

Canaan Planning Board
Meeting of April 9, 2015
Canaan Senior Center
Approved Minutes

Meeting opened at 7:00 PM. Those in attendance were Dave McAlister, John Bergeron, Carol Ann Morrison and Kathi Meyerson.

Members of the public attending: Al Posnanski, Philip Salvail, Tom Hersey, Wesley Mansur, Mary Pinkham-Langer from NH DRA, Allen Wilson, David Zani, Richard Remacle, Michael Samson.

Minutes of the meeting of March 26, 2015 were read, and approved with corrections on a motion by Dave McAlister and a second by Kathi Meyerson. The motion passed.

There was no correspondence.

At 7:10 PM, we went through the checklist for the Lester subdivision. The date contained the month and year, but not the day. It appeared that some features of the larger lot were missing, but the smaller lot had everything, and we deemed the submission complete enough hold the hearing. The hearing on the Lester subdivision, Tax Map 17-46.1 was opened at 7:15. Kathi Meyerson moved to accept the plan, and it was seconded by Dave McAlister, and approved by the board.

Discussion relating to Excavation Regulations started at 7:20, with the hearing re-opened at 7:45.

Mary Pinkham-Langer answered questions that had been brought to the board earlier in the hearing.

Mary said an updated plan needs to be filed with DES every five years, but Alteration of Terrain permits run the life of the pit.

Mary said the Board can make the length of our permits longer than five years, but should review them every five years and check up on the pits annually or at least every two years to make sure the excavations are in compliance with their plans. There are no permit renewals, so permits can and should be individualized. We need to make sure the pit owners are in compliance with their plans, even if that means hiring engineers or inspectors at the owners' expense.

Mary stated that in terms of incidental excavations, 95% of the disturbed earth needs to come from the actual development (derived from building the road, house, etc), and there is a two year window. It depends on how much area is disturbed, how long it's taking, and how many yards are being removed. Is it a pit with a subdivision as reclamation, or is it a house, a road, or a subdivision with "stuff" coming off?

Mary stated that property should not be in "current use" while being excavated, as that is not what current use is, and it means higher taxes for everyone else. She mentioned that returning the property to its previous state protects neighbors, but others objected to that as being the object of reclamation.

Mike advised using criminal prosecution for pits that are not in compliance. Other options would be cease and desist or civil violation, but this keeps enforcement simple. It's a clear cut right/wrong-yes/no line.

He asked that we please clarify how to calculate bonds and to use an objective formula for calculations.

The group discussed statutory requirements vs. personal freedoms.

Mr. Remacle and others were concerned about surprise inspections, but were reassured by Mary that inspectors or anyone else should not be entering gravel pits without notice; it is illegal and immoral.

Mary said the tax year for gravel pits runs from 4/1-3/31. Pit owners should always file their intent and their forms.

Mary reiterated that we must require that the earth removed basically relates to the purpose of the lot use vs. earth use.

Mike asked whether AOT allowed grubbing of stumps and burying them on the land as part of the reclamation. Mary stated that the AOT permit does not apply to stump dumping, but that NH DES might give an exemption.

In regards to stockpiling, Mary stated that a copy of the permit for AOT would be required. If enough area is available corner to corner, then stockpiling could occur.

Mary said that if the pit is sold, the Planning Board must agree to the sale, and get a new bond for reclamation.

She also stated that whether the pit is sold or closed, the owner is obligated by contract to support the surface.

The hearing is continued to 7:15 May 14, 2015 at the Senior Center, Canaan.

The meeting was adjourned at 9:30 PM on a move by Kathi Meyerson and seconded by Carol Ann Morrison.

Respectively submitted,

Carol Ann Morrison
Acting scribe