CALL TO ORDER

Chairman Roger Duhaime called the regular meeting to order at 6:30 pm.

PLEDGE OF ALLEGIANCE

ATTENDANCE: Roger Duhaime (Chairman), Richard Bairam (Vice-Chairman), Phil Denbow, Anne Stelmach, and Jim Levesque, Council Representative

ALTERNATES:

EXCUSED: Chris Pearson, Gerald Hyde, and Don Pare (Alternate)

STAFF: Matt Lavoie (Code Enforcement Officer)

APPROVAL OF MINUTES

October 8, 2019 – R. Bairam motioned to approve the minutes of the October 8, 2019 meeting. Seconded by P. Denbow. Motion carried unanimously.

CONTINUED PUBLIC HEARING:

None

NEW PUBLIC HEARING:

Paul A. Dusseault, Jr. Trustee of the Dusseault Family Irrevocable Trust #Z19-13 141 Londonderry Turnpike Map 43 Lot 24 COM

APPLICATION FOR VARIANCE:
From Article 10 section A of the Zoning Ordinance to permit: the construction of a single-family home on a lot in the Commercial District having frontage along Joanne Drive

R. Duhaime stated that there are only four members of the Board present and there needs to be three positive votes to pass.
Open public hearing

Attorney Patricia M. Panciocco (Pancioco Law, LLC): My clients, Tom Hewett and Pete Stoddard, from S&H Land Surveying, are here with me. They have entered into an agreement to acquire this property.

Attorney Pancicco showed an ariel view of the location.

Attorney Panciocco: The long skinny piece on Joanne Drive was left over after the sub-division was approved. It was transferred. It wasn’t a buildable lot and it made made another lot bigger. It was origially zoned residential. The family lived there until the father died a few years ago. It was zoned by lot but not zoning line. The lot was zoned commercial but that lot is MDR. My cli-ent would like to have his land surveying company there which has low traffic. He would be re-habilitating the lot to a commercial use on a commercial lot. He doesn’t need all of that land. He would like to sub-divide the land to allow the construction of a single family home. There is a warrant article out to do a formal rezoning. Due to my clients having a deadline we are here to ask for a variance. All of the traffic that goes in and out of Joanne is residential. If it were to remain commercial it is less attractive to the neighborhood. They are hoping to make it into a single family home in the neighborhood. There is also municipal water in this location. A new lot on the corner meets the requirements and we have almost enough along Rt. 28. As it is planned now, if the Board is willing to grant us the variance, my clients have already submitted the application to meet with the Planning Board. They have been to the economic development committee and they were supportive of this due to conformity of the zoning ordinance.

R. Duhaime: There is a warrant article to change this from residential to commercial.

Tom Hewett: That is going to be proposed Monday night at the Planning Board meeting.

Attorney Pancicco read the application into record.

J. Levesque: This keeps the commercial zone in tact and fits the residential aspect. I think this is a good plan.

R. Duhaime: My concern is that if there will be a buffer between the residential and commer-cial.

M. Lavoie: That is a Planning Board issue. Any residential use has to have a buffer. It is already in the zoning ordinance. It goes by use.

J. Levesque: I would think the property owners would want a buffer.

Open to public comments.
Marsha Harrington (70 Cindy Drive): I feel like we are being told we either have to go with the residential part of this or have to go with a commercial lot. My husband and I are the original owners of this lot. The reason we chose that lot is we see trees. I would hate to see a commercial building invade that space. If there was a buffer there it might not be a problem. We are also concerned about drainage. We have to use sand bags to divert the current stream of water.

R. Duhaime: Would you rather see this residential or commercial?

M. Harrington: I would choose residential, but what I understood about your buffer, if it remained commercial would that be better?

P. Denbow: Right now it is already commercial and they could take all of the trees down.

M. Lavoie: There would only be a buffer requirement if it was commercial.

M. Harrington: I guess I don’t know what I would prefer.

R. Duhaime: I think residential is better use of the property.

T. Hewett: We are fine working with any of the abutters for a buffer. We are not looking to cut all of the trees there. It is out of our hands once it is sold, but we are willing to work to put in some coverance.

Attorney Pancicco: If there were to be some type of activity that caused more water to leave this property, that would be a problem. There are a lot of engineering solutions applied and the no cut buffer is one of those solutions.

P. Denbow: Have you offered this property to the neighbors on the street?

T. Hewett: I cannot imagine that anyone would want to buy it. We haven’t been approached by anyone, but we are not opposed to it.

A. Stelmach: It does not have enough frontage to sub-divide and build two houses.

Close to public comments.

Close public hearing.

Anne Stelmach motioned to grant the variance from Article 10, Section A of the Zoning Ordinance to permit: the construction of a single-family home on a lot in the Commercial District having frontage along Joanne Drive, according to Exhibit A, for Paul A. Dusseault, Jr. Trustee
of the Dusseault Family Irrevocable Trust #Z19-13, 141 Londonderry Turnpike Map 43 Lot 24, COM. Seconded by R. Bairam. Motion carried unanimously.

Granite Woods LLC/Supreme Industries #Z19-12
47 Hackett Hill Road., Map 17 Lot 7 COM

Sand and Gravel Permit Extension
Is formally requesting for an Extension of Excavation, Permit #EX17-01 (Sand and Gravel Other Ordinances #00-14)

Kevin Boucher: I want to make sure you have received all of the documents that we sent to you and answer any questions. I can point out what we discussed at the November 12 walk through that has somewhat changed with regard to restoration.

No questions from the Board.

K. Boucher: There are some current steep slopes where there is sand remaining on the site. In order to restore the property, our goal is to tie in our sloping work to Severinos and restore that as we go further back. There was some concern as to the amount of restoration. At the November 12 meeting, we agreed to shift our focus into the front and have those slopes restabilized and built by June.

R. Duhaime: I thought there were going to be more improvements. As far as that slope you basically mulched it. Correct?

K. Boucher: At the slope above the power lines we hydroseeded, topsoiled, and mulched. We used a variety of means and methods for stabilization given that it was in the Fall. We got some germination prior to the weather turning. I understand the concerns on the sloping, but site is contained. Some of the means and methods to get what the Board is asking for is reshifting our focus and starting to build this from a location further south. I was under the impression some of what I did there was acceptable. In order to create slopes some of the material that is existing on site has to be taken off and top soil replaced. There is juggling that needs to be done in order to do properly do this in an efficient manner.

P. Denbow: What work has been done since November 12?

K. Boucher: We have cleared two knobs off, set up some of our screening operation, finished the stabilization of all the slopes adjacent to 93, ceased any operations in the back where the gray material was, stopped all inbound materials due to the weather and the inability for that material to dry. We are focusing our efforts to working out front to get that sand removed to build the slopes there and eventually move our way back.
P. Denbow: What are your limitations due to the winter weather?

K. Boucher: We can still excavate the sand out of the orange area shown on the chart. That is our goal for the next couple of months. It needs to be moved in order to create the slopes for the approved grading plan. Depending on the weather and the material that is available to us for the reclamation will determine when we take material back. Irregardless of the timing from now until say June, when we are proposing to have these slopes complete, the inbound material has some impact but does not have impact on the end result. We backed off our approach on bringing as much inbound as we could and are focusing our efforts on some sloping and pads in the areas I can take to market to maybe enhance some developers to bring business to the area. We have been in extensive discussions with the Sewer Commission and Engineering Department regarding was of getting sewer to the property to enhance some mixed retail development. We had a positive meeting with them today. We did some value engineering on what they thought would need to be done there and we pointed out to them that 1) there are cheaper alternatives to get sewer there and 2) we would be willing to take on the cost of putting the sewer line through our property and give them a right-of-way to bring sewer up to Hackett Hill Road from by the hockey rink across the highway. Our next move is to get a legal document to understand the responsibilities that we are going to assist with in getting the sewer to make this property more viable for some sort of development.

R. Duhaime: I have given you six months on this property and what I have seen done is pitiful. A lot of material has come out. More has been brought in. There are still no improvements on the property. I personally don’t want to see anything coming in our out other than improvements. That is what I am looking for. A sewer line on your property would be great for you. You have brought poor soils in. You can’t put a leach field on this property. You need sewer. There are a lot of issues on this property as far as improvements. As far as my opinion, I have put my best foot forward and gave you a chance. I thought I would have seen a lot more done. I thought there was going to be some paving done and improvements. You got the seeding done but that was at the end of the six months. I think you fell way short. I think the property value has gone down with what has happened to this property. There are only four members of the Board tonight. You have to have three to pass.

K. Boucher: As far as the reclamation portion of the permit, we adhere to strict standards on what can be brought in. Visually, everyone may have an opinion on the quality of the material. I do not want to bore everyone with the original plans that I bought into with the festival park, hotel, and restaurant, but I have suffered tremendously with a partner that tells a story that could never come to fruition. My reputation and financial investment is at stake. When you say nothing has been done we built the sign, moved the poles, straightened out the mess that was there before we were on site, we are looking at multiple alternatives to improve the value and bring some economic benefit to the town, and that is still my goal. I have a tremendous amount of money invested in this property. I am not doing anything to try to decrease the value of this property. It is the total opposite. In recent months we have had numerous discussions with dif-
different development teams on what could happen there. Obviously the sewer is something that is important. I think it will help the town in multiple ways to bring sewer to that side of the river.

R. Duhaime: You only want to do sewer on your property. You are not going to help with any of the infrastructure to get to your property.

K. Boucher: That is incorrect. We are going to take across our property, which is about 3100’, and another 1400’ that goes to the Cate property and to Cross Road. We are going to help fund that portion of the project and perform that work. After today’s meeting we left with getting two legal teams involved with a document that specifically outlines what we are willing to bring to the table to help the Sewer Commission bring value to their original budget which we felt was a bit off. Due to the in house expertise we had we value engineered and found an alternative that saves millions and I am willing to invest money on my end go across my property and bring it to Cross Road.

R. Duhaime: I know a lot of people would put dry runs on their property for future development.

K. Boucher: It is for future development, but it will also benefit where it is coming from and everyone in between us. I am not just doing what is on my property. I am doing an additional almost 1800’ of sewer line to bring it to Cross Road. We have not ironed out the specifics, but this has been on-going for a few months. There have been multiple meetings and discussions. Our meeting today was very positive. I can’t make any promises but we are heading in the right direction to put something together that I think would have a tremendous amount of economic benefit to the town and, in addition, help me save what I have gotten myself involved with.

A. Stelmach: I want to set the sewer aside. I want to go back to what we were provided with in May for totals of in and out bound material. On the new chart that you gave us, I can match up the first two sets of numbers. The 57,000 and 59,000 tons from January to July. Those match up perfect with the numbers I had written down in May. Then it goes south. On the May chart it says the current 2019 revised total of inbound, the inbound summery, was 322,000 ton. I added up most of 2019 and we are at 84,000 ton. What am I not understanding?

K. Boucher: I have a consultant that handles all of the documentation for the inbound material to make sure it is certified and property documented. The projections you saw in May were what was given to me in anticipation of that coming in. Unfortunately, there have been a few other sites that have opened up in the greater Boston area that has forced some of the material to go to those locations because of hauling constraints. Some of the predictions was information that was provided to me by Phil Peterson of Terra Environmental. What I have given you on the inbound/outbound summary is the actuals that took place.

A. Stelmach: That is my concern, There is a whole separate table for projections. If you take the actuals plus the projections you are at 653,000 ton of inbound material. I am starting to have a
credibility problem because I am seeing that this is representing that 322,000 ton actually came in and you were predicting another 330,000 ton to get to the 650,000 ton. That is a huge gap.

K. Boucher: The revised for inbound was not 322,000. The 119,000 ton is the actual inbound. The projected never happened.

A. Stelmach: So the gap is between the 119,000 and what was reported.

K. Boucher: The amount of inbound never reached our expectations. I was relying on the engineers projections on what he anticipated coming in. Based on contracts that were in place on Boston work a variety of things happened. New sites opened up to take material and some of the material did not meet our criteria. The actuals you have are one hundred percent accurate. I cannot say how much will come in and there are also a couple of different options on the table. We may not want to bring that much material in anticipation of something better being developed on the site. The original plan with my partner was create some of this inbound material on non-structural areas where the festival park was going to be and an outdoor stadium for concerts. Somewhere along the line he was going to buy me out and the developer wanted to keep material on site. That is where the concern came in of inbound and outbound material. The two should have never been combined. I understand your concerns. I have had to step in and save my investment. I am not Jeff Larrabee. I tell the truth and have the financial and developmental means to turn this into the right thing. I want to get another extension to show you the direction we are heading in without having the partner telling a bunch of lies.

A. Stelmach: So I am clear, the inbound material, whether in or out of state, is all coming in documented and you have the bills of lading.

K. Boucher: Correct.

A. Stelmach: If they had the bills of lading and added those up, how did we get such a disparity in the two numbers?

K. Boucher: I think the older document that you have is not representative of what truly came in. I am going on the most recent one. I am focusing on the Board’s needs and the severity of the location and the property. It is my goal to make this right for the area. I think it has the opportunity for us to do that. I understand everything there has not been as good as it is supposed to be and I think you are going to see a change in that regard in the very near future.

A. Stelmach: I am concerned with the quality of material coming in. You admitted the last material that came in was sitting on plastic was contaminated and you had to get it out of there, but it sat there for eight months. In the same breath I am hearing at the site walk that you this back 15 could be good for residential or development. Do we have a ground water problem now? Do we have a leak of contamination? Down the road is that going to end up as somebody’s well? I don’t have a confidence, knowing what I know and who is involved, there is
are things there that should not have been and this it isn’t so far down now that no one will figure out that is should not have been there in the first place. That is not a reflection on you. I just don’t have a confidence on what has been brought in. I don’t believe the story that a load got there by accident. Then that load got left there. What don’t we see that is in the ground? I am going to fight hard to get some monitoring wells to make sure that whatever is there that we don’t know about that hasn’t been removed off of the property, or if there is any more contamination, that we know it is safe to develop on. I want to see wells. I don’t have the confidence in where some of this stuff is coming from. I know it is not suitable, but I fear it is even beyond that level.

R. Duhaime: I know you bought into this project and you do not know what was there before. No one knows what was there before and now we are adding to it. That add to my consistent same concern. You are left holding the bag, but we have put our best foot forward. A little confidence building on your end to see a little more done was what we need. That is what I am looking for.

K. Boucher: I understand some of the Board’s concern about some of the improvements that may or may not have been done. I have spend $2 million of improvements on that site to get it to where is it today. As far as the material coming in the environmental company has the documentation that has to go in for the reclamation permit for that specific task and it is very well documented. If the contaminated load came in and we were to told to cover it, we were following the proper means and methods directed by our engineer to make sure it was properly handled. If you are looking for more back information to support what I am saying, I would certainly have create any document or come to speak with the Board regarding any concerns that you have with regard to the material coming in.

J. Levesque: Could you show us on the map where the contaminated material was laid down?

K. Boucher: If you come into the site it was stockpiled on the ground. It was tarped. It was two or three truckloads. I can get documentation that will show when it came it, how it was handled, when it was removed, and where it went.

J. Levesque: How long did it take to figure out there was something wrong with it?

K. Boucher: Immediately.

J. Levesque: Why did it take 8 months to get rid of it?

K. Boucher: I was waiting for Phil to give me my directive on what to do. He has to go back, get the documentation of where it came from, which loads were there, verify everything, take pictures, and then give us the directive to get rid of it.

J. Levesque: Do we know the contaminates in question?
K. Boucher: I do not.

J. Levesque: Can we find that out?

K. Boucher: Yes.

J. Levesque: I agree with Anne that we should do monitoring wells in that area to see if anything was leached into the ground. A lot of things can happen, especially in eight months. I know it was covered, but still what leaches into the ground? This is to protect yourself and the property. I would like to see some documentation.

K. Boucher: I gave you a letter back in November regarding the bonds.

R. Duhaime: What did you want to bring them up to?

K. Boucher: I am asking you.

R. Duhaime: I said $300,000, but would like to see more especially with concern about contamination. You are not the first person to come before us on this property. We keep hearing the same thing again and again and I am loosing confidence on your ability to get things done. Increasing the bond gives me something to work with in case it gets handed down. I would rather have monitoring wells and see the slopes loomed and seeded with grass and trees and something in front of the Planning Board to get this site developed.

D. Boucher: I would like to see that as well, depending on what you want to do with the Bond. If I was going to run away from this project, I would not have invested as much of my own money as I have to pay the mortgage off and commit myself to making things right.

R. Duhaime: You have to pay the taxes. I am sure you want to do something with it. As far as the confidence issue, I would like to see you come back in the Spring after you have made some improvements and redo the application. Then you can show me what you have done.

K. Boucher: Are we able to remove material in the interim?

R. Duhaime: I would like to see nothing coming in and nothing going out until there are improvements.

K. Boucher: When we were out there on November 12, I think I showed a tremendous amount of good faith with the stabilization on the slopes.
R. Duhaime: This was a little late. You had six months to pull a lot of material out, bring a lot in, and make improvements. You waited until the very end. That tells me things are not as serious as I was hoping they were.

K. Boucher: I can argue that I have put my best foot forward. I do not think it is fair to not extend an excavation permit for excavation that has been going on there for years, and my abutting property owner is doing the exact same thing that I am doing. I get everything that did not happen, but we are not looking at the potential that I am going to bring to the table as to what could happen there.

R. Duhaime: With Severino it is a confidence issue. We are very confident with what he is going to do.

K. Boucher: I am insulted that you do not feel as if I have given you that confidence. I have done nothing but improve the integrity of that property.

R. Duhaime: I disagree. All I see is soil coming in and more going out.

K. Boucher: That has nothing to do with the Planning Board. That is a reclamation permit that is fully permitted. There are certain responsibilities that I am assuming, including increasing the bond, if need be, and to deny an extension on a gravel pit permit due to years of somebody else not performing, and now you want to put another choke hold on me that can truly bring something to the table, I don’t get it.

R. Duhaime: I volunteer my time here. I love my town and would like to see this project done. We gave you six months and I thought we were adamant about what we wanted done, and I think you fell short. I don’t enjoy this.

K. Boucher: I thought at our November 12th site walk we had a clear level of understanding, but I guess we did not.

R. Duhaime: I thought we did in May when when we gave you the application.

K. Boucher: Do you understand the amount of area that we have stabilized? There can only be so much done based on the material that is coming in and out.

A. Stelmach: I look at this chart, if this was nothing but a mistake by the entity we are supposed to trust and yet he has totals that are bologna, I am sorry, that is wrong. You had bills of lading that supposedly back this up. I don’t believe he pulled this out of thin air. Things change in construction.

R. Bairam: For years we have been told that it is going to be reclaimed. So far you have not done any reclamation.
K. Boucher: Yes we have. We have done a tremendous of reclamation on the floor that was there. What no one understands about how civil construction works, The material coming in and going out is my issue. We have a reclamation permit, an excavation permit, and the documentation to back it all up structurally or otherwise. What happens if we want to build soccer fields there? A structural ground is not required for fields to be built. I cannot tell you exactly what is going to happen there, not will I, at this point, because I don’t know. You have been contaminated by previous people that have not performed there. I am the first guy that has a financial vested interest, is not coming here lying to you, and has done everything in a positive manner in order to improve the integrity and bring financial benefit to the economic development of the this town, and you want to shoot me down. If that is the way the Town of Hooksett wants to treat somebody based on the history of somebody else’s operation there, then I need to reconsider what my true intentions are going to be. I was coming here in anticipation of getting my excavation permit extended based on our site walk on November 12. I thought we left there with a level of understanding on what we were going to continue to do. We were going to look at this from now until June and give you a promise of what we were going to be able to do. We have restructured the approach to coincide with what Severino is doing so the entrance there can be built properly and we can bring some interest of development to the table. I have spent the money on engineering and helping the Town of Hooksett bring sewer to an area that will never have it without some value engineering that we exposed to them today.

R. Bairam: When did you meet with the Sewer Department?

K. Boucher: Today at 3:00.

R. Bairam: That was TIF.

K. Boucher: I say the Sewer Department, but these people are very receptive of the value that we brought to the table. There is some legal documentation that we have to negotiate with them to understand the roles and responsibilities of what we are willing to commit to assist in this whole operation. There is a benefit for me, but a bigger benefit for the Town of Hooksett.

R. Bairam: I just want you to understand, that is not the Sewer Department.

K. Boucher: I apologize for misspeaking.

J. Levesque: I think we have to let them move along. We have always gotten screwed before.

R. Bairam: They can’t do much of anything right now. I think we should give them to the spring.

R. Duhaime: I thought in spring we were adamant about getting something done.

K. Boucher: It is not all reclaimed and planted, I admit that.
A. Stelmach: Didn’t you say you were going to pave it? Did that happen?

K. Boucher: It did not happen. The weather turned bad. My new pit operator, Ernie Tebeau, was going to help me in getting that done and it did not happen. We have since stoned the entrance to mitigate any further problems. I cannot control the weather. The freezing, thawing, and snow now is nothing but a detriment to us. That is why we have stopped inbound material, effective last week. I am struggling to make this Board happy and still have some sort of forward progress. If I get stopped now, it won’t be good. I understand your concerns, but the concerns are bonded and documented. Engineering and environmental firms are all there. In addition to the $5 million that I just spent to pay off the mortgage, due to some shoddy accounting going on there, I have spent $2 million to moving the power lines for future development, putting the sign up, and fixing the site that was there two years ago. That cost us a lot of money because the previous partner was not taking it seriously and doing it properly. I have a very heavy presence in southern New Hampshire in utility line construction and I will hold my reputation against anybody in the industry. To pass judgment on what has happened there in the past and making it more difficult for me I think is unfair and unjust for the direction that we would all like to see this thing go in.

A. Stelmach: If we give you until July what can you do?

K. Boucher: I am going to fix the slopes right behind where Severino is working. Get the material out of there and hold off bringing in additional material. Respond to your concerns regarding the material that came in and continue the process. Meanwhile, carrying positive motions working on the sewer and having some activity continue to move forward is only going to help the process. If the slope on the orange area on the map is what we have committed to then that is what I am willing to commit to. Between now and approximately March 15 when the snow leaves I will make sure, if we have until July 1, that the slopes will be in place and planted. Do you want me to put a landscape plan together with pine trees? It has been a long battle to get to where I am today. To go backwards would not be a good thing at this point. I ask the Board to let the extension happen until July 1.

A. Stelmach: Besides slopes will you pave the entrance?

K. Boucher: I will pave the entrance as soon as the paving plant is open, but I can not do anything this time of year.

A. Stelmach: Understood.

K. Boucher: I will continue to maintain a stone tracking pad there to minimize any silt or dirt getting into the road. Ernie Tebeau, who I have become very good friends and associates with, is going to take over the operations there and will maintain everything to make sure that we are in
full compliance be running the pit to make sure we are in full compliance. I hope that between him and I there is a new level of confidence in what we are trying to get accomplished.

R. Bairam: You said Tebeau is going to take over?

K. Boucher: No. He is running the pit, not taking over.

R. Bairam: Then we should be dealing with him, not you, if he is doing the excavation.

K. Boucher: He is buying the material from me and screening it and doing what he does. It is still my permit and my property. It is just a relationship that I have established with him. The only reason I bring him up is that I feel he is a solid individual that is going to help me do the right thing to keep the Board happy with the progress that we are making there.

R. Bairam: He is the one that created the mess. Now you are making promises, and you brought the man in that created the mess. Who do we believe?

K. Boucher: Whoever you want.

R. Bairam: This puts us in a tough spot.

P. Denbow: Roger, what would you like to see as far as specifics on the site by July?

R. Duhaime: What should already have been done was the slopes and they are not done. There could have been annual grasses put on just to hold it and then come back and do it over again. At least it has an appearance that it going in a direction you are looking for. That is what I have not seen. I have seen nothing but material coming in and going out which is what Tebeau was doing 10 to 12 years ago. Now only material is going out and the hole is getting bigger and the soil is getting worse. At some point there could be an issue. We don’t know. There is no site plan, no improvements, and nothing permanent.

K. Boucher: All of the slopes that could have been stabilized were.

R. Duhaime: Right until November there were piles of loom that were put there in May. They were never spread down the slopes, never seeded.

K. Boucher: You are talking about the slopes at the very far end. Those slopes were not ready to be built.

R. Duhaime: It is loom. You could have spread it and seeded it. Done something. Instead it was just dumped there and no reclamation was done. I think the only way to change this is to shut the site down. Have some improvements make, some reclamation done, then open it back up.
P. Denbow: Maybe we can give him some guidance on exactly what you want.

K. Boucher: Then on November 12 we did not have a meeting of the minds. I was under the impression you knew what we were going to have done.

R. Duhaime: I thought there was going to be repaving. They plowed the mud off the road when it snowed. That is how bad it was.

J. Levesque: Roger, why don’t we have another site walk now and another one in the spring. We have what we have and we should move forward. You do dirt work and you know how much work it takes to do that work. I think you are being a bit unreasonable.

P. Denbow: Not much can be done in the winter. Why don’t we put specific stipulations in place and if it isn’t done then shut it down.

K. Boucher: That was my understanding at our November 12 walk though.

A. Stelmach: I thought the paving was going to be done. I agree with the stipulations and if those things are not met then it gets shut down.

K. Boucher: I was disappointed in that as well. Paving contractors got busy at the end of the season. I was not on the priority list. If I could have gotten it done I would have. If the paving companies open on April 1 I will make sure I am the first guy on the list to get the apron done. If you shut me down Severino is going to get shut down because he is using my right-of-way to get into that piece and then we are going to have another problem to deal with. To take what happened in the past and apply it to who I am and what I do is wrong.

R. Bairam: We are concerned with the site, not who owns it. We are concerned nothing is happening on this site. You are concentrating on different areas than we are. We want to see the slopes seeded.

K. Boucher: An our November walk though I got that from the Board and we explained what we were going to do. That is what is on the highlighted plan. I am committed to getting that done to show the Board my true colors and our ability to move forward. I am not here to argue with you. If the Boards wants to put a hold on this I am not going to be happy about it but I don’t think it is in the best interest of my intentions or what can be done on the property especially with an excavation permit that was granted just a few months ago and an abutter that if I get shut down he gets shut down.

R. Bairam: That is between you and him. I just want to see the slopes done and the pavement. I want to see some improvement. I think we should give him one more chance.

P. Denbow: Jeff Larrabee is out of the picture?
K. Boucher: Yes.

P. Denbow: So it is solely on him.

R. Duhaime: You are one hundred percent owner now?

K. Boucher: I am on my way there. I have controlling interest.

R. Duhaime: When we gave this approval at the beginning of May we were adamant on what we wanted to see before the end of the year and very little was done from my perspective. The slopes were done late in the season, therefore, you didn’t get the results. It didn’t seem sincere so now I have a confidence level that is very low. I would like to resolve this but I can’t at this time.

J. Levesque: Why don’t we have another site walk now so we can see what has been done.

K. Boucher showed photos of what had been done around November 1. The Board stated they did not recall a lot of what the pictures were showing. K. Boucher stated he could show the bills from the hydrouseeding.

A. Stelmach: Can you come up with a planting plan?

K. Boucher: I can modify the plan and commit to having a planting plan done around February 1.

R. Duhaime: How much material is going to come out and go in between now and July 1.

K. Boucher: Right now I have shut off the in bound from coming in. I do not know if I am going to open up again. We might open up closer to springtime when the conditions are better for us. I would have to respond to inbound at a future date when I have more intel on what could happen. I have told the environmental engineer that we shut down last week until at least after the first of the year and make a judgement call then based on the progress we are making. I did not want to have the inbound material become a factor for anybody. As far as outbound, a guess is 50,000 tons on the slopes I have highlighted on the map. If you want more accurate predictions. The inbound totals have been way off and we anticipated that as another form of income for us. It has not created any benefit for me so I stopped doing it. It is not worth it especially if we have some sort of development that brings value to that corner. I am not looking to fill in the site until we know about sewer and potential developers. I feel we have been making progress there by leaps and bounds.

R. Duhaime: Has the bond been increased?
M. Lavoie: It has not been increased.

K. Boucher: I have been waiting for the Board to tell me what you are looking for.

R. Duhaime: What is the 50,000 worth?

K. Boucher: $100,000

R. Duhaime: If you did a half million bond I would be happy.

K. Boucher: What does that amount have to do with the bond?

A. Stelmach: The cost to cure it.

R. Bairam: In the event that you take the rest of the material out and you don’t reclaim it.

M. Lavoie: The bond amount for the Severino pit was $10,000 per acre.

R. Duhaime: For this lot it would be almost a half a million.

K. Boucher: I can increase the bond. I would like you to list your contingencies so they are in writing.

A. Stelmach: I am not judging you against anyone else and am trying to come up with a solution. I agree it doesn’t do anyone any good to stop. Our goal is to have a tax base at the end of the day. Would you do a monitoring well? Sewer can come in but you are not bringing water with it. That means there will be wells.

K. Boucher: I do not know if that is one hundred percent true regarding sewer and water. I think water is still an option. Is there a location you would want the well?

A. Stelmach: Somewhere in the back 15 near where the pond is and the contaminated soil was laying. There are residences abutting that and if there is road there could be more residences at some point.

K. Boucher: If there was material brought in that should not have been there is going to be recourse.

A. Stelmach: I have asked over and over again for those reports and have not gotten anything.

K. Boucher: You did not get that from Phil Peterson?

A. Stelmach: No.
K. Boucher: I met with him today. If I knew that and felt there was a need I would have brought him with me.

K. Boucher: Can I get until June 30?

R. Duhaime: I don’t see why not.

A. Stelmach motioned to grant the extension of the Excavation, Permit #EX17-01 (Sand and Gravel Other Ordinances #00-14) until February 29, 2019 based on the following conditions 1) A landscape plan be provided; 2) A $500,000 bond; 3) Paperwork and testing information of the contaminated material; 4) monitoring well; 5) the inbound material is ceased and the outbound material is maxed at 50,000 ton for Granite Woods LLC/Supreme Industries #Z19-12, 47 Hackett Hill Road., Map 17 Lot 7, COM. Seconded by P. Denbow. Motion carried unanimously.

G. Hyde motioned to adjourn. Seconded by P. Denbow. Motion carried unanimously.

Next Meeting January 14, 2019 @ 6:30 pm

ADJOURNMENT

The meeting adjourned at 8:26 pm.

Respectfully submitted by:

AnnMarie White
Recording Clerk