

Town of Richmond
Planning Board Public Hearing
August 1, 2023, 7:00 PM Taylor Van Brocklin Building
Final Revised

Members Present:

Doug Smith (Chairman)
Jed Butterfield (Vice Chairman)
Lisa Traeger
Kim DeMasco
Doug Bersaw (Selectman's Rep)

Members Absent

Kathryn McWhirk (Secretary)
Lloyd Condon (Alternate)
Stacie Maillet
Karen O'Brien (Alternate)
William Daniels (Alt. Selectman's Rep)

Public: John Holman, Chris Holman, Joe Norman, Antoinette Cincotta.

Meeting called to order at 7:00 PM

Motion made by Chairman Smith to adjourn the meeting at 8:30 PM. Seconded by Traeger. All in favor. None opposed. Motion carries.

Chairman Smith moved: 3. New business, a. Preliminary Consultation and Review: Map 405 Lot 121 Excavation to address first on the agenda.

Chairman Smith opened the floor to John Holman.

John Holman owner and operator of an approved gravel pit located on Mill Road. Map 405 Lot 121 has been an approved gravel pit since 2007. In 2013 the Holman's came in front of the Planning Board for a lot line adjustment to add 10.7 acres to the rear of the existing gravel pit. The 10.7 acres was not to be disturbed and used as part of the approved gravel pit per the Planning Board in 2013. There was a concern in reference to the rear 10.7 acres being disturbed. The Selectmen sent Holman to the Planning Board after a cease-and-desist order after violations were discovered by the Zoning Compliance Officer. Holman continued that he received a cease-and-desist order from the Selectmen and immediately stopped the excavation on the additional 10.7 acres.

Holman planned to level the slopes on the upper part of the property. His intentions were to create fields and plant Christmas trees. He presently does his gravel screening in the upper part of the lot to reduce the noise of screening from the abutters. Mr. Holman had several photos to show the board the cut and slope he had been excavating.

The area disturbed according to a map created by Carl Hagstrum from Monadnock Septic Design, LLC there was a total of 79,866 sq. feet of disturbance to the property. Holman varied in the amount removed from 1000 cubic yards to 1500 cubic yards. The gravel he did remove was included in his yearly report and taxes were paid to the Town of Richmond and State of NH.

Richmond Zoning Compliance officer Drew spoke of the Richmond Excavation Regulations on page. 6,

under Section IV :Projects Requiring a Permit, about more specifically B. A permit shall be obtained from the Planning Board for all earth excavations as defined by RSA 155E in excess of 1000 cubic yards. Drew explained that Holman had not applied for a new excavation permit or reclamation plan for the area disturbed. This is indeed the same property and same lot, but it does require new permitting.

The board looked at Section V: Exception from an Excavation Permit ,under 2) Excavation that is incidental to agricultural activities, normal landscaping, or minor topographical adjustment as defined in Section III of these regulations. In the event that the project will result in removal of more than 1000 cubic yards from the site, the regulator shall determine what is incidental.

The board also referred to Section III: Definitions, more specifically B. Agricultural Excavation means excavation of earth by the owner of the land to be used on the owner's land exclusively for agricultural use.

After much discussion it was determined that Holman must close the upper part of the property fill in the hole, grade, and plant with no more excavation of any additional material removed from the site. This will satisfy the cease-and-desist order. Holman agreed to a project date to finish by June 2024. Holman can continue to use his property for screening material and for that he would need roughly a 250 X 250- square foot space.

It was determined that the Zoning Compliance Office under the guidance of the Selectmen will do a site visit every few months to be sure the project is moving forward, and no new excavation and material is removed. John Holman agreed to the visits.

DeMasco addressed the board and made a motion to nominate Joe Norman as an alternate to the Planning Board. Seconded by Traeger. All in favor. None opposed. Motion carries.

Information will be sent to the Town Clerk for her to swear Norman to the Planning Board as an alternate.

Vice Chair Butterfield asked to speak to the board. Butterfield noticed on the agenda Definition of Structure and since the Zoning Compliance Officer is present Butterfield wanted to address the definition. Under **Old Business d. Definition of Structure**: Requested by Zoning Compliance Officer.

Zoning Compliance Officer (ZCO) Drew handed out a sheet from 2022 that he presented to the board to create a definition for the ballot in March of 2023. There was a definition created but at the last Public Hearing for inclusion on the ballot the definition was tabled. The ZCO could petition the board but at times that procedure can get messy.

Drew continued that presently the definition of structure is hard to enforce. The definition would include everything from a doghouse, flagpole, mailbox, or any structure that is placed on the ground. The ZCO has a hard time upholding zoning as the definition reads now. It was suggested that the board could look at notes from last year from the board and attempt to satisfy the definition. ZCO has no problem working with the board to have a definition in place for the 2024 ballot in March. The board requested specific examples that are affecting his ability to enforce Zoning Regulations.

Traeger opened a discussion regarding the reason for the Planning Board to do a Site Walk adding there was controversy around the reason for a site walk at the Planning Board meeting of 7.18.2023 adding the state doesn't require a site walk unless it is a complex project. The ZCO Drew asked for the floor, he explained that it's his position for the board to see the pins in place. Historically, there have been times when pins were not placed where they should be.

Board went onto **Old Business** under **b. Rules of Procedure**: Update Rules of Procedure.

Traeger did some research on Subdivision Regulations under 414 has an RSA incorrectly listed. The Rules of Procedure and the Zoning Board Handbook differs from the NH Planning and Land Use 2022-2023. RSA 675:7 governs the notice requirements for the Master Plan and Zoning Amendments explaining the guidelines for a Public Hearing. RSA 675:7 governs the public notice for an application or an application for design review. Chairman Smith brought up items presently before the board and the current priority. 676:4 (d)(1) governs the notices for applicants regarding public hearings for applicants who have submitted an application that requires an action by the board.

Traeger took the time to incorporate her findings in the Planning Board Rules of Procedure that are presently updated by the board and will send her copy to other members of the board to review. Her suggestion was to compare the two and make notes.

The board had a brief discussion that it was legal for three board members to discuss the document outside of the public meeting.

1. Public:

2. Mail:

SWRPC: Letter regarding streets.

3. Old Business:

a. Minutes of July 6, 2023: Final Revision

Motion made by Chairman Smith to accept the July 6, 2023; minutes as amended. Seconded by DeMasco. Four in favor. One abstention. Motion carries.

Minutes of July 18, 2023: Draft

Motion made by Traeger to accept the July 18, 2023; minutes as amended. Seconded by DeMasco. Three in favor. Two abstentions. Motion carries.

Traeger discussed the dates set by the State of NH for the Traditional March Town Meeting and the guidelines that are needed.

c. Master Plan: Copies for review by the board. Tabled

5. Other:

Motion made by Vice Chairman Butterfield to adjourn. Seconded by Smith. All in favor. None opposed. Motion carries.

Meeting adjourned by 8:38 PM.

Respectfully Submitted.

Kandace Mattson