

## **Minutes of the Planning Board Meeting**

Monday January 10, 2022 6:00pm

### **6:02 PM – Call to Order**

#### **Roll Call Attendance**

Margaret, Bonnie, Robert, Hanna. Not Present: Scott, Pat, Mike.  
on Zoom: iPhone Guest, John Kimball, and Kevin Foley. Charyl Reardon too

#### **Approval of Minutes-** November 8, 2021, November 22, 2021, December 13, 2021

Nov. 8: Rob has question about missing vote outcome at bottom of page to approve permit. Margaret said it was an error and that the vote did pass unanimously. Rob made motion to accept as amended and Margaret seconded. 3 approved. Hanna abstained.

Nov. 22: Rob makes Motion. Hanna seconded. All approved

Dec. 13: Rob makes motion to accept. Very good job on notes. Hanna seconds. Unanimous approval.

#### **Selectmen's Report** – Scott not present so no report.

#### **Status of Caulder/former Devine Pit:**

Rex and Cheri here to present the status, as invited by Bonnie. In Engineer's hand. Waiting for permit to do any alteration. Tom Duffy is waiting for the state to provide information.

Hanna asked about Dump trucks. Rex says hauling screen sand (winter sand) out and all topsoil from new business being built on Main Street. (Hampton Inn construction site). Not digging or excavating. They did process new material there but not in last couple months.

Kevin Foley from zoom audience asked if they had permit there when they processed the sand? Bonnie wanted to know when he bought the property. Rex says we are still working under Walter's permit. Rex is the owner of pit but Walter is still involved and has one year to remove all stuff out of his house. Walter is not part of ownership, but Robert says since Walter retains the rights, Walter maintains the right to permit. Bonnie thinks the Devine permit good until 2023 but we should research this. Robert says Walter has secondary access to it so permit still good. Devine has the property for a time.

Kevin asked who pays the state and town taxes? Rex declined to answer. Rex says he is not digging anything so he does not have to share anything with us. They are venturing to do trailer park.

Bonnie says permit should be in name of owner of real estate property, but will research it. Permit has Rex as agent.

Kevin asks, don't you need permit to process stock pile? Bonnie says no. You can do that but just no excavation. Bonnie asks if it is the consensus of board that he can continue the work on the property? Roberts says yes and that it is the best property to do that anyway. Bonnie says that doesn't matter for our analysis. Margaret says we have already stated previously that the material in stockpiles can be brought in and out. Bonnie agrees and says that has always been allowed and is essentially storage. Excavation=digging, or altering the terrain. Robert says in excess of 1000 yards is when it becomes relevant anyway.

### **Status of Resnick Circle:**

Bonnie asked Mark about pavement. He said the spring. Bonnie wanted something in writing. Hanna asks what is our option when he fails to comply again? Bonnie says call the bond. We can't put a lean on it, because he sold the property. We should come up with a date to give him for a deadline to comply. Rob says the town attorney should send a letter demanding completion by certain date or we will take appropriate action. Rex said mike doesn't have a bond. Bonnie says it is a letter of credit. Attorney will give him milestones to complete by 7/1/22 in official letter.

Rob made motion. Hanna seconded it. All approved.

### **Review of correspondence received from John Kimball:**

We are in receipt of an email from John Kimball, emailed to Bonnie on 12/13/21 and then forwarded to us. Bonnie says she has reviewed the email. Hanna reviewed 18 pages.

Communication with selectmen needs to be better and be more aware of intent to excavate plans and reporting on materials and taxes paid. Bonnie says that is selectman job and not ours but we shouldn't work in a vacuum. We need to be better informed.

She agrees that when we do annual inspections, we should be more thorough and check all factors for a permit to be in good standing or reissued. Perhaps bring someone with us with consultation money for peer review to help us interpret.

Agrees it is good to keep on top of other agencies.

We did learn we are the regulators and enforcement agency and it is on us so to regulate. We need to deal with it and not selectmen.

We should work on what our policy is re: new property owner and change in name.

Notice to abutters from Caulder when he blasts will now occur. Rex is commenting that he blasts 2 times a year, and only 3 times total in five years.

Cherri refers to John Kimball's email saying the bond should be the amount that was voted on previously in June 21 meeting, which was then changed to new regulations' price without doing a new vote. June 21 planning board minutes referred to and then December minutes. Cherri wanted to know how they could go up to \$25000 per acre now, without ever doing a new vote within 30 days of the first vote, pursuant to our own rules? Rex says Bonnie told his insurance company he couldn't change the amount because the board voted it in. Board needs to research this.

Rex wants letter from attorney to show we are enforcers. Bonnie will ask attorney.

Rex asked if we got letter from his attorney. Margaret says it came to Ben 6 months ago. Robert and Hanna haven't seen it.

Bonnie says there is no process for public hearings re: things like gun range. Conditional approvals don't exist but we do approve things with conditions. Eg. subject to certain hours, etc. Permit includes corrective actions necessary to come into compliance. Bonnie says "removal" of materials in the preamble. Robert says person has right to request variance and approve variance.

Bonnie says we are in process of getting fireproof storage and digitizing records. Margaret says we have a subcommittee already.

We were asked to find documentation to approve transfer from Thomson to Caulder. Bonnie says she doesn't know where it was but can't find it. Rex says it was D Sand and Gravel forever and then Steve LaFrance the Board the documents with his name change to Caulder. 5 copies provided. Cherri thinks it was May 2016.

Pit inspection to include more thorough eval and Hanna said have a checklist. Helps with turnover. Margaret spoke about a training session through OSI that occurred before Covid. Hanna says she needs to go when offered again. Bonnie says Steve Towers gave map-reading lesson. Bonnie will put down another plan reading session.

We need to designate person who can be in charge of submissions and check application status, and to check off we have all the documents in order, to include annual site visit process.

Hanna says we need to go through regs and make sure they comply with RSA's. Looks like 155-E needs to be reviewed and possibly amended. Margaret says we need to make sure we are not paraphrasing RSA which could lead to discretionary opinions.

John Kimball wanted to ask if we ever got Caulder's intent to excavate for Gold Bess Gun Range under RSA 72-B. We said no and such issue is not in our jurisdiction. Plus, we don't get intent to excavate- the selectboard does.

### **Confirm schedule of meetings for 2022**

See dates adjusted for holidays.

### **Applications for Election to Planning Board – to be submitted between 1/19/22 and 1/28/22**

Margaret, Pat and Ben are up this time and will need to file declaration of candidacy if they want

Robert, Hanna, and Bonnie are up in 2023.

### **Other Business**

Annual Report-take a look at Bonnie's report and let her know by Monday if we have suggestions/input.

John Kimball asked to issue redaction/correction in annual report. Bonnie included that the Board is the enforcer and regulator in her update. John wanted to know if his email would be attached to the minutes. Bonnie says the letter will be kept in file for future reference but not attached to minutes. It is referenced and acknowledged. Robert points out that it was an opinion and not a fact. John says he doesn't have an issue with excavation pit.

Robert wants to stop discussing the gun range. Rex says the town shouldn't get involved in their lawsuit.

**Meeting adjourned at 7:24.**