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## MINUTES

Strafford Regional Planning Commission  
Regional Impact Committee  
150 Wakefield Street, Suite 12, Conference Room 1A  
Rochester NH 03867  
January 10, 2017

### FINAL

**RIC Members Present:** Chair Wesley Merritt (Durham), Elena Piekut (Dover), Fred Kaen (Lee - Alternate) William Connor (Somersworth - Alternate)

**RIC Members Absent:** Sandra Keans (Rochester), Victoria Parmele (Northwood – Alternate)

**Staff Present:** Cynthia Copeland, AICP, Executive Director, Shayna Sylvia, Communications and Outreach Specialist, James Burdin, Regional Economic Development Planner

**Others Present:** Ken Marschner (Wolfeboro), David Przybylski (New Durham), George Knight (Wolfeboro), Nancy Knight (Wolfeboro), Tracy Tarr (GZA), John Buell (New Durham), Carolyn Buell (New Durham), Kate Varney (Alton), Tom Varney (Alton), Amy Manzelli (New Durham), Jon Hotchkiss (Middleton), Jeanne Schultz (New Durham), Ann Kerkion (New Durham), Jeff Winton (New Durham), John F. (Middleton), Guy Edmunds (Wolfeboro), Matt Sullivan (Wolfeboro), Stacy Trites (Wolfeboro), Madison Trites (Wolfeboro),

### 1. Welcome/Introductions

Chair Wes Merritt called the Regional Impact Committee (RIC) meeting of January 10, 2017 to order at 3:30 pm. W. Merritt requested the introduction of Regional Impact Committee members and alternates to be completed. Introductions were made around the room.

#### a. Appointment of Regional Impact Committee Chair

The chair was appointed at the January 3, 2017 Regional Impact Committee process meeting.

#### b. Appointment of alternates, if needed

W. Merritt asked for a motion to appoint an alternate to serve as member for the duration of the meeting as one member was absent. Elena Pikeut **MOVED** to appoint Bill Connor as a member for the duration of the meeting. W. Merritt **SECONDED** the motion, of which all were **IN FAVOR**. The motion **CARRIED**.

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W. Merritt reviewed the structure of the meeting, and explained that the Regional Impact Committee would be reviewing *Case SRPC/RIC 2017-01; Green Oak Realty Development, LLC – Land Use application for Excavation Permit (Tax Map #206, Lots 10 & 11) located on Kings Highway in the Residential, Agricultural, Recreational Zoning District of New Durham NH.*

W. Merritt introduced James Burdin to review the *Strafford Regional Planning Commission Preliminary Review - Development of Regional Impact – Great Oak Realty Development, Proposed Gravel Excavation Project.*

## 2. Regional Impact Study

### a. Project Review and Completion of Development of Regional Impact (DRI) Checklist

J. Burdin explained what a project of regional impact is as defined by the RSAs, and the process by which the Green Oak Realty project was declared as a project of regional impact. He reminded committee members that SRPC is completing their review in an advisory role and that the information being reported on at this meeting will be sent to the Town of New Durham, the abutting towns of Wolfeboro and Middleton, and to the Developer and his Engineer.

J. Burdin referred to a PowerPoint presentation to show pictures of the proposed location for the Green Oak Realty project. He explained that there were maps SRPC created relevant to the project site that can be referred to during the presentation, as well as the plans submitted by the project engineer, Tom Varney. E. Piekut asked for clarification on one of the photos, which shows the visibility of the house adjacent to the property.

Following this introduction, J. Burdin began to review his preliminary report based on the 45 question *Development of Regional Impact Checklist.*

#### Transportation – Access – Parking

##### 1) Will the proposed development cause an increase in motor vehicle traffic or other traffic that will impact the safety of the transportation system?

Unknown: The existing application and site plans do not include estimates of trip generation for employees or delivery/removal of excavation materials. Traffic reports provided by the New Hampshire Department of Transportation Bureau of Traffic indicate that in 2013 Middleton Road experienced average annual daily traffic of 1100 trips at the New Durham/Wolfeboro town line.

Additional information regarding estimated trip generation relating to the excavation and wholesaling operations is needed to accurately determine what impact this site will have on local traffic.

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- 2) **Will the proposed development cause an increase in motor vehicle traffic or other traffic that will increase congestion on the transportation system in the adjacent town?**

Unknown: As mentioned above, the information provided as part of this application is insufficient for determining the number and type of vehicles that will access this site on a daily basis. Additional information is needed to determine the extent to which this project will increase traffic in New Durham, Wolfeboro, and Middleton.

- 3) **Will the proposed development create the need for infrastructure improvements?**

Unknown: The excavation site is unlikely to require pedestrian, bicycle, or transit improvements. However, additional information about the amount and type of vehicles is necessary to determine whether additional roadway improvements are needed.

- 4) **Will the development result in inadequate emergency access?**

Unknown: The drive access is identified on the operation plan as 20' wide, but no interior circulation plan for the stock pile area is provided. The plan also identifies that the first 50' of access to the site will be paved, but does not indicate the conditions for circulation areas of the remainder of the site that may impact the ability of emergency vehicles to access the interior of the site.

Requesting additional site plan information detailing approximate pile locations and sizes, interior circulation, and parking, loading, and equipment storage areas would help to determine whether emergency vehicles have adequate access to the site. Additional information regarding the materials (e.g. gravel, dirt, stone dust, etc.) used in interior circulation areas may be necessary to determine whether the site can be adequately served by necessary vehicles.

- 5) **Does the development meet minimum local parking standards or are there provisions for other modes that reduce the need for parking?**

Unknown: no parking areas for employees, loading and unloading areas, or storage areas for equipment are identified on the plans presented. The Site Plan Regulations for the Town of New Durham do not contain identified parking standards for excavation sites, but do include a provision that the closest similar use for the purposes of parking calculation shall be determined by the Planning Board. The provided use categories that appear most appropriate would either be Manufacturing, which requires provision of one space per each one and one-half employees, or one space per five hundred square feet of gross floor area, or Wholesale Distribution, requiring one space per eight hundred feet of gross floor area.

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Recommend that the applicant provide additional information regarding the number of employees and any additional information needed by the Planning Board to determine the appropriate use designation for the purposes of parking provision. While the excavation activities, including blasting and crushing rock, seem to more closely resemble the manufacturing use, the project narrative submitted mentions that additional sand and gravel will be brought in from offsite for wholesale distribution. Ultimately, some combination of manufacturing and wholesale distribution standards for the purposes of determining parking may be the most appropriate designation.

Please clarify whether the two parcels will be combined for the purposes of this excavation, or whether the Site Plan Regulations permit these two parcels to be considered as a single site for the purposes of site plan review. While the two parcels appear to be eligible for consideration as a single excavation site because they are adjacent and under single ownership, the Off-Street Parking and Loading section of the Town of New Durham Site Plan Review Regulations indicates that, among other things, "no paving, parking, driveway, loading area, or stage shall be permitted within fifty feet of any side or rear property line." The primary stock pile area shown on existing plans is bisected by the property line between the two parcels, and as such may be in violation of these regulations.

**6) Does the plan provide for safe access within the development for all modes (ADA compliance, sidewalks, crosswalks, lighting)?**

No: The plan as submitted does not include sidewalks or crosswalks to facilitate pedestrian access. The current plans and documentation include no provisions for lighting on site. As an outdoor excavation site, issues of ADA compliance and other pedestrian facilities for access may be less applicable than for other types of development. However, the hours of operation provided extend from 7am to 6pm on Monday through Friday and will likely require artificial lighting during the winter months if hours of operation are not adjusted seasonally. Additional information regarding types of lighting used and where it will be installed would help to determine the extent to which such lighting is likely to conflict with neighboring uses.

**Conflicts with Policies, Plans, and Programs – Noise**

**7) Will the development expose persons to or generate noise levels in excess of standards established in the local general plan, noise ordinance, or applicable standards of other agencies?**

No specific local noise ordinances were identified as part of this review. However, the Town of New Durham Zoning and Land Use Ordinance prohibits "any persistent use that creates a public nuisance or may be obnoxious or injurious by reason of the production or emission of...[noise and other conditions]...that are dangerous to the comfort, peace, enjoyment, health, or safety of the community"

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**8) Will the development expose persons to or generate excessive ground borne vibration or ground borne noise levels?**

Yes: The proposed excavation will require periodic blasting of rock that will occur, according to the applicant, approximately 3-4 times per year. These periods of noise and vibration will be highly intermittent and likely of short duration. Additional information regarding the types of explosives to be used and the impacts of such explosives upon ground borne vibration and noise levels is necessary to determine the severity of the impact these blasting events will have on neighboring properties.

We suggest that the applicant provide additional information regarding blasting events, the area likely to be impacted by noise and vibrations, possible ways to mitigate such impacts, and what methods, if any, will be used to inform abutters of upcoming blasting events. We recommend that actions be taken during the planning process to ensure that this project will not expose persons to or generate excessive ground borne vibration or noise levels.

W. Merritt asked J. Burdin to show a map of the project area. W. Merritt opined that it is important to look at this map to get an idea of where abutting properties are. He explained that it is important to consider that noise decreases over distance and asked where the blasting activities would be taking place. J. Burdin shared that this would occur in the excavation area, which would be followed by the crushing in the same area, or the stockpile area. W. Merritt asked about the distance between the excavation site and the road. T. Varney shared that the distance from the nearest point of the blasting area to the highway is about 330 ft.

E. Piekut noted that New Durham has a blasting ordinance and asked whether the applicant would be responsible for obtaining a permit for each scheduled blasting. She added that this process would require a pre-blast survey for everyone within 500 feet. J. Burdin explained that blasting ordinance was beyond the scope of the document review for this analysis. J. Burdin added that this information can be passed along to the Town of New Durham as a concern.

W. Merritt asked for clarification on the map provided by the engineer. One area is the excavation site, and one is a stockpile area. J. Burdin stated that his review identifies the need for clarification on where stockpiles are going to be located, where truck loading will take place, and where drive aisles and employee parking will be.

**9) Will the development substantially and permanently increase ambient noise levels in the project vicinity above existing levels?**

Unknown: The aforementioned blasting events are likely to increase noise levels for short term increments, but would not represent a permanent noise increase due to their intermittent nature. However, the operation of machinery onsite and increased truck and

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equipment traffic to and from the site could potentially be permanent increases to ambient noise levels over the duration of the excavation operations.

We recommend requesting additional information regarding amount and frequency of truck traffic to and from the site and the type of machinery to be operated onsite and frequency of operation. To what extent are such activities likely to impact ambient noise levels on surrounding properties, and how regularly will these impacts occur?

**10) Will the development substantially increase temporary or periodic ambient noise levels in the project vicinity above existing levels?**

Yes: The aforementioned blasting events are highly likely to result in substantial temporary increases in ambient noise levels. Additionally, even if the operation of machinery onsite or traffic to and from the site is likely to happen infrequently, it has the potential to be a substantial periodic increase in ambient noise levels. As requested above, additional information regarding the nature of the planned blasting events and daily operations of trucks and machinery is necessary to determine the full extent of these increases in noise levels.

**11) Is the development located within an airport zone or within two miles of an airport or airfield, where the project would expose residents or employees in the project area to excessive noise levels?**

No.

**Hazardous Materials or Substances**

**12) Will the development create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

Unknown. Potentially hazardous materials will primarily relate to the maintenance of equipment and vehicles and, according to the application, will be stored in an onsite trailer according to best management practices.

**13) Will the development create a significant hazard to the public or the environment through the reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

Information provided in the Project Narrative and Excavation Plan commits to industry best management practices for all activities related to blasting and equipment storage. Further discussion of these best practices may be beneficial to assure abutters that no hazard due to reasonably foreseeable upset and accident conditions exists.

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- 14) Will the development produce hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter mile of an existing or proposed school?**

No. The proposed excavation site is not located within one quarter mile of an existing or proposed school.

- 15) Will the development be located on a site that is included on a list of hazardous materials sites compiled by the NH Department of Environmental Services and, as a result, would it create a significant hazard to the public or the environment?**

No. Research conducted by SRPC staff and included on the Environmental Hazards map found no prior environmental hazards on this site.

### Ecology and Resources

- 16) Will the development have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the U.S. Fish and Wildlife Service?**

Unknown. Research by SRPC staff indicates that the study area is composed of supporting landscapes as shown on the "Wildlife Protection Areas" map provided. The habitat is primarily a hemlock-hardwood-pine forest, which is a transitional forest, occurring between hardwood conifer and oak-pine forests. This habitat supports a number of species in need of conservation, but further information and study would be necessary to determine which, if any of these species would be specifically impacted by the proposed excavation site.

- 17) Will the development have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the New Hampshire Department of Fish and Game or U.S. Fish and Wildlife Service?**

See above.

- 18) Will the development have substantial adverse effect on federally protected wetlands as de-fined by Section 404 of the Clean Water Act (including, but not limited to, marsh vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

No. According to the wetland determination provided by Thomas W. Varney on the Existing Conditions Plan, no wetlands were observed on this site.

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- 19) Will the development interfere substantially with the movement of any native resident or mi-gratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Additional research would be necessary to determine whether the proposed development will substantially interfere with native resident or migratory wildlife.

- 20) Will the development conflict with any local policies or ordinances protecting biological re-sources, such as a conservation easement, tree preservation policy or ordinance?

No local ordinances protecting biological resources have been identified.

- 21) Will the development conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?

The proposed excavation site is designated as Supporting Natural Landscape of the Moose Mountain TNC according to *The Land Conservation Plan for New Hampshire's Coastal Watersheds* (2006).

- 22) Will the development have a substantial adverse effect on Groundwater Quality?

Insufficient information exists to determine the full extent of possible effects on groundwater quality. The elevation of the highest annual average groundwater table within or next to the proposed excavation, as required by the excavation permit application, is not included in the application narrative or site plans provided.

- 23) Will the development have a substantial adverse effect on Air Quality?

Insufficient information exists to determine the full extent of possible effects on air quality.

E. Piekut asked about the Moose Mountain TNC and asked if this stood for The Nature Conservancy. C. Copeland explained that this area is one of the core focus areas for the *Coastal Land Conservation Plan*.

W. Merritt asked about the *Environmental Hazards map* and the well located in Wolfeboro, where the protection area crosses through this property and if there are restrictions to protect the well area, which is the lowest point. J. Burdin explained that this would require additional review of well protection areas. J. Burdin added that only the stormwater protection area and access points to the drive are within the well protection area. The stormwater protection area may mitigate negative effects. He added that the Town of Wolfeboro might have more information on how they address well protection areas. J. Burdin opined that it might make sense for the Town of New Durham and Wolfeboro to have a conversation on this topic.



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## Hazards – Public Health and Safety

### **24) Will the development expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides or flooding?**

Unknown.

### **25) Will the development result in substantial soil erosion or loss of topsoil?**

Yes. The excavation site will, by definition, result in the removal of topsoil and underlying bedrock during its period of operation. The application does provide a reclamation plan that includes provisions for replacing topsoil and seeding it to speed the recovery of vegetation, and an erosion control plan to prevent further erosion and sedimentation due to runoff.

The reclamation plan provided does not include a timetable for completion. Additionally, we recommend requesting clarification of projected current and future excavation. The Operation Plan submitted identifies three areas of “future excavation,” but does not define outlines for these areas or a timeline indicating the phasing of any future excavation and how it is expected to impact the current Reclamation Plan. The Existing Conditions Plan indicates total “future excavation” of approximately 3,000,000 cubic yards. However, the Operation Plan indicates that a single blast can excavate 7,000-10,000 cubic yards and that 3-4 blasts will take place in a given year. Assuming 4 blasts per year of 10,000 cubic yards each, the operator would only be able to excavate approximately 160,000 cubic yards in the described 4-year timeline. Any changes to the scope or timetable of the project will require an amendment to the permit. Expansion of the project to add areas identified for “future excavation” may result in the need for an Alteration of Terrain Permit from the New Hampshire Department of Environmental Services as required by RSA 485-A:17.

B. Connor asked about access to land for outsiders and how signage addressing limited entry would be used once blasting activities begin. J. Burdin responded that signage wasn't really addressed in the land use application and that this concern is warranted. Additional discussion should take place on this topic moving forward.

### **26) Will the development be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

Unknown. Additional information regarding the stability of existing soil types onsite is needed to assess the potential for risks related to soil instability.

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- 27) Will the development be located on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for disposal of wastewater?**

Unknown. The plans submitted do not include discussion of the production or disposal of wastewater.

B. Connor asked about items 25 and 26 and if the lack of information would be generated by a geologist. J. Burdin added that some of this information might be available through USGS but that such additional information would be helpful.

### Facilities

- 28) Will the development require new or expanded Fire protection facilities or services in the adjacent municipality in order to maintain acceptable service ratios, response times or other performance standards?**

No. The proposed excavation site abuts existing residential development and is not expected to place an additional burden on fire protection service.

- 29) Will the development require new or expanded Law Enforcement facilities or services in the adjacent municipality in order to maintain acceptable service ratios, response times or other performance standards?**

No. The proposed excavation site is not expected to place an additional burden upon existing law enforcement.

- 30) Will the development require new or expanded School facilities or services in the adjacent municipality in order to maintain acceptable service ratios, response times or other performance standards?**

No. The proposed excavation site will not place an additional burden on existing school facilities.

- 31) Will the development require new or expanded Parks facilities or services in the adjacent municipality in order to maintain acceptable service ratios, response times or other performance standards?**

No. The proposed excavation site will not alter the usage of existing parks.

- 32) Will the development require new or expanded Solid Waste facilities or services in the adjacent municipality in order to maintain acceptable service ratios, response times or other performance standards?**

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Unknown. Further description of production process and disposal of any byproducts would help to clarify the extent to which this operation could impact solid waste facilities.

- 33) Will the development cause an increase in new or expanded utilities, treatment facilities, storm water, water supplies, etc., that would result in a negative financial or environmental impact to the adjacent municipality?**

Unknown. The applicant has indicated that all storm water will be contained onsite and has submitted an Erosion Control Plan identifying infiltration areas and other precautions. While additional truck and equipment traffic to and from the site may have a negative financial impact upon neighboring Wolfeboro or Middleton due to increased road maintenance, additional information regarding the amount and nature of this traffic is necessary to determine the extent of this impact, if any.

### Scenic and Visual Character

- 34) Will the development convert Prime Farmland to non-agricultural use?**

No.

- 35) Will the development conflict with existing zoning for agricultural use?**

Yes. The existing zoning does allow for a variety of residential and agricultural uses. However, the existing conditions of the site, including topography and vegetation may make large-scale agricultural use of this property impractical.

- 36) Will the development involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?**

No.

- 37) Will the development have a substantial adverse effect on a scenic vista?**

No. No information designating this site as a scenic vista was found.

- 38) Will the development substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?**

No. King's Highway is not considered a state scenic highway.

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**39) Will the development substantially degrade the existing visual character or quality of the site and its surroundings?**

Yes. Preliminary viewshed analysis prepared by SRPC staff indicates that the proposed excavation site will be visible to a large portion of the surrounding landowners to the south and west, including in neighboring Wolfeboro. This analysis did not account for trees, buildings, and other objects.

The Town of New Durham Excavation Regulations Section IX.A.3. requires vegetation to be maintained or established in peripheral areas. Additional discussion may be necessary to determine whether the opacity of the no-cut zone is sufficient screening along King's Highway. Additional discussion of what vegetation, if any, will be maintained or established in the Stormwater Infiltration Area will be necessary to determine whether it will adequately screen the site from abutting properties in Wolfeboro.

W. Merritt asked if the shaded areas on the *Viewshed map* are able to see the Green Oak Realty site. J. Burdin explained how the shaded areas are able to see the site. E. Piekut added that the view shed analysis is based off of three plotted points near the site and that view shed analysis areas overlap. J. Burdin agreed.

B. Connor asked if any sound barriers will be constructed around the blasting site. J. Burdin stated that no information about sound barriers has been proposed. The proposed no-cut screening buffer may mitigate some of the noise. The current plans propose swales and walls to prevent erosion and for stormwater and runoff filtration. He added that the *Town of New Durham's Excavation Regulations* require vegetation to be maintained or established in peripheral areas, which the non-cut zone is designed to accommodate. Additional discussion may take place to determine whether the existing and proposed vegetation is sufficient, and to look at vegetation maintained or established in the stormwater filtration area to screen properties in Wolfeboro.

B. Connor asked if the replacement or addition of vegetation would be an evergreen element. J. Burdin said that would be up to the applicant and the Town.

**40) Will the development create a new source of substantial light or glare which would adversely impact day or nighttime views in the area?**

Unknown: As referenced under the Transportation section, the existing plans do not include information regarding proposed onsite lighting, when the hours of operation indicate that such lighting may be necessary on a seasonal basis. Additional information regarding the use and placement of onsite lighting or the seasonal adjustment of operating hours to prevent a need for such lighting is requested.

**41) Will the development conflict with any applicable land use plan, policy, or regulation including, but not limited to the Master Plan or Zoning Ordinance?**

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J. Burdin reminded the group that SRPC is advisory only before reviewing the following response.

The Strafford Regional Planning Commission is authorized to act in an advisory capacity on projects that have been identified as having a regional impact by a local land use board but is not qualified to make an official determination of compliance with relevant statutes or ordinances. The following items have been identified as relevant issues for consideration but should not be construed as a determination of non-compliance or as a recommendation for such a determination. Similarly, omission of any applicable land use plan, policy, or ordinance should not be construed as a determination of compliance or as advocating for such a determination.

The proposed project may be in violation of or may require additional information to address the following provisions:

- Town of New Durham Zoning and Land Use Ordinance
  - The existing zoning of this property in the Residential-Recreational-Agricultural district would seem to prevent its use for resource excavation. Additional zoning action, if not already initiated, may be required to allow such a use on this property.
  - A Special Exception as described in Article VII appears to be the most appropriate zoning action in this case. Further discussion of the nature of the activity on the site may be necessary to classify the proposed crushing, distribution, and wholesaling operations as a Commercial or Industrial use or as some combination of the two. Both Commercial and Industrial uses have additional location criteria under Article VII that must be considered to determine whether they may be allowed on a given site, including Site Plan Review and, in some cases, the provision of an impact assessment.
  - The subject property has been identified as containing land within the Steep Slope Conservation District as described in Article XI, and documentation provided by the SRPC demonstrates the presence of slopes greater than 15% in large portions of this site. Attention should be paid to ensure that all proposed excavation fits within the guidelines of this district or that the appropriate conditional use permits are obtained.
  - The size of the proposed excavation suggests that it will be subject to the requirements for Non-Incidental Disturbances, which include disturbances that are greater than 2,000 square feet on slopes greater than 15% and less than 25%, or disturbances that are greater than 12,000 square feet on slopes less than or equal to 15%. These requirements include a Stormwater Conditional Use Permit issued by the Planning Board or Code Enforcement Officer based upon factors identified in the Town of New Durham Stormwater Management and Erosion Control Regulations.

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B. Connor asked about *the Town of New Durham Stormwater Management and Erosion Control Regulation*, and when they were last updated. J. Burdin responded that he did not know of the top of his head. This document was amended in September 2013.

- Town of New Durham Site Plan Review Regulations
  - X.A. General Requirements
    - Section 2, Self-imposed Restrictions: The SRPC knows of no such restrictions that have been applied to this property. Instead, this section has been identified as a possible means by which the Applicant and the Town of New Durham can agree to additional provisions for site development so as to improve interior site design or limit the impact of this project on abutting properties.
  - X.C. Streets and Access
    - Additional information is necessary to determine the precise impact of traffic to this site. Consideration should be given to the roadway classification of King's Highway, traffic speed, sight lines from the point of access, and whether the traffic increase will result in required improvements to the right-of-way as described under Section 2, Required Improvements. Improvements that may result in the dedication of additional right-of-way should be considered prior to final site plan approval because right-of-way dedication will impact the location of required setbacks under both the Site Plan Review Regulations and Excavation Regulations.
  - X.E. Water Supply
    - Additional discussion of best management practices for preventing dust or wind erosion should take place. To the extent that such practices include wetting earth to prevent dust plumes and wind erosion, additional review may be necessary to determine the availability of an adequate water supply.
  - X.H. Lighting
    - As mentioned elsewhere, the intended hours of operation suggest the need for seasonal lighting onsite. Additional information should be provided describing plans for such lighting (or plans for altered usage that would make such lighting unnecessary).
  - X.I. Off-Street Parking and Loading
    - Section 2, Required Improvements: Necessary facilities are only partially described and depicted on current site plans
    - Section 3, Design Considerations: Current plans show two separate parcels that will make up the excavation site. If these parcels are not combined the proposed operation may be in violation of provisions b and c requiring all parking and loading to be situated on the same tract or parcel as the primary use building or structure and preventing paving, parking, driveways, loading areas, or stages within fifty feet of a side or rear property line. No information is provided addressing provisions a and e requiring parking spaces to have safe and

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convenient access or provisions for on-site storage of snow removed from parking and loading areas.

- X.M. Landscaping
  - Section 2, Required Improvements requires the provision or maintenance of landscaped buffer zones wherever commercial or industrial property abuts residential. The proposed stormwater infiltration area and stormwater berm appear to remove any such buffer zone adjacent to the residential property in the Town of Wolfeboro.
- Town of New Durham Excavation Regulations
  - III.E. Commercial Excavation: This definition specifies that “any [excavated] material leaving the property for whatever reason is considered to be a commercial operation.” When applied to the Applicant’s Project Narrative, this provision seems to support provisions in the Zoning and Land Use Ordinance requiring zoning action before an excavation permit could be issued.
  - VI. Abandoned Excavations and X. Site Reclamation Standards: Additional information regarding the timetables for the execution of the Reclamation Plan are requested to facilitate review and continued compliance under these sections.

B. Connor asked about reclamation bonding and reclaiming the area if it was abandoned. He asked if this needed to be updated yearly versus a letter of credit. J. Burdin replied that he was not sure about the enforcement process but that the applicant is required to submit a sample reclamation bond estimate. This was included with the applicant’s application, which is part of the meeting packet.

- VII. Prohibited Projects: The proposed Stock Pile Area located on the southeastern portion of the site appears to encroach into the proposed No-Cut Buffer Zone, thereby eliminating or partially eliminating existing visual barriers to the excavation site and encroaching into the required setback from disapproving abutters for the excavation. The Excavation Regulations define “Excavation” as “a land area which is used, or has been used, for the commercial taking of earth, including all related slopes, access roads, areas used for temporary or permanent storage of earth, or areas used for the location of structures or machines used in the excavation process.” This definition does not appear to include the proposed Stormwater Infiltration Area or Stormwater Berm.

## Housing and Population Growth

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- 42) Will the development induce substantial growth in an area, either directly (for example, by proposing new homes or businesses) or indirectly (for example, through extension of roads or other infrastructure)?

N/A

- 43) Will the development displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

No.

- 44) Will the development displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No.

- 45) Is the development compatible with existing or planned cross border development?

The proposed excavation site is located within the Residential – Recreational – Agricultural district of the Town of New Durham Zoning and Land Use Ordinance and is abutted to the south, east, and north by a golf course and residential development in the Residential – Recreational – Agricultural district. The site is abutted to the west by residential development in the Rural Residential district of the Town of Wolfeboro Zoning Ordinance.

Additional information is necessary to determine what, if any impacts the proposed excavation site will have upon abutting property values. Such a determination would require greater clarity regarding the impacts the proposed excavation site is likely to have upon ambient noise levels, air and water quality, and the visual character of the area. Additionally, further information regarding the timeline of this and future excavation projects is necessary to determine the duration over which these effects are likely to take place.

J. Burdin shared that his preliminary review was concluded and asked the Committee if they had any additional questions. E. Piekut asked about the solid line on the engineer's map and what it represented. This line represents a stone wall.

W. Merritt asked the Committee if they had any further questions, and thanked J. Burdin for the presentation.

W. Merritt invited the developer, Keith Babb, and the developer's engineer, Tom Varney, to speak. T. Varney explained that applicant is looking to supply crushed stone and gravel to the local market of homeowners, contractors, and local highway crew. He opined that this is a good location as it is close to Route 28. T. Varney shared that K. Babb owns another gravel



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pit three miles down the road that he is looking to close. T. Varney opined that this would support the local economy, and that he buys gravel from K. Babb for personal use.

T. Varney shared the work schedule for the gravel pit. The operation would be closed in the winter months of January, February and March. For the other eight months there would be a front end loader and a dump truck, other trucks would be a private contractor or highway truck that would be loading up, and then leaving the site. T. Varney shared that this was the first opportunity that the developer has had to explain the scope of the project. T. Varney explained that K. Babb has other gravel sites and cohabits well with local residents. He explained that the drilling and blasting is done, and that equipment is then brought in to crush the materials. The blasting would occur two to three times a year.

T. Varney explained that the developer's intention is to fit in the environment and the local neighborhood, not to disturb that. He opined that this can be done, and the measure can be taken to ensure this. The site would start small and would not increase out to the stone wall for years. The Town of New Durham requires a renewal every four years. T. Varney explained that his maps show the eventual size of the operation, but that this wouldn't reach that capacity for years. T. Varney shared that he could increase the buffers zones and build a sound berm around the stockpile and blasting area.

K. Babb stated that he contracts with Maine Drilling to do the actual blasting. They take care of the blasting survey and bring in the explosive, so that no explosives are ever stored on site. They provide the blast plan, get the permitting from the town, and monitor the seismic activity. He opined that the traffic would not really be a huge factor as there is already that traffic going to his other pit three miles away, which will be closing. The crushing materials are transported to the site to be used after blasting. The loader would remain on site. Materials stored on site would include a couple gallons of oil and anti-freeze. K. Babb explained that there would be no on-site building other than a possible office trailer. A well would probably be drilled for the purposes of dust mitigation. The water being consumed would be similar to that of a four-bedroom house.

K. Babb asked if the Committee has questions. E. Piekut asked about the extent to which the proposed pit is replacing the current pit. K. Babb explained that his current pit is 17 acres, and that these two lots are 45 acres, but with the buffer zones about 38 acres.

B. Connor asked if the applicant is looking to do a lot line adjustment. T. Varney stated that this could be an option after hearing the discussion occurring at this meeting.

W. Merritt asked about noise in terms of the blasting and crushing. The crushing lasts for about a week and a half to two weeks for each blasting session. K. Babb shared that the screen deck on the crushing plant is 100 db. As sound impact decrease over distance, the sound would be less intense by the time is traveled to the surrounding neighborhoods.

E. Piekut asked if it made sense to picture the larger stormwater infiltration area as a grassy area. T. Varney shared that this would be the wooded area that is currently in place.

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C. Copeland asked if the berm currently existed. It does not, but is part of the design. T. Varney explained he added the berm for a 50-year storm. E. Piekut asked if this would need to be evaluated as the site grew. T. Varney explained that the berms are designed taking future areas into account.

B. Connor asked if a lot line adjustment would have to go through the local zoning board, and then to the planning board. T. Varney added that a form must be filled out and submitted to the planning board, which could approve it at one of their meetings. J. Burdin shared that a boundary line adjustment is included on *New Durham's Land Use Application*.

C. Copeland asked about the driveways on the plan and how they line up with abutting driveways. T. Varney explained the driveways for the property. W. Merritt asked if the Committee had any other questions and thanked the developer and his engineer for their time.

W. Merritt invited town officials from the abutting towns to speak.

Jon Hotchkiss, Chairman of the Board of the Selectman for the Town of Middleton, introduced himself. He expressed concerns with traffic and the trucks traveling through Wolfeboro or Middleton and the affect tri-axel trucks will have on road maintenance. He also expressed concern with trucks traveling by the school zone on a regular basis while school is in session. J. Hotchkiss also expressed concern with reclamation with the applicant's previous gravel pit. J. Hotchkiss addressed the Committee and asked them to think about the amount of questions in the preliminary report where more information was needed. He asked the Committee if they are going to require more information before completing their study.

J. Burdin responded that as part of this meeting the Committee will be accepting or not accepting the preliminary report. This report and the minutes from this meeting will then be forwarded to the Town of New Durham, the abutting communities, and the developer and his engineer.

J. Burdin shared that the Land Use Boards in New Durham will be able to review concerns brought forward at this meeting. He added our goal is to determine what additional information would be useful. A formal request for this information would have to occur on behalf of the Town of New Durham. There is a possibility for this preliminary review to be readdressed after the Town of New Durham takes further action.

Matt Sullivan, Wolfeboro's Director of Planning and Development introduced himself. He stated that he had previously submitted a letter from the Town. M. Sullivan asked if the Committee had any questions after reviewing the letter. He noted that his knowledge was that the application has been directed to the Town of New Durham's Zoning Board for a special exception process. He shared one of the general requirements for commercial or industrial uses permitted buy a special exception per the Town of New Durham. Under Prohibition Section II it states:

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“No Business, Commercial, Industrial or other use shall be permitted which could cause any undue hazard to health, safety or diminish the property value of other land owners, or which is offensive to the public because of noise, vibration, excessive traffic, unsanitary condition, noxious odor, smoke or other similar reason.”

He asked the Committee to consider that and the fact that it is required through *New Durham's Zoning and Land Use Ordinance*.

He opined that this is the first barrier the applicant has to cross.

W. Merritt introduced the next agenda item, Citizen's Forum. He asked that comments be limited to three minutes due to the number in attendance and per the agenda.

#### **b. Citizen's Forum**

Kenn Marschner, Wolfeboro resident, introduced himself and thanked the Committee for the opportunity to speak. He explained that he is a resident of Sherwood Forest, which is made up of 44 homes, 22 of which are on the Sherwood Forest community public well, while others have private wells. He added that there are others in addition to Sherwood Forest who live in the immediate vicinity. K. Marschner expressed concern with the depths of information that is lacking for the purpose of completing the preliminary review. He shared his disappointment in the lack of application materials for a project that has such a large scope. He explained that he submitted a letter which is part of the meeting packet. He opined that the site is unsuitable for a gravel pit and that there is a lot of work to be done moving forward. K. Marschner shared his opposition for the project, the permitting process, and a special exception as the area is zoned residential, agricultural, and recreational. K. Marschner shared that he used to work for the NH Department of Environmental Services as an Administrator. He added that he was concerned about blasting, groundwater flow, and responsibility of monitoring the site. K. Marschner opined that the site is not suitable and that the application should be rejected.

Stacy Trites, resident of Wolfeboro, introduced herself. She noted that her house was the one you could see in the images taken of the site. S. Trites distributed a letter to the Committee. She explained that the immediate abutters were notified when the application was submitted, and that a petition has been created. She added that the concern is more widespread than just the direct abutters, but the greater south Wolfeboro/New Durham area. S. Trites shared her appreciation for the applicant saying he wanted to fit into the neighborhood but opined that the area is strictly residential and that this should be kept in mind. She used another gravel pit in Alton as an example opining that there are better areas for this type of business. S. Trites expressed concern with property values due to the potential gravel pit. She added that the lack of detail provided by the applicant should be addressed. S. Trites referenced the buffers on the map provided by the applicant and expressed concern on a buffer around lot 10 as it was previously used as a logging site within the last two years, decreasing a previous forested

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buffer. S. Trites expressed concern over road maintenance with increased presence of trucks. She thanked the Committee for their time.

Amy Manzelli, BCM Environmental & Land Law, PLLC representing the Lake Winnepesaukee Golf Club, introduced herself. The Lake Winnepesaukee Golf Club is one of the abutters to this property. She submitted a letter to the Committee. A. Manzelli stated that the club is strongly opposed to this project. She expressed concurrence with many of the points addressed in the preliminary report. She has addressed points of concurrence in her submitted letter. A. Manzelli opined that this use might require a variance versus an exception. She noted Article VII of the *New Durham's Zoning and Land Use Ordinance* which explains that a special exception can be made "in areas designated "Most Suitable" or "Moderately Suitable for Urban Growth" on Land Use Suitability Map also see Groundwater Favorability Map". She asked the Committee not to make their final decision until they have reviewed those maps. W. Merritt asked for clarification on the maps she mentioned. A. Manzelli noted the names of the maps. A. Manzelli noted that steep slopes should be defined as 15% or greater, not as greater than 15% in the *New Durham's Zoning and Land Use Ordinance* and they are not. A. Manzelli opined that as the Steep Slopes Ordinance in Article XI doesn't allow the gravel pit in the underlying district, then this use is not allowed within the steep slope conservation district. A. Manzelli addressed RSA 155E which is the enabling state statute which allows municipalities to promulgate things like the New Durham Excavation Regulations. This RSA states:

"Whenever such local regulations differ from the provisions of this chapter, the provision which imposes the greater restriction or higher standard shall be controlling, except that no local regulation shall supersede the sole applicability of express standards under RSA 155-E:2, I, III, and IV.

A. Manzelli referenced RSA 155-E:4 (III) to say that as the project isn't allowed in the underlying district, that under state statute it may not be allowed at all. She elaborated by sharing when you require state permits the municipality is not allowed to approve a municipal permit for special exception or variance, site plan, etc. until all the state permits are approved.

Tracy Tarr, GZA Geo-Environmental representing BCM Environmental and the Lake Winnepesaukee Golf Club, introduced herself. She explained that she will be providing input on environmental items and that she is a certified wetland scientist, a certified wildlife biologist, and a certified erosion and sediment stormwater inspector. T. Tarr submitted materials to the Committee. She opined that the applicant would be subject to an alternation of terrain permit. The applicant has identified that the permit is pending. She expressed her opinion that all disturbances associated with the site should be noted. T. Tarr shared her thoughts that a site specific soil survey should also be completed, which would answer some of the Committee's unknown questions in the preliminary report. This must be done by a

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certified soil scientist to meet NHDES requirements. She opined that the abutters should be able to review this information. T. Tarr explained that she had submitted an IPAC review which would help answer some of the unknowns expressed. She added that the site may contain a federally threatened plant, small whorled pogonia. This plant can only be assessed in early spring. She requested that the Lake Winnepesaukee Gold Club be notified of any site walks, as an abutter. T. Tarr expressed concern with view shed impact and suggested a formal landscape plan.

David Przybylski, owner of the Lake Winnepesaukee Golf Club, introduced himself and submitted a letter of objection to the Committee. He thanked the Committee for the opportunity to speak. He opined that the number of proposed trucks will have a negative effect on state and local roads, and will create dangerous driving conditions for Club guests and others. D. Przybylski expressed concern over health hazards with air quality and particles and dust plumes from blasting activities and crushing. He opined that his business will suffer due to this factor as guests will stop using the newly created outdoor space at the Club due to decline in air and environmental conditions. He added that radon gas is a concern and the overall health and safety of his guests. D. Przybylski expressed concern on the financial impact this gravel pit will have on the Club. He stated that the club also host charitable events to help others and that this would be impacted by those organizations no longer wanting to hold their events at the Club.

D. Przybylski explained that if the club failed 50 jobs would be lost and the Club could no longer benefit the local economy. He expressed concern over property values and decreasing the community's tax revenue. He shared that this project is in his opinion not fair to the Club, or those who has chosen to call this area home. He asked that the RIC have the concerns of the residents and business owners in mind. He thanked the Committee for the ability to speak.

Carolyn (Casey) Buell, New Durham resident, introduced herself and thanked the Committee for the opportunity to speak. She noted that she had sent a letter, which was included in the meeting packet. She shared that she had talked to K. Babb when he first bought the land and she felt as if he has misled her with his plans for the property. She stated that she would not have chosen to build her home in its location had she known the potential plans for K. Babb's site. C. Buell shared that she lives in a large neighborhood with many other who are concerned. She expressed concern over her well, and groundwater issue. She opined that there should be groundwater monitoring throughout the project and that she already has high radon levels in her water. C. Buell opined that there will be an effect on local ponds. She shared her concern with school age children waiting for the bus and large trucks traveling by. C Buell explained her concern with the effects of the potential project on air quality and that air quality studies should be done. She added that she foresees so many potential problem with this project. She thanked the Committee for their time.

John Fournier, Middleton resident, introduced himself. He expressed concerns with trucks traveling through Middleton in terms of noise and safety. He opined that the nearby

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intersection hasn't been studied since 1985 and can't handle the additional traffic. He added that children walk along Route 153 in the summer, which with increased truck traffic will be more dangerous. J. Fournier explained that he is a former truck driver. He shared his thoughts on the noise that the trucks will create. He noted the safety hazards of the increased trucks. An audience member asked J. Fournier if trucks turning at the intersection will take up two lanes, he opined that they will.

An attendee expressed concerns about home foundations due to vibrations from blasting. J. Burdin responded that this was covered in the preliminary report but that there was not enough information to answer.

An attendee asked K. Babb if Maine Drilling provides insurance for potential effects of blasting. K. Babb explained that Maine Drilling does a pre-blast survey. K. Babb shared that this concern would have to be redirected to Maine Drilling. They monitor ground vibrations.

Jeanne Schultz explained that she live above the Lake Winnepesaukee Gold Club and overlooks the potential site of the gravel pit. She showed the Committee images of the property and surrounding area. She explained that her family swims in the ponds in the area and her concern with the pond becoming contaminated by the potential gravel pit. She shared concern with groundwater and air quality moving forward.

Jeanne Shultz, resident of New Durham, introduced herself. She showed on the map where the images were from.

### c. Acceptance of Technical Review

W. Merritt asked for a motion to accept the SRPC Technical Review provided by J. Burdin. E. Piekut **MOVED** to accept the document. B. Connor **MOVED** to second the motion. B. Connor opined that there is a serious lack of information. W. Merritt asked the Committee to consider the competing state versus local legislation with RSA 155-E. J. Burdin shared that he would note that in his final report and that it should be considered. W. Merritt asked about the plant study that could only be conducted in the spring. J. Burdin shared that we did not need to include all of the points made by other abutters as we all have equal abutter status in providing input to the Town of New Durham. These points will all be noted in the minutes as well. Fred Kaen agreed that more information on the RSA should be included.

Elena **AMENDED** her motion to **APPROVE** the Technical Review with the discussed changes. F. Kaen asked if there was a way to get additional information on Radon. J. Burdin shared that documentation from more official sources may make more sense. There is a resource on NHDES that may be useful. Traffic counts were discussed. B. Connor **SECONDED** the motion, of which all were **IN FAVOR**.

### 3. Meeting Adjournment

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B. Connor **MOVED** to adjourn the meeting. E. Piekut **SECONDED** the motion, of which all were **IN FAVOR**.

The meeting adjourned at 6:08 pm.

Respectfully submitted,

**Shayna Sylvia**

**SRPC Communications and Outreach Specialist**

Minutes approved on 2/23/17

By: 

Wesley Merritt, Chair- SRPC Regional Impact Committee

