

**Town of Milton**  
424 White Mtn Highway  
Milton NH, 03851



**Planning Board**  
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**Meeting Minutes**  
**February 20, 2018**  
**6:30 PM**

Members in Attendance: Peter Hayward, Bob Graham Alt. Ryan Thibeault Ex. Officio, Brian Boyers, Also in attendance Dana Crossley Land Use Clerk  
Excused Members: Bob Bourdeau, Larry Brown, Joseph Michaud  
Public Attendance: George Szirbik, Downey Shea, Michael Shett, Andy Street

Chairman Boyers called the meeting to order at 6:30  
B. Graham was brought to the board to sit for absent member L. Brown.

Public Comment: No public comment.

Public Hearing: New Excavation Permit Application submitted by Jones Brook, LLP Owner, Eastern Materials, LLC Excavator; property located on Jones Brook Access Rd off White Mountain Highway, Tax Map 17 Lot 22, located in the Excavation Overlay District, lot size 526 acres, excavation site approximately 12 acres: Andy Street with Civil Design Consultants, George Szirbik of Jones Brook, LLP, and Eastern Materials representatives were in attendance of the meeting. A. Street explained the request, new excavation permit, will be the 5<sup>th</sup> permit on this lot, the limit of work is about 11.8 acres, property is bounded by Jones Brook to the North, wetlands to the East and excavation through the middle, to protect wetlands will have a berm shelf to prevent stormwater from migrating to the brook and wetlands for erosion control, excavation site will have cuts from 4-feet to 26-feet depending on topography, total excavation 209,000 cubic yards is the projected to take out, the gravel road goes through the pits already and will be regraded and routed to the new pit location, AOT permit has been filed but have no comment back yet, similar filing as previous, same language for protection and restorations, anticipate receiving approval on the AOT.

B. Graham motions to accept the application and plan as complete. R. Thibeault seconds the motion, all in favor application accepted as complete.

Board comments: P. Hayward noted they had walked the property previously for other pit locations. B. Graham questioned where this site is in relation to where they have done site walks previously. P. Hayward replied it is to the left.

Chairman Boyers noted the Town Planner memo comments into the record:

Town Planner Memo Comments:

Waiver Required:

1. *From the requirement to show location of property lines, dimensions and bearings. Excav. Regs. Art. III, D 2 a. (Planner Recommends)*

2. *From the requirement to prepare the plan at a scale not to exceed 1"=50' Excav. Regs. Art. III, D 2 (Planner Recommends)*
3. *From the requirement to show the distance between the excavation area and closest property lines. Excav. Regs. Art. III D 2, i (Planner Recommends)*
4. *From the requirement to show the elevation of the highest seasonal water table within or next to the proposed excavation. Excav. Regs. Art. III D 2 l (Planner recommends)*
5. *From the requirement to prepare an erosion & sediment control plan. The detail sheet has those notes and relies on the Stormwater and Erosion Control Management Plan in the SWWP. Excav. Regs. Art. III D 2, m (Planner Recommends)*
6. *From the requirement to prepare a separate Restoration Plan. The restoration details are contained in the base excavation plan. Excav. Regs Art. III, D 3 a-e. (Planner recommends)*

**Suggested Conditions Precedent:**

1. *Correct plan note 8 by referencing the NH State Plane Coordinate system; correct plan note 11 by changing the statute reference from Massachusetts to NH RSA 155: E and add reference to Milton Excavation Regulations Article V, Site Requirements; add the north arrow to the plan; add owner's name and Map/Lot number to the Title Block; correct access road name from Joan's to Jones; rename title of plan to Excavation/Restoration Plan (from Site Plan)*
2. *Add parcel size and area size to plan Excav. Regs. Art. III D 2 d.*
3. *Add planned sequence of excavation indicating approximate areas and dates of excavation note to plan. Excav. Regs Art III D 2 f.*
4. *Submit copies of permits required by state and federal authorities. SWWP, AOT, Etc. Excav Regs Art III, D 5.*
5. *Submit restoration surety in an amount no less than \$3,000/acre, calculated as \$3,000 per acre of the phased excavation area of approx. 12 acres and provide verification of the separate required Town road repair surety, subject to Town Counsel Review. Excav. Regs Art III D 4 & Art. VI Performance Security Jones Brook is a class VI road along the highway, G. Szirbik is aware of this for the surety for Town Maintained Road.*
6. *Revise the plan in the southeast corner of the proposed excavation area to pull back proposed alteration of terrain out of the 25-ft naturally vegetated buffer of the wetland area. This occurs in a few places. (MZO Art. XIII H 3)*

*Question: Does the abbreviation BVW stand for "Bordering vegetated wetlands"? This term is not normally used in NH. A. Street replied that it does stand for that.*

*Planner recommends approval of the Excavation permit & plans with the recommended waivers and six recommended precedent conditions.*

Board Comments: B. Graham clarified that they do not have State approval for the AOT permit. A. Street replied that they have not received response back yet. B. Graham added that it can be added as a condition of approval, recommends following planner advice.

Chairman Boyers opened to public hearing. No public Comment. Chairman Boyers closed public hearing.

P. Hayward asked if the applicant received a copy of the notes. D. Crossley gave the applicant a copy of the Town Planner's memo. A. Street noted that he does not see anything in the Town Planner Memo that would significantly impact the project at all, the changes can easily be made

and happy to do them. Chairman Boyers asked what the hours of operation were. G. Szirbik replied 7am to 5pm 6 days a week as allowed by regulations.

B. Graham motions to accept all waivers suggested by Town Planner in the memo submitted. P. Hayward seconds the motion. All in favor, motion carried.

P. Hayward motions to conditionally approve the new excavation permit application with the following conditions:

1. To make the corrections to the plan as delineated in the Town Planner Permit Plan & Application Review Memo.
2. Approval of State and Federal permits required and to submit copies of required permits by State and Federal authorities.
3. Submission of restoration surety in an amount no less than \$3,000/acre, calculated as \$3,000 per acre of the phased excavation area of approx. 12 acres and provide verification of the separate required Town road repair surety, subject to Town Counsel Review.
4. Waivers and Conditions to be listed on the Plan

B. Graham seconds the motion. All in favor, new excavation permit submitted by Jones Brook, LLP Owner, Eastern Materials, LLC Excavator; property located on Jones Brook Access Rd off White Mountain Highway, Tax Map 17 Lot 22, located in the Excavation Overlay District, lot size 526 acres, excavation site approximately 12 acres, **CONDITIONALLY APPROVED**.

G. Szirbik questioned the pit that was approved in 2013, was granted an expansion approval in 2015, inquired if the expansion approval supersedes the 2013 approval, if the 2013 approval is what he needs to work off of he would need to renew the permit this year. Chairman Boyers advised G. Szirbik to get in touch with the Town Planner for guidance on the matter.

Approval of Minutes: February 6, 2018 R. Thibeault motions to approve, B. Graham seconds the motion all in favor minutes approved.

Other Business: D. Crossley reminded the board at the next meeting there would be a public hearing on the Driveway Regulations

R. Thibeault motions to adjourn, P. Hayward seconds the motion. All in favor meeting adjourned at 6:46pm.

Respectfully submitted,

Dana Crossley  
Land Use Clerk