Mont Vernon Planning Board

**Public Meeting**

**April 12, 2022**

**AGENDA**

Times are approximate and subject to change without notice.

7:00 pm Cont. Hearing Subdivision, San-Ken Properties, Carleton Rd, Lot 2-49-1

8:00 pm Other Business

Mail & Announcements

Review of Minutes 3/08/22

9:00 pm Adjournment

**Present:** Steve **Bennett,** Rebecca **Schwarz,** John **Quinlan**

**Absent:** Jim **Bird,** Chip **Spalding**, Bill **McKinney,** Dave **Hall,** Eric **Will,** Chuck **Anderson,** Mike **Lewis**

**7:30 PM – Continued Hearing on Subdivision, San-Ken Properties, Carleton Rd, Lot 2-49**

**Bennett** called the meeting to order and had everyone stand for the Pledge of Allegiance. Ken Lehtonen of San-Ken Properties was present as well as Jon Rokeh of Rokeh Consulting and Joseph Jammallo of CJW, Inc, Environmental Consultants. Lehtonen spoke regarding the farm dump area on the Lot that would be 2-49-1. He had CJW environmental Consultants go out and do some testing on the site in the area in question. They took soil samples and then did some sampling of different materials found on site. There was found to be some material that did test positive for asbestos. There was not a large quantity, but there was some spread around the surface. They then hired Advanced Building Systems, Inc to go out, remove and dispose of that material. He submitted a letter from Advanced Building Systems, Inc. verifying that the work has been done. Lehtonen met them on site and went over the area in question; he stated that they are licensed and did everything in accordance with proper safety measures. There were small amounts of things that would be associated with pesticides but the soil samples they did were below the reportable limits. They did 6 soil samples in total; one of them had a slightly higher level of arsenic but there was no lead to be found with that arsenic so that soil sample was justified by the geologist to be considered a natural occurring substance. The level was at 14.8 and the allowable limit is 11. **Bennett** asked if there is a more comprehensive report for the Board. Lehtonen said he will have a formal letter from CJW, Inc. outlining everything they found within the next couple of days. **Bennett** asked what are the recommendations? Lehtonen stated that although the elements are below the reportable level, they are going to cover that area with one foot of topsoil because there are still traces of that pesticide as recommended just so that there is no exposure to anyone that might go on that area. He is willing to put a hash mark on that area on the map and mark it as a no-disturbance area so that it is on the recorded plan. Rokeh noted that this area will not have any development going on. **Bennett** opened the floor to public comment. Eileen Naber asked how deep do you go to take a soil sample? Lehtonen said from the surface down to 12” were the borings that were done; mainly the surface area around the debris that was found. These samples were taken on March 10, 2022. **Bennett** asked how did they come up with 12” as a depth for sampling? Joseph Jammallo stated that they were interested in near surface soil quality because of the potential of people walking or playing in that area. They based it upon input from the abutters and what they had visually. It’s pretty obvious where the dumping occurred; they are happy to bring the Board on a site walk if we deem it’s necessary. Jammallo stated that they tested for a variety of herbicides, pesticides, 8 different metals and volatile organic compounds. In regard to the sample that had a higher level of arsenic, the rock type in that area has arsenic in it. If the arsenic was associated with a pesticide, it is usually a lead arsenic type of pesticide. He would have expected high concentrations of lead and they did not find that at all. **Bennett** asked what standards for testing they went by. Jammallo responded ENV-OR600 NH DES Soil Remediation Standards. Kevin Pomeroy noted that he’s lived right near there for 64 years and he knows there is more stuff down below the surface. A lot of that dirt was brought in by the Road Dept. in the late 70’s. Jess Pomeroy noted that the town had

dumped other soils from around town essentially capping whatever is underneath. What has been tested really is not the soil from this area at all; it is from what was dredged up from roads around town. Her concern is for the safety of the people that are going to live there; for the safety of the people that live around there. Lehtonen stated that the area is about 350’ away from the build site and there are two other houses closer with existing wells that are fine. He noted that as part of the building process he has to do a full comprehensive water test and turn it into the town in order to get a certificate of occupancy. There is no physical harm that’s going to happen by walking over and having something 20’ deep below your feet that might have been put there 50 years ago. Once they add that hashmark to the plan, that area will never be disturbed again so its just like any capped dump. Lynda Derby questioned if they will be doing any blasting. Lehtonen responded that he chooses not to blast. When you blast you over excavate the area and have to bring in structural fill to put back. If they encounter rock that is too hard or big to move with an excavator, they bring in a hammer and accurately jackhammer to the depth they need. There will be no blasting on this site. John Morison strongly feels that a formal Phase II Environmental Analysis needs to be done. Lehtonen finds it amazing that so many abutters found all this illegal activity happening and nobody thought to call the police or report it in any way until some houses were going to be built. He went on to say that we have a set of regulations we need to follow. If our regs don’t address Phase I or Phase II as part of the subdivision approval, everything that he has done so far with testing and removal, etc. has been all by his good graces. If our regs don’t require it, this conversation should be done in his opinion. **Bennett** reminded Lehtonen that this is a public hearing and people get to express their concerns and ideas. He agrees it is unfortunate that somebody did not say something in order to get this stopped. However, the stuff is there so we have to deal with it. The Planning Boards discretion covers the health and welfare of the community when they are considering subdivisions. Lehtonen stated that he can pull a building permit tomorrow and there is nothing we can do to stop him from building a house on the closest point to this area. **Schwarz** noted that in looking through the minutes from the initial hearing date, it reads that Lehtonen was going to do testing and a report would be forthcoming. The Chairman, Jim Bord asked to see that comprehensive report as part of the approval process. We can continue to talk about it, but until we have that report we don’t really know what’s there. The next logical step would be to review that report. **Bennett** suggested that Lehtonen address the questions posed regarding the impact of drilling wells and what effect that might have. Lehtonen stated that the proper way to drill is to drill actual slid metal casing until you get to bedrock. Then you seal that metal casing to the bedrock, so zero ground water enters the well casing. Ground water can have contaminants; an animal can die, or there can be bacteria present. You don’t want any surface water in a bedrock well. They seal that steel casing to the ledge and then continue drilling. Chief Jay Wilson stated that the Planning Board should have had a copy of that report before tonight’s hearing. Lehtonen asked for a conditional approval. **Bennett** stated that until we see the final report, until we are satisfied that the subdivision is not going to have a negative impact on the health, safety and well-being of the community and the abutters, he will not vote for a conditional approval. Lehtonen stated that with this delay, he will have to put permits in and start construction on the first house prior to the first meeting due to his deadline. **Bennett** stated that he can do anything that he is legally permitted to do. **Quinlan** motioned to continue the public hearing to April 26, 2022 at 7:00pm seconded by **Schwarz.** All in favor. **Bennett** closed the public hearing.

**8:45 PM – Other Business**

The Board tabled the minutes of 3/8/22. The Board discussed an email from Ray Garbos regarding subdividing his property on Brook Road. The Board discussed an inquiry from a town resident regarding detached ADU’s. **Quinlan** discussed revamping the Master Plan and also wants a Capital Improvement Plan completed by years end. He suggested forming a subcommittee to the Planning Board to deal with this subject. We want to be able to present a long-term plan projection to the Town next March.

**9:00 PM**

As there was no further business before the Board **Quinlan** motioned seconded by **Schwarz** to adjourn. All in favor.

Respectfully submitted,

Joan Cleary

Administrative Assistant