store any surplus materials that we generate from routine road maintenance, in town that is not conservation land.

David Cedarholm stated that this was helpful and he is in support of it and feels its necessary. Will the town go after the sand in the future?

Steve Bullek said no, in the beginning we were told we just needed to follow the state regs, which is a 10’ buffer from an approving abutter and 50’ from a non-approving abutter. At 11am the day of the meeting we were told that is not correct and we need to follow the towns regulations and not the states. This makes the project not feasible. When you apply the 200’ setback, we can’t get enough out of the ground to make it worthwhile. Once we run out of sand here, and he has to buy it, it will be a minimum increase of $31,000 per year.

David Cedarholm stated and that will only escalate as time goes on.
Robert Smith, Chairman asked, so if you purchase sand it will go at the shop and not here?

Steve Bullel explained yes.

Caren Rossi explained to all, hands are being raised and questions are forming in the chat, that this meeting will be opened up to the public once the Board finishes their questions.

Robert Smith, Chairman asked if the Board has taken jurisdiction of the application?

Caren Rossi explained that this is a public hearing and not a site review application. The Board hears the application, hears the abutters concerns and then may issue non-binding recommendations for the project. We do not follow site review regulations, there are no regulations that we have to follow.

Robert Smith, Chairman then open the floor for public comment.

Public comment

Christian Lapp spoke with concerns of how high are the piles are and what’s the material going to be. The trails are still actively being used. They might not have been approved but they are actively being used. He would like to let them continue to be used. What is the reason for such a large clearing and a small storage area?

Steve Bullel replied they won’t be any higher than the loader can stack, maybe 12 ft. Roadway waste is when you cut shoulders with materials that are on the side of the road, this is done for the roads to drain better allowing the road water to have a place to go. It helps with premature roadside failure. Ditching is the digging of a front of a house from culvert to culvert. We have been giving it away but are not supposed to. The trail where he is not cutting will still be there and anything around the retention ponds will be grass and it will be mowed. He will try to figure out a way for the trails to be accessed. He wants to have the ability to store other items if needed.

Christian Lapp asked if we can say for now it’s a storage area, but later change the plan?

Robert Smith, Chairman stated that he thinks someone miss spoke. We can’t make it a sandpit due to the setbacks.

Caren Rossi stated she thinks she said for now. You never know what will happen to a property. The town could decide to sell it and a house could go there, because it’s not in conservation easement, you never know. She continued to say that for those people who think it’s a back-door approach to put in a gravel pit, the state of NH would have to change their regulations or the town would have to change their regulations for gravel pits, the current regulations say we have to comply like everyone else. Until one or the other change the regulations, we have to comply like everyone else.
Christian Lapp asked isn’t the Board currently changing the regulations?

Caren Rossi stated the Board has been working on the site review regs for many, many years. They have not gotten to that section. They have not gotten very far. It’s not that simple. The Board if they do decide to change this section of the regs they will have a public hearing etc.

Steve Frazier asked what happened to the 200 ft buffer between his property and what happened to the 200 ft buffer he had heard about.

Steve Bullek stated he doesn’t recall saying 200 ft.

Caren Rossi stated that because it is not a gravel pit and it’s just a storage area. There are no setbacks that we need to meet. When we were originally doing a gravel pit, we were doing it in 2 phases. Phase 2 was the area that is now a storage area and that was being cleared in phase 2.

Steve Bullek explained what was phase 1 and phase 2 of the gravel pit application. (withdrawn) He offered to plant some trees in the buffer area for Mr. Frazier’s property if needed.

Jason Piparo stated he wanted to be clear that this is an industrial development. He expects when you see a vacant lot that a building would be put up there. He feels it’s an absurd location for this type of use. He spoke with concerns of the aquifer conservation district. What type of materials will be there? He doesn’t see that it is permitted in the aquifer conservation district. He doesn’t want the terrain to change on that lot dramatically. How is this allowed in this zone? He had concerns with drinking water. He doesn’t have a clear understanding of what other town properties could be used.

Steve Bullek explained the type of material there will be some road salt, some trash, its stuff from the side of the road.

Caren Rossi explained this is not a site plan review application it is a public hearing. We do not have to follow our regulations; we only have to follow the state regs and we have that is why we got an AOT permit.

Jason Piparo stated he felt that was dubious that we don’t have to follow town regulations.

Caren Rossi stated that is a state law called Governmental Uses of Land.

Caren Rossi explained that back in 2009 when we received the sand we are currently using, research was done on all of the parcels of land the town owned and it was determined that the only area we could use is what was cleared, which is unfortunate because we could have gotten sand for many, many more years. At no cost for it or for trucking it.
Jason Piparo stated that since the land has been acquired, the area has changed.

Caren Rossi asked if they are aware of the Peters gravel pit at the Daniels Drive entrance.

Robert Smith, Chairman stated he wants to cease the discussion of a gravel pit, its off the table.

David Houston spoke with concerns of the article 16, which prohibits waste in all zones. How is this allowed and how does it meet both town and state rules.

Caren Rossi reiterated that we are exempt from our regulations, she doesn’t think that they are referring to the same thing. She doesn’t think this is referring to road side clean up, tree trimmings and bridge parts. She realizes that people don’t want to hear, but we are exempt from our regs.

Steve Bullek asked if it says solid waste anywhere? The solid waste refers to municipal solid waste as in brought to the transfer station. The end goal for the material is to be reused on other town projects. It will not sit there forever.

David Houston asked for the most recent copy of the plan. He asked if there is a cost benefit analysis for the project.

Steve Bullek stated currently he doesn’t have one. There is no savings to the town they just don’t have a spot for this and they need one to meet the law. He explained that the state sheds are out of storage, so they are most likely not doing the required work. This problem is not just unique to Lee, its statewide.

Caren Rossi emailed the plan to the homeowner’s association.

Robert Smith, Chairman stated if you are reusing the material, that helps with the costs.

David Houston asked if this will be used for waste, it’s a total unknown of what it is, why can’t you use the transfer station.

Steve Bullek replied no, there is not any room for that. Behind the fence is the conservation land and in the back is the old landfill which prohibits anything placed on it.

Lindsey Boisivert spoke with safety concerns of the kids on the piles and the equipment. As well as the storage in the aquifer zone, contaminating drinking water etc. She also would like a site walk. Where is the 50’ buffer for the open space.

Wayne Morrill explained the past agreement with the then landowner. Both parties cutting the area so both bottoms would be the same level. He explained there is a 200’ buffer to the Daniels properties.
Caren Rossi stated we left a buffer for the homes on Clay Lane, there are no homes to buffer now. This area is going to be a grass area and it’s less intrusive than a gravel pit. Steve has said earlier he will allow people to walk on the grass so what’s the point of a buffer.

Steve Bullek stated that he won’t leave equipment there once the land is cleared etc.

Svetlana Cote spoke asked if the plans are to change the regulations of the gravel pit in the future? If it’s a staging area why do we still need the drainage. It’s close to their well and worried it will affect their water and water quality.

Robert Smith, Chairman spoke and he said there are no plans to change the regulations. In this go around they are only trying to update to state regs and look at speeds on highways, building codes etc. but they are not looking to reduce or change any setbacks to buffers.

Steve Bullek stated that the AOT permit requires the drainage ponds.

Wayne Morrill agreed.

Collin Laflamme spoke with concerns of road salts and trash stored there and how they would affect water quality of the wells. Health and safety are his main concern, and procedurally, what will happen. What’s the next steps?

Steve Bullek stated he won’t be storing road sand there; he needs it at the shop. They don’t use a lot of salt in any given year, and it’s a sand salt mix. He can look into ways to put the piles on something such as plastic to help reduce things going into the ground. Possibly a filtration fabric.

Caren Rossi explained it’s a public hearing that either the planning board may hold or the select board may hold. This Board may choose to have a site walk. After that, they have 30 days to write a letter of non-binding recommendations. And she believes 14 days prior to cutting trees, we need to notify the state for the AOT.

David Houston asked when reading the regulations if you are significantly storing materials doesn’t that make it fall under an earth removal operation.

Robert Smith, Chairman stated earth removal is removal from a specific spot in the ground.

Collin Laflamme asked how the decision from the Board is communicated to the public.

Caren Rossi stated she will format any recommendation that the Board might have to the homeowner’s association to distribute.
Jason Piparo commented if there was anyway, we could make this a more traditional town project.

Floor closed

The Board discussed a site walk and they determined to have it on Saturday, December 19th at 9am. All meet on site and then meet again, via Zoom on January 13th at 7:00PM. Wayne Morrill will stake out where the stock pile areas will be. The road center is already staked out.

Minutes transcribed by:

Caren Rossi