

**Ashland Planning Board
Amended Meeting Minutes
Wednesday, April 10, 2024**

CALL TO ORDER: Mardean Badger, Chair of the Board, called the meeting to order at 6:30 PM

MEMBERS PRESENT: Mardean Badger
Kathleen DeWolfe
Paula Hancock
Frank Stevens (alternate)
Tricia Farris (alternate)

MEMBERS ABSENT Kendall Hughes
Meghan Semiao
Andy Fitch

OTHERS PRESENT: Claire White, Southern NH Services, abutter to TML 214-015
Joan Glidden, abutter to TML 214-015
Devon Thibeault, Building Inspector/Code Enforcement Officer

Mardean Badger appointed Tricia Farris (alternate) and Frank Stevens (alternate) as voting members for this meeting.

DISPOSITION OF MINUTES

The Board reviewed the minutes of their Wednesday, March 27, 2024, meeting. Kathleen DeWolfe made a motion to approve the minutes of Wednesday, March 27, 2024, as amended. Paula Hancock seconded the motion. The motion passed on a 5 yes, (Badger, DeWolfe, Stevens, Farris, Hancock) 0 no, 0 abstentions on a roll call vote.

The Board reviewed the minutes of their Site Walk on Monday, April 1, 2024, of the Brandon Hiltz property on West Street. Kathleen DeWolfe made a motion to approve the minutes of the Site Walk on Monday, April 1, 2024, as amended. Paula Hancock seconded the motion. The motion passed on a 5 yes (Badger, DeWolfe, Stevens, Farris, Hancock) 0 no, 0 abstentions on a roll call vote.

CONTINUATION OF CASE 2024-07 SITE PLAN REVIEW TML 214-015 WEST STREET, COMMERCIAL ZONE AND RURAL RESIDENTIAL ZONE, BH REAL ESTATE HOLDINGS LLC

In an email to the Planning Board on April 9, Will Hess, representing BH Real Estate Holdings LLC, notified the Planning Board that Brandon Hiltz has withdrawn his application for a Site Plan Review for Case 2024-07 TML 214-015 West Street.

CASE 2024-09 SITE PLAN REVIEW TML 109-073 130 MAIN STREET MAURICE GUYOTTE COMMERCIAL ZONE CONVERSION OF COFFEE SHOP, DOG PARK AND ELECTRIC CAR CHARGERS

The Planning Board was recently notified that Maurice Guyotte of 130 Main Street has withdrawn his application for Case 2024-09 for a Site Plan Review for TML 109-073 for the conversion of a coffee shop, dog park and electric car charger site.

DISCUSSION RE: TML 214-015, WEST STREET

The Planning Board and Devon Thibeault (Building Inspector/Code Enforcement Officer) extensively discussed issues that need to be dealt with relative to the present condition of the BH Real Estate Holdings LLC property located at TML 214-015 on West Street.

With no Site Plan Application before them anymore, the Planning Board can't impose any conditions on the property in connection with the proposed project. But the Planning Board has knowledge and evidence of what has been done on the property, and they want to convey that information to appropriate entities who might be able to pursue appropriate remedies.

The Planning Board will compile a summary of this discussion for Mr. Thibeault to share with the Board of Selectmen and others. The Planning Board will also compile a timeline of all their actions with this particular property, beginning in 2020.

The Planning Board created a list of issues that have been observed concerning this property:

- The sides of the new road on the property need to be stabilized.
- Procedures need to be put in place to stop all erosion on the property, caused by removal of vegetation.
- Determine whether this might be considered as a private road or a driveway.
- Debris at the top of the road be cleaned up. That blasting cord and caps as well as dangerous exposed rock be removed from the property
- The game fencing bordering state property has been disturbed or compromised
- The Planning Board still feels that a complete survey should be done of the entire property and boundaries of the property be established.
- The previously existing logging/woods trail has been converted into a road, with dirt to widen the road and the surface has been compacted to handle heavy equipment.
- There appears to be no erosion control on the property. The erosion control that was installed after notification by the Building Inspector was limited, consisting of stakes and black plastic at the bottom of the slope adjacent to the storage facility property.
- There appears to be no stormwater drainage management on the property.
- Blasting took place on the property without notification of all abutters beforehand.
- Road materials are washing into abutters properties (especially the storage facility property at the bottom).
- Blasting debris (rocks) and materials (used blasting wire and caps) have been pushed over the property line at the top of the road onto Glidden and Zock properties, which are both in conservation status.
- This property with its debris and blasting debris (used blasting wire and caps) is hazardous to all wildlife that come onto the property.
- All vegetation has been removed from the proposed road spur and land below the spur.
- There is no apparent road stabilization.
- At the top of the mountain, much of the blasted rock is piled 15-20' high. The beginning of a constructed road continues down the backside of the mountain.
- The monuments designated in several earlier maps submitted to the Planning Board are absent on the most recent map.

- One of the earlier maps of the property shows its contours. From this map it can be determined how much volume has been removed from the property or how much property has been disturbed.
- The road appears to be more than a 10% slope. The application of the steep slopes portion of our Zoning Ordinance to this property should be determined.
- The condition of the pavement at the end of West Street needs to be preserved where it joins the dirt portion of the property.
- Some damage to the game fence on the edge of the state/I-93 property will endanger the public on the highway from sand being washed from the property onto I-93 and allowing wildlife to access and cross I-93 during high volume traffic periods.
- In the restoration process, the town's aquifer and the wellhead protection area cross a portion of this property and need to be addressed.
- Erosion protection needs to be put in place using NHDOT "Guidelines for Temporary Erosion and Sediment Control and Stormwater Management "and inspected by Devon Thibeault, Code Enforcement Officer upon its completion

Devon Thibeault, Building Inspector/Code Enforcement Officer, advised the Planning Board that he is in receipt of a Building Permit Application from Brandon Hiltz to build a barn at the top of the road on his property. The barn will be built in the Rural Residential Zone of the property. Brandon Hiltz has also applied for a driveway permit. The driveway permit is for the current constructed road be a driveway from West Street to his proposed barn at the top of the road. Devon Thibeault made the following points about driveway regulations and private road regulations:

- There may be specific footage allowed for a driveway. There is a different specific footage allowed for a private road. The town needs to know if this constructed road falls under driveway regulations or private road regulations.
- The first 300+ feet of the driveway is in the commercial zone of the property. The road curves, so the length is more than 300 feet.
- The driveway encroaches on both the Town parcel/property as well as State property.
- There appears there are no markings, stakes or flags to designate the edge of the Hiltz property
- Brandon Hiltz has been informed that the road/driveway needs to meet the 15' setback regulation contained in the Ashland Zoning Ordinance at the bottom of any retaining wall or fill.
- The building permit has been denied because the Site Plan Review that was submitted had no measurements for the barn, no engineer's truss design required for obtaining a Building permit, and no specific details submitted regarding location relative to setbacks, etc.
- The barn is to be constructed for personal use.

The Planning Board created a list of local and state agencies who may need to be involved in the resolution of the issues presented by this property and project:

- Ashland Board of Selectmen
- Ashland Fire Department – blasting issues
- Craig Moore, Public Works Director – inspection of all culverts/drainage at the bottom of the driveway.
- Department of Transportation (DOT) ---sand from the Hiltz property is encroaching on DOT property bordering I-93; game fence has been compromised
- Devon Thibeault, Building Inspector/Code Enforcement Officer -- permits and code violations

- Department of Environmental Services (DES) – Alteration of Terrain, steep slopes, stormwater and erosion management (BMP's)
- NH Department of Revenue Administration – current use status of the property
- Ashland Town Assessors – current use status, changes of use

Devon Thibeault said that he could contact DES relative to the Alteration of Terrain violations. Craig Moore will deal with storm water management issues and inspection of the proposed driveway. There is no indication that Best Management Practices have been followed with this project. There is no indication of any erosion protection on the property.

ADJOURNMENT

Mardean Badger made a motion to adjourn. The motion was seconded. The meeting adjourned at 8:00 PM. The next meeting will be Wednesday, April 24, 2024, at 6:30 PM at 6 Collins Street.

Minutes submitted by Paula Hancock