



Town of Woodstock

Planning Board

Meeting Minutes

October 16, 2023

5:00 pm

Board: Bonnie Ham, Lee Freeman, Kathryn Cordeiro, Jerry Miserandino, Igor Bily,

Absent: Scott Rice, Margaret LaBarge, Christina Payne

Staff: Charyl Reardon-Select Board Chair, Cathy Riley, Mike Welch, Kevin Millar

Public: Bill Waterhouse, W. Musseau, John Kimball, Connie Martell, Kevin Foley, Rex Caulder, Cheri Caulder, Lori O'Heir

Zoom: None

Call to Order

Bonnie called the meeting to order at 5:00 pm

Appointing

A Vote was made to appoint alternate Igor Bily as a voting member at this meeting

Motioned by Lee, seconded by Kathryn and the vote was affirmative.

Jerry Miserandino was voted as a member of the Planning Board at the September 11 meeting, and the Board signed the form at this meeting. The form will be submitted to the Town Clerk, and Jerry will be sworn in at the office.

RSA 41:14- Morris Street/Schurman Easement, 5 Kancamagus Highway & Release Deed agreement for 682 Daniel Webster Highway.

Bonnie introduced the Woodstock Director of Public Works, Mike Welch. He was there to represent the town and to answer any questions. Charyl Reardon also came in to represent the Select Board and give a description of the project. This project was already voted on and approved by the Planning Board, so Charyl noted that it was just part of the formality to answer any questions move the project along to the next step.

Charyl also explained the next item which was the release of a lease agreement between the Town and the Havlock/Baumgardner property at 682 Daniel Webster Highway. It is a deed for an old waterline behind the house that was the warrantee deed from 1930. They are looking to eliminate that deed.

Mike explained that it was a little square of land that the chlorinator building was housed on but the building was removed many years ago. He added that through the old deed, the Town still had access to the waterline, but they don't need the old lease agreement. Bonnie added that this was for questions or comments from the Board, and is part of the process to move to public hearings required (two public meetings will be held).

Lee asked Mike for clarification that these were town owned waterlines on the property that the town still has access to if needed, and Mike confirmed.

With no questions from the public, a motion was made that the Board reviewed, commented on and accepted the removal of the lease agreement for 682 Daniel Webster Highway to go over to the Selectmen for the hearing process. *Jerry made that motion, Lee seconded the motion, and a roll call vote resulted in a unanimous "yes" vote.*

A motion was also made to approve and move forward with the hearing process on the Morris St./Schurman property.

Lee made that motion, Jerry seconded the motion, and a roll call vote resulted in a unanimous "yes" vote.

Approval of Meeting Minutes- September 11, 2023

Some Board Members had to abstain due to not being in attendance at the September 11 meeting, so the Board tabled the approval to the next meeting.

Selectmen Report

Scott was not present so no report was given.

Correspondence Received

Tiny Home Regulation information received and will be reviewed by the board (info only).

Eversource Transmission Line Rebuild Project. Bonnie explained the project plans. She explained that it was submitted for comments. Floodplain review, just preliminary so the board will review again when the project proceeds.

Peeling Village Wetlands Application received as just a notice that it was filed with the NHDES for a permit.

Notice of Wetlands Permit Filed Letter from NHDES to Caulder Construction for the Devine Estates was received by the Planning Board. Bonnie read the description of the Wetlands Permit that was issued with an expiration date of August 15, 2028. Notice only for the Board.

Bill Waterhouse wanted to ask about Mitigation fees for Watershed on the projects mentioned. Lee recalled that there was some mention in the package for the Peeling Village project. This will be looked into by the Board. Bonnie noted that this was a state function, and the boards have the right to comment on it.

Any Other Business

Committee Reports

Bonnie noted that with Christine Payne being busy, they have not made additional progress on the Master Plan Vision Project.

Bonnie added that Margaret LaBarge was still working on the Subdivision Regulations.

Bonnie then mentioned that she, Margaret and Igor as well as Jim Chesebrough from the Conservation Commission attended a training conference in Lancaster NH on the FEMA Floodplain Insurance program. Bonnie added that the committees will work diligently on the Subdivision Regulation re-write, as well as the Flood Insurance program now that summer is over.

Excavation Pit Visits

Bonnie stated which sites were visited on October 11th, 2023. The sites visited were Caulder East and West, as well as Conn/R&E Leasing. The Board was unable to visit the Potato Hill site.

Lee wanted to comment on the process, and suggested that in the future, that the pits are within the actual a current excavation pits with current permits and bonds, and not storage pits, which really only leaves the Caulder East and West pits.

Bonnie stated that they also need to look at restoration of the pit after the excavation ends. Lee added that the Bonds should not be allowed to expire on those pits and in place until the reclamation is done, and Bonnie agreed.

Bonnie also mentioned that the Conn pit will be renewing their application in the Spring of 2024, and will need to start from scratch with the application and submit a new bond.

Bonnie mentioned the Donahue/Potato Hill pit was not visited, and was going to make a note for a future visit. Lee felt that since they do not have a current permit or bond, that the Board should not visit. Bonnie added that if the pit lets expires, she said it was the responsibility of the Planning Board to go out and see if the pit owners need to restore anything.

After more discussion back and forth between board members, Rex Caulder added that once the Bond is done, the Board does not hold the Bonding company accountable for restoration or the landowner accountable, that's why you increase the bond.

Lee added that it seems the only alternative the Town would have would be to declare the pit abandoned if they don't have a permit and bond in place, and that it becomes the purview of the Select Board, and that the whole process will need to start over.

Bonnie stated that the Planning Board was clearly the regulator of this issue.

After Kathryn asked about what the next step would be, Lee stated that he felt that it should be brought to legal counsel see if it is the Town that has the responsibility to commit funds to reclamation.

Bonnie pointed out that there have been other sites in the past that had become abandoned.

Lee stated that we need to get quick response from legal counsel since it might put the Planning Board or Town at risk.

Kevin Foley wanted to ask about the following up on bonds, and asked if permits were being looked at when out doing visits to the sites. Bonnie replied that they do look at the area to see if there are any violations for safety and environmental, but that the board does not have jurisdiction on and can not enforce. State of New Hampshire has the jurisdiction.

Mr. Foley then asked if the all the permits are in place, such as the ones through DES. Lee answered that the DES would let us know if not in place.

Bonnie stated that it was up to the State to enforce the State regulations by their own inspections.

Mr. Foley then questioned if the Board asks the owners if there are any inspections that the State, Local or Town have done on their property. He added that the MSHA were at the East and West pits earlier this year and found some violations and issued fines. Mr. Foley the Board should be aware of that.

Bonnie noted that the Board only looks for major things, and Lee added that they went out to the pits and asked questions and conversations with the owner and received information that appeared to be fine.

After more discussion the Board discussed maybe having a look at the excavation permit requirements.

John Kimball wanted to make a comment regarding RSA 155E:5 regarding revoked or abandoned sites and the timeline to reclaim the site. Mr. Kimball stated that E:10 will refer to the enforcement authority and refers over to RSA 676:15.

Mr. Kimbal felt that the board does have the enforcement as it is stated under that RSA to require before the permit is issued.

It was then decided by the Board that a checklist used in the past should be revamped and used in all future visits.

Bonnie brought up the next subject on excavation pits regarding blasting notices and introduced Woodstock Police Chief Kevin Millar, who was asked by the board to attend to give his perspective on how he felt about the notification of abutters for blasting being done at excavation pits.

Lee stated that he did not find any previous exact notification requirements for blasting in previous meeting permits. Bonnie stated that she didn't see anything when she also researched.

Lee brought up that he did visit a pit in Campton, similar to the West side permit, and they had no real requirements, but sometimes they let the fire department know and maybe the neighbors a day or two before blasting. Lee also went to the Rumney town site and saw that they had very extreme restrictions on notifications. Lee added that Rumney requires notification about 24 hours before blasting by voice and email to selectmen, fire and police. Lee was surprised that he did not see anything about notification to abutters.

Kevin Millar stated that he had not really researched yet, but to him it is more civil in nature. Chief Millar does feel that a two-month notification window is too much, and it should be narrowed down to 72 hours to 5 days. Chief Millar stated that maybe the Board should reach out to DES for some direction for future regulation.

Mr. Caulder wanted to state that it was the NH State Police Bomb Squad that regulates, and not MSHA. Rex said it is hard to notify when he doesn't know exactly when the blaster will show up, since they do not always come when they are scheduled to. Mr. Caulder stated that it was the blaster responsible for the blasting, not him.

Ms. O'Heir asked Mr. Kimball, an abutter if they felt that he was notified within enough time, to which Mr. Kimball replied "no". Ms. O'Heir then asked Mr. Kimball what he felt would be good enough notice, to which Mr. Kimball replied that it needs to be prior to the blast. Later Mr. Kimball clarified at least a day in advance would be adequate and that he could be contacted by phone.

Ms. O'Heir added that moving forward, maybe something in writing should be put in place.

Lee added that a discussion was made with the owner of the pit that there was a concern that if he notified of a specific time, that there may be a safety issue if people show up to watch or take pictures. Lee then asked Mr. Caulder if 24 hours' notice is possible, to which Rex replied that it should be, but it really is up to the Blaster. Lee also wondered how the abutters would be notified and having proof that they were notified. Igor added that phone call and emails should work. Kathryn added that emails can be tracked, and can also have read notifications sent.

After more discussion with a lot of good input, the board decided that they would review and comment at a later meeting, and also next year's visits will have a checklist in place.

Budget

Lee suggested that the budget stay level, but increase money allocated for the Planning Board Secretary's position, while decreasing the line item for legal and consultation. The board proposed to reallocate \$2000 out of legal and counsel and add to the administrative positions. Jerry wanted to add that maybe it should be reviewed and look at an increase for next year.

Lee made a motion to accept the line-item change to the Planning Board budget. Jerry seconded the motion and the roll vote was affirmative.

Public Participation

Jerry wanted to request that John Kimball provide the board with copies of his research so that the board can see what items need to be looked at. The Board agreed, and the Secretary would make copies after the meeting.

Bill Waterhouse asked the board if there were soil samples taken and what the results were. Lee clarified that it would be the Select Board that could address, since there will be two public hearings.

A reminder will be made to Scott for the next meeting.

Rex stated that they will give at least 24 hours' notice with email and phone call when he is aware of possible blasting, and Rex agreed. Bonnie reminded Rex that he can get addresses, etc. at the Town office.

Adjournment

A motion for adjournment was made at 6:30 pm.

Lee made that motion; Jerry seconded the motion and the meeting was adjourned.
