

Central New Hampshire Regional Planning Commission

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EXCAVATION APPLICATION, SECOND REVIEW

DATE: AUGUST 22, 2018

TO: ALLENSTOWN PLANNING BOARD

FROM: MATT MONAHAN, CNHRPC

SUBJECT: ADVANCED EXCAVATION, EXCAVATION PERMIT #08-2018

CC: JON ROKEH (via email)

The applicant, Advanced Excavation, submitted an application for Map 409, Lot 31, and totaling 29.8 +/- acres on land owned by the same for the purpose of renewing an existing excavation operation. The site is located at 1 Gilbert Drive, within the Open Space and Farming Zone.

CNHRPC initially a set of plans for the proposed Excavation on July 12, 2018. The plan sets reviewed were entitled EXCAVATION PLAN OF LAND OF WILLIAM J. GELINAS PREPARED FOR ADVANCED EXCAVATING SITUATED IN THE TOWN OF ALLENSTOWN, NEW HAMPSHIRE and dated April 19, 2005 and consisted of 6 sheets as prepared by RSL Layout and Design, Inc. of Raymond, NH.

Pursuant to the request of the Town of Allenstown Planning Board, CNHRPC reviewed the plans for compliance with the Allenstown Excavation Regulations and applicable requirements. A memorandum intended to apprise the Planning Board of submittal items required by the Allenstown Excavation Regulations that were missing from the plan as well as zoning and general planning issues that should be considered with the proposed Excavation was submitted to the Board and the Applicant on August 3, 2018. The Applicant has since submitted items and updated information in response to the August 3, 2018 review memorandum. This memorandum is intended to apprise the Planning Board of any issues that still remain.

SUBMITTAL DETAILS

CNHRPC **INITIALLY** reviewed the following plans and documents:

- A plan set entitled EXCAVATION PLAN OF LAND OF WILLIAM J. GELINAS PREPARED FOR ADVANCED EXCAVATING SITUATED IN THE TOWN OF ALLENSTOWN, NEW HAMPSHIRE and dated April 19, 2005 and consisted of 6 sheets as prepared by RSL Layout and Design, Inc. of Raymond, NH.
- A red-text marked version of sheet 3 of 6 of the plan set.
- An NHDES Site Specific Permit, number WPS-7249.

- A drainage analysis from April 19, 2005.
- Test pit data with a google map picture of the site showing the test pit locations.
- An excavation application.
- A letter, dated August 2, 2018, from the Rowley Agency stating that the bond for reclamation is in full force and effect (\$15,000).
- A copy of a December 14, 2004 special exception granted for the property.
- A copy of an NHDES phase 1 and 2 post development subcatchment diagram dated April 20, 2005.
- An abutters list.
- Aerial photographs of the site from Google Earth.
- A copy of a check, in the amount of \$1,887.10 issued by Advanced Excavating.
- A copy of the signature page of the excavation application signed by Sharon Gelinas.
- A copy of a fee acknowledgement form signed by Sharon Gelinas.
- A W9.

The following items were received by CNHRPC on August 17, 2018 and were considered with this **UPDATED** review memorandum:

- A revised plan set entitled EXCAVATION PLAN OF LAND OF WILLIAM J. GELINAS PREPARED FOR ADVANCED EXCAVATING SITUATED IN THE TOWN OF ALLENSTOWN, NEW HAMPSHIRE and dated April 19, 2005 and consisted of 6 sheets as prepared by RSL Layout and Design, Inc. of Raymond, NH, with no revision date. Plans show revisions in red, abutters, and areas labeled as “Upper Stock Piles” and “Lower Stock Piles.”
- A letter dated August 3, 2018 describing the project and signed by Jon Rokeh.
- A waiver request for a five-year excavation permit.

TOWN OF ALLENSTOWN EXCAVATION CHECKLIST & EXCAVATION REGULATION REQUIREMENTS

The following are advisory comments based upon the Town of Allenstown Excavation Regulations and Excavation Checklist Requirements used during the consideration of materials received by CNHRPC pertaining to this proposal.

Overall Summary:

The applicant is seeking approval to renew an existing gravel pit operation. Major areas of focus for the project will include:

- Major Issues:
 - During the public hearing aspect of the application review the Planning Board will need to review the Operational and Reclamation Standards and determine that these items have been met in order for the excavation permit renewal to be granted. The narrative letter, coupled site photographs and the site walk should be consulted in making this determination.

- The Board will need to determine if the permit will be for five years as requested in the waiver request or less.
- The conditions listed in the 2004 special exception should be listed on a plan sheet in the plan set.
- Technical Review Committee Comments:
 - No comment from department heads.
- Potential Conditions of Approval:
 - List conditions specified in the 2004 special exception on a plan sheet in the plan set.
 - A project Narrative is pasted into the plan set.
 - The Operational Standards and Reclamation Standards are pasted into the plan set.
 - The length of the permit is specified on the plans.
 - Professional stamps and signatures (surveyor and wetland scientist) as well as owner signatures need to be on the final plan.
 - All waivers granted and conditions of approval need to be on the final plan.
 - Notice of Decision to be recorded at the Merrimack County Registry of Deeds.
 - Any other conditions sought by the Board.
- Potential Course of Action:
 - Applicant's presentation.
 - Planner presents concerns in this memorandum.
 - Board makes determination of regional impact.
 - Board acts on completeness.
 - Board opens public hearing.
 - Board closes public hearing, deliberates, reviews Operational and Reclamation checklist, considers any waiver for the time of period for the permit, and votes.

Allenstown Excavation Application Requirements:

1. Application Item Part 5, Item 2 – A notarized letter of authorization was not provided. If the applicant attends the meeting with the agent no letter is needed. If the agent attends the meeting without the applicant this item will be needed for completeness.

Allenstown Excavation Checklist Requirements:

No issues identified at this time, subject to the review of the Planning Board.

Allenstown Operational and Reclamation Checklist Requirements:

2. The Excavation Regulations require that the Planning Board review the plans for compliance with the Operating Standards and the Reclamation Standards as described in the Excavation Regulations. To aid in determining compliance the Operational and Reclamation Checklist should be reviewed. Secondly, the site walk will help determine compliance as well. Finally, the applicant is advised to paste the Operating Standards and the Reclamation Standards into the plan set to ensure everything has been addressed. Pasting this in could be a condition of approval.

Waivers Requested from Excavation Regulation Items:

The applicant has requested a waiver from Section 10 of the Application seeking a five-year permit. The Board will need to act on this and should do so after the Operational Standards and Reclamation Standards have been reviewed.

Allenstown Zoning Ordinance Requirements:

3. A Special Exception to permit the use was granted on December 14, 2004.

DEVELOPMENT OF REGIONAL IMPACT

4. In accordance with RSA 36:56, the Board shall determine if the proposal is a development of regional impact:

“A local land use board, as defined in RSA 672:7, upon receipt of an application for development, shall review it promptly and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact.” That said, the proposal does not appear to have a regional impact.

OTHER COMMENTS

The following are advisory comments based upon commonly held planning principles and the review of the plans received. These comments represent the opinion and professional discretion of the reviewer in considering the materials received in relation to this proposal.

5. Final plans, as approved by the Planning Board, shall be provided to the Planning Board in a digital format. Such a format shall be georeferenced drawings.
6. The Applicant should demonstrate to the Board that all fees to the Town have been paid.
7. Any conditions of approval and waivers granted should be listed on the final plan to be signed.
8. The Notice of Decision should be recorded at the Merrimack County Registry of Deeds.

Given the nature of the proposal and the items submitted, the application could be considered substantially complete.

Any item indicated in this memo as missing from the plan could be a condition of approval if the Board felt such item(s) are relevant and are not waived. If the Board chooses to invoke jurisdiction and accept this application as complete, the timelines set forth in RSA 676:4C shall apply. If the application is accepted as complete, the Planning Board can enter into a public hearing if such a hearing was properly noticed in accordance with 676:4D.