

MINUTES
ZONING BOARD OF ADJUSTMENT, WILTON, NEW HAMPSHIRE
May 28,1986

Case No. 86-1RB

ZBA Members Present: Acting Chairman Arlene Laurenitis,
Stephen Blanchard, Tom Mitchell, Eddie Lamminen, and
Grayson Parker.

The meeting was called to order at 8 P.M. The board welcomed Grayson Parker to the ZBA. The following case was heard:

1. Case no. 86-1RB, application by Leonard J. and Eugene B. Peterson of Wilton Center for a Special Permit to excavate gravel under Article IV, Section A of the zoning ordinance.

Acting Chairman Arlene Laurenitis introduced the case and noted that it was a continuation of the initial hearing held in February 1986. The ZBA is sitting in an unusual capacity as Regulator of Special Permits for Excavations. She then stated that she and Stephen Blanchard would not be sitting on the case due to conflicts. That left three board members which constitutes a quorum. She then turned the meeting over to Tom Mitchell to Chair.

Mr. Philip Laurien of Piper/Laurien Consulting Service, Inc. appeared representing the applicants and Leighton White, the site developer. Mr. Laurien said he understood that the applicant needs 4 approvals from the town of Wilton:

1. Special Permit - ZBA - town
2. Planning Board Review and approval
3. Selectmen's approval
4. Special Permit - ZBA - state

It was agreed by all parties that a decision could be rendered at this meeting.

Mr. Laurien presented the applicant's case to the ZBA, showing the plan of the site and reiterating information presented at the initial hearing, describing the basic plan of excavating a 13 acre parcel in 6 phases. Each phase is to be completed before starting the next. Approximately 1 year will be taken to complete each

phase unless the gravel business fluctuates and then the time would vary. Mr. Laurien made reference to the Aquifer Impact Analysis on the site by Normandeau Associates, Inc. He addressed the problems with the plan which were indicated in the study. The plan shows excavating in spots below the seasonal high water level. He suggested stipulating that excavation remain 2 ft. above the high water level in every spot. One way to ensure this would be to require that the sedimentation basin be constructed first, then move back along the swale.

Mr. Laurien then went over all the Notes on the Plan and all the Erosion Control Notes, explaining them. He referred to the Aquifer Impact Analysis and noted that the study said the aquifer will be affected, but that every step will be taken to minimize the effect by prompt regrading and seeding. Tom Mitchell asked who would regulate the process and a discussion followed culminating in the agreement that the town Selectmen would have to designate someone to do so.

Mr. Laurien referred to p.7-8 of the aquifer report and suggested that the ZBA incorporate the recommendations for protecting the aquifer as presented there. He stated that a proposed use for the site after excavation was as a Christmas tree farm or sod farm.

The ZBA's obligation to set a bond under RSA 155-E was discussed. Mr. Laurien suggested getting another civil engineer to prepare a bond estimate amount on restoration and charge it to the applicants.

The ZBA asked a series of questions:

TM: Will there be excavation year round?

PL: Expects it only in the summer, but Leighton White would know.

AL: How many trucks/day during operation?

PL: No estimate because of uncertainty now of how the gravel will be excavated or loaded or how active the gravel market will be.

TM: What will be done with stumps:

PL: Referred that to LW. Suggested a hole could be dug above the high water level. LW arrived at this time (9 P.M.) and said he would comply with whatever the town required for stump disposal.

In response to a question about fueling on site, Mr. White said he could fuel his equipment off site. He said he doubted that there would be winter operation and that working hours of 7AM to 5PM were reasonable.

TM then adjourned the hearing, saying the board would need time to write up a decision. By statute, the ZBA has 20 days (Until June 17, 1986) to reach a decision.

Mr. Laurien and Mr. White then left.

The board decided to remain and render a decision.

After much discussion, during which the ZBA decided that Note 13 of the Plan covered the stipulation of no excavating below 2 ft. above the high water table and that stump disposal could be left up to Mr. White since the board was unsure that there was any advantage to burying the stumps over leaving them on the ground, Eddie Lamminen moved the following motion, seconded by Tom Mitchell:

To approve the application of Leonard J. and Eugene B. Peterson of Wilton Center, Wilton, N.H. for a Special Permit under Article IV. Section A of the Wilton zoning ordinance and N.H. RSA Chapter 155-E to excavate gravel from their property located at Lot E-017 southwesterly of Rt. 101, subject to the conditions listed below:

CONDITIONS:

1. Notes 8,9,10,11,13,14,15,16,and17 of the Detailed Earth Moving Plan, File 4826, dated December 9, 1985, prepared by Thomas F. Moran, Inc. for the applicants are incorporated as conditions for the Special Permit.
2. Erosion Control Notes A through E of the same plan are incorporated as conditions of the Special Permit.
3. The expiration date of the Special Permit shall be November 1, 1996.
4. The recommended action, No.1 on p.6 of the Normandeau Associates, Inc. aquifer Impact Analysis for this site, dated March 31,1986, as quoted below, shall be a condition:

"1. If the proposed excavation activity exposes a significant area of poorly permeable soils or bedrock, the reduction in recharge area" shall be "mitigated by shaping the downslope land surface to collect runoff from poorly permeable areas and

directing it into recharge basins in the sand and gravel."

5. Hours of operation shall be limited to daylight operation.
6. Trucks and equipment shall be fueled on the access road. There shall be no fueling on the actual excavation site.
7. Continuing compliance with these conditions shall be checked on a periodic basis by a town official to be designated by the Selectmen.
8. Before release of the bond requirement after restoration of the land, the owner of the Special Permit shall have a new topographical grade map prepared by a Civil Engineer demonstrating final grade compliance with conditions set forth in this Special Permit. This compliance is a major concern due to the aquifer.
9. Permitted land uses for excavated portions of the site shall be limited to non-animal agricultural uses to include sod farming or tree farming. Land uses not permitted include those listed in Wilton's 1986 Aquifer Protection District ordinance, as well as any industrial, commercial, or residential uses (with or without on-lot septic systems).

Vote: Unanimous in favor of approval.

The board discussed obtaining a bond estimate from another civil engineer. Then the board held a brief organizational meeting at which Arlene Laurenitis was elected Chairman, Tom Mitchell was elected Vice Chairman and the board decided to advertize for a secretary.

Meeting adjourned at approximately 10 PM.

Respectfully submitted:
Arlene Laurenitis
Acting Secretary

NOTICE OF DECISION

ZONING BOARD OF ADJUSTMENT, WILTON, NEW HAMPSHIRE

CASE NO. 86-1RB

You are hereby notified that the Wilton Zoning Board of Adjustment, in its capacity as Regulator of Local Excavations of Earth under Article IV. Section A of the Wilton zoning ordinance and N.H. RSA Chapter 155-E, has GRANTED the application of Leonard J. and Eugene B. Peterson of Wilton Center, Wilton, N.H. for a Special Permit to excavate gravel from their property located at Lot E-017 southwesterly of Rt. 101, subject to the conditions listed below.

CONDITIONS:

1. Notes 8,9,10,11,13,14,15,16 and 17 of the Detailed Earth Moving Plan, File 4826, dated December 9, 1985, prepared by Thomas F. Moran, Inc. for the applicants are incorporated as conditions of the Special Permit.
2. Erosion Control Notes A through E of the same plan are incorporated as conditions of the Special Permit.
3. The expiration date of the Special Permit shall be November 1, 1996.
4. The recommended action, No.1 on p.6 of the Normandeau Associates, Ins. Aquifer Impact Analysis for this site, dated March 31, 1986, as quoted below, shall be a condition:
 - "1. If the proposed excavation activity exposes a significant area of poorly permeable soils or bedrock, the reduction in recharge area" shall be "mitigated by shaping the downslope land surface to collect runoff from poorly permeable areas and directing it into recharge basins in the sand and gravel."
5. Hours of operation shall be limited to daylight operation.
6. Trucks and equipment shall be fueled on the access road. There shall be no fueling on the actual excavation site.
7. Continuing compliance with these conditions shall be checked on a periodic basis by a town official to be designated by the Selectmen.

8. Before release of the bond requirement after restoration of the land, the owner of the Special Permit shall have a new topographical grade map prepared by a Civil Engineer demonstrating final grade compliance with conditions set forth in this Special Permit. This compliance is a major concern due to the aquifer.
9. Permitted land uses for excavated portions of the site shall be limited to non-animal agricultural uses to include sod farming or tree farming. Land uses not permitted include those listed in Wilton's 1986 Aquifer Protection District ordinance, as well as any industrial, commercial or residential uses (with or without on-lot septic systems).

Thomas Mitchell AAH/sec.

Thomas Mitchell

Acting Chairman

June 2, 1986

NOTICE OF DECISION
Wilton Zoning Board of Adjustment

Case No. 86-1RB

You are hereby notified that the Wilton Zoning Board of Adjustment, in its capacity as Regulator of Local Excavations of Earth under Article IV, Section A of the Wilton zoning ordinance and N.H. RSA Chapter 155-E, has GRANTED the application of Leonard J. and Eugene B. Peterson of Wilton Center, Wilton, N.H. for a Special Permit to excavate gravel from their property located at Lot E-017 southwesterly of Rt. 101, subject to the conditions listed below.

CONDITIONS:

1. Notes 8,9,10,11,13,14,15,16 and 17 of the Detailed Earth Moving Plan, File 4826, dated December 9, 1985, prepared by Thomas F. Moran, Inc. for the applicants are incorporated as conditions of the Special Permit.
2. Erosion Control Notes A through E of the same plan are incorporated as conditions of the Special Permit.
3. The expiration date of the Special Permit shall be November 1, 1996.
4. The recommended action, No. 1 on p. 6 of the Normandeau Associates, Inc. Aquifer Impact Analysis for this site, dated March 31, 1986, as quoted below, shall be a condition:
 "1. If the proposed excavation activity exposes a significant area of poorly permeable soils or bedrock, the reduction in recharge area" shall be "mitigated by shaping the downslope land surface to collect runoff from poorly permeable areas and directing it into recharge basins in the sand and gravel."
5. Hours of operation shall be limited to daylight operation.
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7. Continuing compliance with these conditions shall be checked on a periodic basis by a town official to be designated by the Selectmen.
8. Before release of the bond requirement after restoration of the land, the owner of the Special Permit shall have a new topographical grade map prepared by a Civil Engineer demonstrating final grade compliance with conditions set forth in this Special Permit. This compliance is a major concern due to the aquifer.
9. Permitted land uses for excavated portions of the site shall be limited to non-animal agricultural uses to include sod farming or tree farming. Land uses not permitted include those listed in Wilton's 1986 Aquifer Protection District ordinance, as well as any industrial, commercial or residential uses (with or without on-lot septic systems).

Thomas Mitchell, Acting Chairman

June 2, 1986

NOTICE

The Wilton Zoning Board of Adjustment is seeking applicants for the part-time position of ZBA Secretary. Applicants must be available for one evening meeting per month, have good note taking and typing abilities and strong organizational skills. Those interested should send a letter describing their qualifications to the Wilton ZBA, Town Hall, Wilton, N.H. 03086.

Arlene Lauretti
Chairman

June 2, 1986