

**TOWN OF TUFTONBORO  
PLANNING BOARD  
March 21, 2019  
MINUTES**

**Members Present:** Matt Young, Chairman, Tony Triolo, Vice-Chairman, Bill Marcussen, Selectmen's Representative, Jack Parsons, Members, Gary Qua, Alternate.

**Members Absent:** John Cameron, Kate Nesbit, Laureen Hadley, Members, Russ Steensma, Alternate.

**Staff Present:** Lee Ann Hendrickson, Administrative Secretary.

*Chairman Young opened the meeting at 7:00 PM.*

*Chairman Young appointed Gary Qua, Alternate, to sit in for Kate Nesbit, Member.*

Matt Young stated changes in State law placed the burden of regulation higher upon the applicant and the Town. He stated the Board is reviewing existing excavation operations through the process of Site Plan Review; noting such is not triggered because the sandpits are trying to increase what they are doing rather, it is a process to allow for the applicant to operate legally in the future. Per RSA 155-E, the Board is documenting the confines of the pit as they are and depicting the elevations; noting the application would be allowed to operate within those confines. He stated that for an owner to operate outside of those confines (grubbed out area) would require a Special Exception from the Zoning Board of Adjustment and Site Plan Review approval from the Planning Board. He reviewed the Planning Board process.

**I. Public Comment**

Jim Bean submitted a Site Plan Review application for Melvin Bean's excavation operation and asked if the Board would accept it; noting he is submitting the application late.

Matt Young stated the Board would receive the application and review abutter notice requirements.

**II. Consideration of Minutes  
March 7, 2019**

Jack Parsons stated Camp Belknap does have a driveway permit and it is on file at the Town Offices.

***It was moved by Tony Triolo and seconded by Bill Marcussen to approve the March 7, 2019 Tuftonboro Planning Board minutes as submitted. All members voted in favor. The motion passed.***

**III. Scheduled Appointments/Public Hearings  
Fenton Varney  
Site Plan Review for Excavation Operation  
Tax Map #3-1-24**

Matt Young stated the applicant previously presented the application to the Board however, an issue was raised as to whether an abutter was properly noticed and noted that in fact, the abutter was not properly noticed. He stated another issue was raised regarding notification to the Conservation Commission. He stated RSA 155-E requires notification to the Conservation Commission for the excavation permit application (the next step in the process). Despite such he stated the Commission was notified of the application. He stated the application is complete.

**It was moved by Jack Parsons and seconded by Tony Triolo to accept the application as complete. All members voted in favor. The motion passed.**

Fenton Varney reviewed the site plan; noting the total acreage is approximately 26 acres and the area of excavation is one third acre. He stated the area of potential excavation is 1.5 acres.

Matt Young confirmed the applicant is present to grandfather the pit to meet compliance.

**It was moved by Tony Triolo and seconded by Bill Marcussen to open the public hearing. All members voted in favor. The motion passed.**

Mike Jarvis, 55 Mountain Shadows, asked if all the conditions of RSA 155-E:3 are required to be met.

Referencing the Site Plan Review process, Matt Young stated the Board is trying to get the properties to the point that they can legally apply for an Excavation Permit to the Town of Tuftonboro. He stated the application permit itself has conditions upon it.

Fenton Varney stated two years ago the Town Ordinance passed requiring compliance from the existing sandpits. He stated the existing sandpits were grandfathered as long as they receive Site Plan Review approval; noting the sandpits are pre-existing and nonconforming. He stated the area that is stumped and grubbed beyond the tree line is the area that is grandfathered.

Jack Parsons stated Mr. Varney would receive an Excavation permit.

Jillian Tally, 43 Mountain Shadows Road, expressed concern for increased truck traffic; noting she has a two year old and four year old.

Matt Young stated that prior to the Board doing this there was no regulation and now the area will be confined. He stated the approval will limit the amount of traffic.

Jillian Tally asked how it will be monitored once the application is approved.

Matt Young stated one of the conditions of approval placed on the applicant is that the confines of the grubbed area are blazed by the Code Officer, Planning Board Chair and applicant in the spring following snowmelt. He noted another conditions includes elevation shots and under 155-E a perc test is required; noting a perc test determines the groundwater level. He stated there are recourses that include Town zoning enforcement, State regulations of 155-E and environmental standards.

Jillian Tally noted a stream runs through the properties and that she and her parents spent a lot of money to bridge over the stream and there were a lot of impacts to the environment that had to be reviewed and determined by the State. She questioned impact to the stream.

Matt Young stated wetlands enforcement is through the Department of Environmental Services and surface water discharge falls under the EPA Clean Water Act.

Mike Jarvis stated no one watches what is going on in the property; noting the property is posted.

Fenton Varney stated the property is private property.

Jack Parsons stated the Planning Board can appoint a person to monitor it.

Matt Young stated the Codes Officer has the ability to enter a property with the proper procedure.

Jillian Tally asked if people are able to live on the property and have shelter; noting she is asking due to other issues she is having with people living on the property that aren't supposed to be there.

Matt Young stated he doesn't believe there is anything that would stop a person from building a house and using the property.

Frederick Conley, Blake Trail, stated he has the same concerns as Ms. Tally. He noted he moved to the area for peace and quiet; noting #11 on the Covenants and Restrictions states that the roads shall not be used in any manner inconsistent with its residential character.

Jack Parsons stated such are covenants and the Board does not go by the covenants.

Frederick Conley stated the posted speed limit of 15 mph for the private road is laughable; noting people fly up and down the road. He stated the whole side of his house is exposed to Mountain Shadows and noted he has to keep his windows shut due to the enormous amount of dust. He asked how it will be regulated, monitored and enforced. He stated the use negatively impacts the use of his property.

Freddie Aponte, 30 Mountain Shadows, questioned time limits on the operation.

Matt Young stated the Planning Board has the authority to regulate the hours of operation.

Freddie Aponte confirmed a condition of approval would include hours of operation.

Matt Young stated he cannot speak to how the Board will decide however, in the previously approved excavation application the Board imposed that condition.

Tony Triolo confirmed that Fenton Varney would be the only person excavating the area.

Matt Young stated he could legally have someone else in the pit.

Fenton Varney stated that is not his intention. He noted in the last four years he has taken thirty loads from the property in a 3-ton truck and most of which was used within the development/onsite; noting there is not much sand left. He stated the real use of the rest of the material is for use onsite where the vast majority has gone already.

Matt Young stated that if most of the material is used within Mountain Shadows would the owners want restrictions on the road to match the Town's restrictions.

Fenton Varney stated a private road can't be posted.

Matt Young stated a condition could be imposed that includes dates.

Fenton stated the Board would be imposing restrictions not only on him; noting Mike Jarvis has a 10-wheeler.

Mike Jarvis stated when and if he goes out, it's late in the spring and he gets permission from Jim Bean; noting he doesn't expose his truck to sand and salt.

Fenton Varney stated the Town road that enters into the private road is posted; therefore nobody can go in or out. He stated the road is a private right-of-way and limits on such cannot be imposed.

Mary Jarvis, 55 Mountain Shadows, asked if the BOS have to grant permission to use private roads for excavation purposes.

Bill Marcussen replied no.

Mary Jarvis questioned the District that the property is located.

Staff stated the application notes Low Density Residential.

John Loring, 3 Partridgeberry Circle, asked if there is anything that can restrict Mr. Varney from operating a commercial sandpit on that land itself and mining all of the one third acre and then mining the next one third acre.

Matt Young stated Mr. Varney is limited only to the confines of the grubbed out area.

John Loring asked when Mr. Varney was notified that he had to apply for the permit.

Matt Young stated he believes that Fenton was on the Planning Board at the time.

John Loring stated trees were cut down in November.

Fenton Varney asked what year.

John Loring replied 2018.

Fenton Varney stated he can prove that is not true through Google Maps.

John Loring stated that Mr. Varney also stated that he doesn't take sand out of there and it's just used in Mountain Shadows.

Fenton Varney stated he had said that most of it is used in Mountain Shadows.

John Loring stated at the last meeting Mr. Varney stated he used none of it and it went down to a trench at Lindsay Lane.

Fenton Varney stated this year most of it was used for the trench on Lindsay Lane.

Mary Jarvis asked if a bond has been posted for the reclamation.

Fenton Varney stated there are no requirements to post a reclamation bond. He stated about 75% of the area is reclaimed by itself already and all that is needed is stabilizer with bark mulch over it in order to stop the erosion. He noted there is currently no erosion; noting the water is being held in the excavated area.

Mike Jarvis stated he needs to maintain a 50' buffer from an abutter (speaking to his daughter's property, Jillian Tally).

Matt Young stated a 50' buffer needs to be maintained for an abutter that is against the proposal and 10' for a non-opposing abutter.

Mike Jarvis stated he wants to ensure that Mr. Varney maintains that buffer.

Referencing the site plan, Fenton Varney showed the areas of excavation, Ms. Tally's property and the 50' setback. He stated the current excavation area to Ms. Tally's property is 450'.

Jillian Tally asked Mr. Varney to refer to the plan and show the location of the right-of-way; noting such is in her deed and she'd like to ensure that it remains active regardless of any future activity of the pit.

Fenton Varney stated it is an easement and not a right-of-way. Referencing the site plan, he showed the area that the easement is defined.

Jillian Tally stated she wants to ensure the access will not be impacted.

Fenton Varney stated it would not be impacted but, to use the property a bridge has to be built to cross the wetlands.

Mike Jarvis stated that the easement on that document is not outlined well enough to say that it is the location of the easement.

Fenton Varney stated it notes the easement is located in the northeast corner and noted that Mr. Jarvis signed it.

Mike Jarvis asked if the easement allows them access at all times.

Matt Young replied unless the easement specifically states otherwise.

James Pizzano, 9 Partridgeberry Circle, confirmed that the covenants have nothing to do with the pit; noting the covenants stated no business is allowed in Mountain Shadows.

Jack Parsons stated towns are regulated by zoning and RSA's and developments are regulated by covenants.

Fenton Varney stated the covenants only apply to lots 1 through 22 for the original Mountain Shadows (1973). He stated there are a second set of covenants for all the lots that have been developed since then.

Freddie Aponte requested a copy of the second set of covenants.

Fenton Varney stated they are recorded at the Registry of Deeds and that he could provide such to Mr. Aponte.

Joe Ellis, 10 Partridgeberry Circle, expressed concern regarding the condition of the roads (current condition and future condition). He stated it is a private residential neighborhood.

Matt Young stated the sandpit already exists; noting the application is seeking to define and limit the existing operation therefore, the traffic to the roads would be less than if the Board did nothing.

Joe Ellis asked when the roads would be fixed.

Frederick Conley stated he drove through the development several times and noted that there wasn't any indication of a commercial activity other than there are lots to be sold and houses to be built. He stated he has spent \$60,000 improving his property and he is choking on dust when someone flies up and down the road.

Member of the public stated there are problems currently with dust and the road. He stated the road needs to be dealt with and needs attention and thinks the association should discuss it in the spring; noting it's a bigger problem than the sandpit.

**It was moved by Tony Triolo and seconded by Gary Qua to close the public hearing. All members voted in favor. The motion passed.**

Matt Young reviewed the following conditions of approval that have been developed for permitting the excavation operations in the Town;

1. Compliance with RSA 155:E.
2. The Site Plan shall include a note that this approval does not provide for an alleviation of any required State permits for purposes of sand and gravel operation or grandfather any gravel pit activities that are outside of normal gravel pit/excavation operations.
3. Hours of operation shall be Monday through Friday 7AM-5PM and Saturday 7AM-12PM.
4. The area of excavation shall be identified and blazed by the owner, Code Officer and Planning Board Chairman and a note on the plan will be added depicting such.
5. The applicant shall submit a photographic inventory of the excavation area.
6. Elevations shall be marked and depicted on the plan.

7. Operations of this sandpit will be limited within the Mountain Shadows development during periods of Town roads posting to match the weight restrictions.

Gary Qua agreed with the conditions.

Matt Young stated he drove in the neighborhood; noting it was clear that it is a high end residential neighborhood. He questioned whether the Board should add a condition relative to weight limits within the development (road closure to match Town road postings); noting that if the Town closed New Road then Mountain Shadows would be closed for this operation as well. He stated he is recommending the condition because it is the only sandpit in the Town that is located in a private development. He stated the character of the neighborhood is beautiful and high end and requested a gate to the property be installed that matches the character of the neighborhood.

Fenton Varney stated it can't be gated because of the easement.

Mike Jarvis stated Mr. Varney could provide them with a key.

Fenton Varney stated he would gate the property.

Mary Jarvis questioned the hours of operation.

Jack Parsons replied Monday through Friday 7AM-5PM and Saturday 7AM-12PM. He noted Mr. Varney has to contact a spill company which has to be posted on the permit (permit to be posted on the site) in case something happens and a report has to be made the number is available.

Matt Young confirmed such is covered under 155-E.

Fenton Varney stated he needs a personal use exception in order to access the sandpit outside of the restricted hours (i.e.: grab a half yard on a Sunday).

Matt Young stated he doesn't know how the Board would regulate such and stated his concern is that the Board would be complicating things by including that as a condition.

Fenton Varney stated the Board is complicating matters by putting on the restrictions because the sandpit is not used that much. He stated it remains private property, his private property and it is not a commercial use by him hauling material out of the pit. He stated he wants the ability to put a couple of yards in his truck on a Sunday.

Jack Parsons stated all pits are private property.

Matt Young asked the public if they would have an issue if Mr. Varney took a load of sand out of the pit with his pickup truck on a Sunday.

Member of the public asked who a complaint would be made to if Mr. Varney takes more than a pick-up truck load out.

Matt Young replied Codes Officer or Selectmen. Matt Young noted the following additional condition of approval;

- A gate that resembles the character of the neighborhood be installed and provide continued access to the easement holders.

Fenton Varney requested a waiver from Section 4.3.3 (Site Plan Review Regulations).

Matt Young stated Mr. Varney is requesting a waiver for the submittal of a stamped plan by a surveyor. He stated the property has been surveyed however, Mr. Varney doesn't have a stamped plan.

**It was moved by Tony Triolo and seconded by Jack Parsons to grant a waiver for Section 4.3.3 of the Site Plan Review Regulations. All members voted in favor. The motion passed.**

**It was moved by Tony Triolo and seconded by Bill Marcussen to approve the Fenton Varney Site Plan Review application, Tax Map #3-1-24, subject to the conditions of approval. All members voted in favor. The motion passed.**

Fred Sargent  
Tax Map #32-2-4  
Site Plan Review; Excavation Operation

Matt Young confirmed that Richard Casella is speaking on behalf of him.

Staff stated a letter of authorization is on file.

Matt Young confirmed that Tax Map #32-2-4 abuts Mary Jane Sargent's property. He stated the application is complete.

**It was moved by Jack Parsons and seconded by Bill Marcussen to accept the application as complete. All members voted in favor. The motion passed.**

Matt Young stated the applicant has requested a waiver from Section 4.3.3 of the Site Plan Regulations.

**It was moved by Bill Marcussen and seconded by Gary Qua to grant a waiver to Section 4.3.3 of the Site Plan Review Regulations. All members voted in favor. The motion passed.**

Richard Casella stated the property is accessed off of 258 Mountain Road and is being operated cooperatively with Mary Jane Sargent's excavation operation; noting the area of excavation is 2.5 acres on Fred Sargent's property and 2.5 acres on Mary Jane Sargent's property.

Jack Parsons stated that due to the setback (10') from the lot lines an agreement is required from Mary Jane Sargent.

Richard Casella stated there is an agreement with Mike Carleton because the berm rests on the property line and they have agreed to mutually divide the line.

Bill Marcussen stated a legal written agreement is needed between the two parties.

Richard Casella stated he provided Google Earth photos of the property.

Matt Young stated there will be a condition that addresses internal drainage.

Jack Parsons reviewed/confirmed the limits of the excavation area and questioned the slope.

Richard Casella stated the land will slope off around the perimeter; noting 690 will be the lowest point. He noted the berm is 750; noting such is the highest point.

The Board and Mr. Casella continued discussion of the slopes.

**It was moved by Tony Triolo and seconded by Bill Marcussen to open the public hearing. All members voted in favor. The motion passed.**

Martin Garabedian, 279 Mountain Road, confirmed there will be no further expansion and the banks would be reclaimed.

Richard Casella stated the pit is currently more than 50% depleted and there is no intent for expansion.

Martin Garabedian confirmed there is no intent to expand further toward the brook.

**It was moved by Bill Marcussen and seconded by Tony Triolo to close the public hearing. All members voted in favor. The motion passed.**

Matt Young reviewed the following conditions of approval;

1. Compliance with RSA 155:E.
2. The Site Plan shall include a note that this approval does not provide for an alleviation of any required State permits for purposes of sand and gravel operation or grandfather any gravel pit activities that are outside of normal gravel pit/excavation operations.
3. Hours of operation shall be Monday through Friday 7AM-5PM and Saturday 7AM-12PM.
4. The area of excavation shall be identified and blazed by the owner, Code Officer and Planning Board Chairman and a note on the plan will be added depicting such.
5. The applicant shall submit a photographic inventory of the excavation area.
6. Elevations shall be marked and depicted on the plan by the applicant with the Codes Officer and Planning Board Chair.
7. A berm or trench shall be constructed in the low area of the excavation area to ensure the pit drains internally.

**It was moved by Tony Triolo and seconded by Jack Parsons to approve the Fred Sargent Site Plan Review application, Tax Map #32-2-4, subject to the conditions of approval. All members voted in favor. The motion passed.**

**Mary Jane Sargent  
Tax Map #32-2-12  
Site Plan Review; Excavation Operation**

Matt Young stated this property sits uphill from Fred Sargent's property. He confirmed with Mary Jane Sargent that Richard Casella is authorized to speak on her behalf. Matt Young stated the application is complete.

**It was moved by Bill Marcussen and seconded by Tony Triolo to accept the application as complete. All members voted in favor. The motion passed.**

Richard Casella stated the pit is existing and there is an agreement with Mike Carleton to split the berm.

Jack Parsons questioned the proximity of the excavation area to the Hlushuk property.

Richard Casella replied within ten feet.

Matt Young asked Theresa Hlushuk if she approves of such.

Theresa Hlushuk replied yes, as long as it isn't any closer.

**It was moved by Tony Triolo and seconded by Bill Marcussen to open the public hearing. All members voted in favor. The motion passed.**

Steve Hunter stated he thought it was interesting on the last approval that the Board told them they had certain working hours when they are next to a Transfer Station that is open all day Saturdays and all day Sundays. He stated he found it interesting how the Board restricted the use of the neighbor.



**It was moved by Tony Triolo and seconded by Bill Marcussen to close the public hearing. All members voted in favor. The motion passed.**

Matt Young stated the applicant has requested a waiver from Section 4.3.3 of the Site Plan Regulations.

**It was moved by Tony Triolo and seconded by Bill Marcussen to grant a waiver to Section 4.3.3 of the Site Plan Review Regulations. All members voted in favor. The motion passed.**

Matt Young reviewed the following conditions of approval;

1. Compliance with RSA 155:E.
2. The Site Plan shall include a note that this approval does not provide for an alleviation of any required State permits for purposes of sand and gravel operation or grandfather any gravel pit activities that are outside of normal gravel pit/excavation operations.
3. Hours of operation shall be Monday through Friday 7AM-5PM and Saturday 7AM-12PM.
4. The area of excavation shall be identified and blazed by the owner, Code Officer and Planning Board Chairman and a note on the plan will be added depicting such.
5. The applicant shall submit a photographic inventory of the excavation area.
6. Elevations shall be marked and depicted on the plan by the applicant with the Codes Officer and Planning Board Chair.
7. A berm or trenching shall be constructed in the low area of the excavation area to ensure the pit drains internally.
8. The applicant (Tax Map #32-2-12) shall execute an agreement with the property owner of Tax Map #32-2-4 relative to the setback of the excavation area.

**It was moved by Tony Triolo and seconded by Jack Parsons to approve the Mary Jane Sargent-Casella Site Plan Review application, Tax Map #32-2-12, subject to the conditions of approval. All members voted in favor. The motion passed.**

Fred & Eunice Sargent  
Tax Map #32-2-6  
Site Plan Review; Excavation Operation

Matt Young stated the application is complete.

**It was moved by Jack Parsons and seconded by Gary Qua to accept jurisdiction of the application. All members voted in favor. The motion passed.**

Matt Young stated the applicant has requested a waiver from Section 4.3.3 of the Site Plan Regulations.

**It was moved by Gary Qua and seconded by Bill Marcussen to grant a waiver to Section 4.3.3 of the Site Plan Review Regulations. All members voted in favor. The motion passed.**

Richard Casella stated the property consists of 82 acres; noting the excavation area is 18 acres. He stated the sand pit goes back to the 1930's. He noted the pit is used by local contractors; noting the excavation area/disturbed area was determined by using Google Earth.

Jack Parsons questioned the height of the area around the pit/elevation of undisturbed area and confirmed the land tapers off to the edge (no cliff) and is flat around the edges of the excavation area.

Richard Casella reviewed the elevations; noting the highest elevation is 700.

**It was moved by Tony Triolo and seconded by Bill Marcussen to open the public hearing. All members voted in favor. The motion passed.**

No public comment.

**It was moved by Tony Triolo and seconded by Bill Marcussen to close the public hearing. All members voted in favor. The motion passed.**

Matt Young reviewed the following conditions of approval;

1. Compliance with RSA 155:E.
2. The Site Plan shall include a note that this approval does not provide for an alleviation of any required State permits for purposes of sand and gravel operation or grandfather any gravel pit activities that are outside of normal gravel pit/excavation operations.
3. Hours of operation shall be Monday through Friday 7AM-5PM and Saturday 7AM-12PM.
4. The area of excavation shall be identified and blazed by the owner, Code Officer and Planning Board Chairman and a note on the plan will be added depicting such.
5. The applicant shall submit a photographic inventory of the excavation area.
6. Elevations shall be marked and depicted on the plan by the applicant with the Codes Officer and Planning Board Chair.
7. A berm or trenched shall be constructed in the low area of the excavation area to ensure the pit drains internally.

**It was moved by Tony Triolo and seconded by Bill Marcussen to approve the Fred and Eunice Sargent Site Plan Review application, Tax Map #32-2-6, subject to the conditions of approval. All members voted in favor. The motion passed.**

**Dolly M. Thompson**  
**Tax Map #17-1-6**  
**Site Plan Review; Excavation Operation**

Matt Young stated the application is complete.

**It was moved by Tony Triolo and seconded by Bill Marcussen to accept the application as complete. All members voted in favor. The motion passed.**

Matt Young stated the applicant has requested the following waiver; Section 4.3.3 of the Site Plan Regulations.

**It was moved by Bill Marcussen and seconded by Tony Triolo to grant a waiver to Section 4.3.3 of the Site Plan Review Regulations. All members voted in favor. The motion passed.**

Matt Young stated the applicant has requested the following waiver; Section 4.3.2.C. of the Site Plan Regulations.

**It was moved by Tony Triolo and seconded by Bill Marcussen to grant a waiver to Section 4.3.2.C. of the Site Plan Review Regulations. All members voted in favor. The motion passed.**

Matt Young stated the applicant has requested the following waiver; Section 4.3.2.J. of the Site Plan Regulations.

**It was moved by Bill Marcussen and seconded by Tony Triolo to grant a waiver to Section 4.3.2.J. of the Site Plan Review Regulations. All members voted in favor. The motion passed.**

Adam Thompson stated the property consists of 117.25 acres; noting 100 acres on the upper side are in Current Use and 1.85 acres is the excavation area. He stated the property has two curb cuts and is accessed by Route 171/Mountain Road. He noted the lower entrance is gated.

Matt Young asked if a NHDOT Driveway Permit was issued.

Adam Thompson stated he does not know. He stated he knows the upper side was approved by the NHDOT when the property was subdivided.

Matt Young asked if a Change of Use permit would be required.

Jack Parsons stated possibly due to the increase in use.

Adam Thompson there have been a local contractor that has taken material from the property. He reviewed the abutters and noted the elevations are noted on the plan.

Matt Young questioned previous use.

Adam Thompson stated the most use occurred when Pier 19 was built; noting that now it is used for personal use and occasional contractor use.

Gary Qua asked if the setbacks from the road are in compliance.

Jack Parsons replied yes.

**It was moved by Tony Triolo and seconded by Bill Marcussen to open the public hearing. All members voted in favor. The motion passed.**

William Denley, representing Beverly Bruce, stated the use is a pre-existing nonconforming use and if the use lapses the grandfathering goes away without full blown site review. He stated Ms. Bruce has a concern revolving around the wetland nature given the size of the lot. He stated the project would trigger the jurisdiction of Army Corps of Engineer if the use were to lapse.

Matt Young questioned his concerns.

William Denley replied traffic and that he is of the legal opinion that as the use diminishes the grandfathered nature of the use diminishes. He stated his client would want the permit written in such a way that it would make clear what the nature of the use that is considered to be grandfathered.

Matt Young stated it is a Permit for Excavation. He stated the Board is not relieving any of the applicants of any burden of that the State may impose on the applicants.

William Denley stated he understands it's a very minor operation.

Adam Thompson stated each year an Intent to Excavate has been filed; noting this year he was told not to file for the permit until the this meeting took place.

Bill Marcussen stated the process only applies to existing pits that have been in active operation continuously and applies only to the area that is grubbed out (area currently open). He stated anything else would require approval from the ZBA and Planning Board; noting the intent is to allow an operation to continue in a similar manner.

Matt Young noted Mr. Thompson has documentation of continuous use.

Allen Blazick, 381 Mountain Road, stated the current owners of the property have been respectful about what they are doing however, he has a problem with the large trucks. He noted he has almost been hit by the trucks and expressed concern for additional traffic if it opens up to a larger operation.

Matt Young stated the applicant has noted the area that is currently open is not a large reserve.

**It was moved by Tony Triolo and seconded by Bill Marcussen to close the public hearing. All members voted in favor. The motion passed.**

Matt Young reviewed the following conditions of approval;

1. Compliance with RSA 155:E.
2. The Site Plan shall include a note that this approval does not provide for an alleviation of any required State permits for purposes of sand and gravel operation or grandfather any gravel pit activities that are outside of normal gravel pit/excavation operations.
3. Hours of operation shall be Monday through Friday 7AM-5PM and Saturday 7AM-12PM.
4. The area of excavation shall be identified and blazed by the owner, Code Officer and Planning Board Chairman and a note on the plan will be added depicting such.
5. The applicant shall submit a photographic inventory of the excavation area.
6. Elevations shall be marked and depicted on the plan by the applicant with the Codes Officer and Planning Board Chair.
7. The applicant shall contact NHDOT to determine if a Change of Use permit is required. If such a permit is required, the applicant shall submit a NHDOT Change of Use permit approval.
8. Submittal of a NHDOT Driveway Permit reflecting the intended use.
9. A berm or trenched shall be constructed in the low area of the excavation area to ensure the pit drains internally.

**It was moved by Bill Marcussen and seconded by Tony Triolo to approve the Dolly M. Thompson Site Plan Review application, Tax Map #17-1-6 subject to the conditions of approval. All members voted in favor. The motion passed.**

**IV. Action Items**

N/A

**V. Discussion Items**

N/A

**VI. Informational Items**

N/A

**VII. Other Business**

N/A

**VIII. Public Comment**

Joe Kowalski asked the date of the next Planning Board meeting.

Matt Young replied April 4<sup>th</sup>, 7 PM at the Town Offices.

**It was moved by Gary Qua and seconded by Tony Triolo to adjourn the March 21, 2019 Tuftonboro Planning Board meeting. All members voted in favor.**

*There being no further business before the Board, the meeting adjourned at 8:57 PM.*

Respectfully Submitted,

*Lee Ann Hendrickson*

Lee Ann Hendrickson