

**DRAFT Minutes of the Peterborough Conservation Commission
Han-Sul Sandpit Planning Board Site Visit, March 29, 2021, 4 p.m.**

Present: Jo Anne Carr, Swift Corwin, John Kerrick, Matt Lundsted, Francie Von Mertens, Robert Wood; Select Board Liaison Tyler Ward; Town Planner Danica Melone; Allen Hollander, Long Hill Condominium Association; David Weir; Planning Board members

Gravel pit reclamation

Relating to gravel pit slope reclamation given a change of use from gravel pit to storage sheds, Fieldstone project engineer Chad Branon pointed to slope areas where loaming and seeding were underway. One area had been loamed and seeded the year before but did not take as it wasn't mulched, and will be done again with mulch. The untreated, bare slope in the middle showed considerable erosion, and an area to the left (south) showed loaming in preparation for seeding and mulching.

Mr. Branon said he would find out the seed mix and let the Planning Board know. He said it was conservation mix with pine seeds, standard for sandpit slope reclamation given pines' tolerance for sandy soils.

Francie Von Mertens explained that the town holds a conservation easement deed on the abutting property, location of about two-thirds of the excavated slope. This gives the town a legal interest in the property, as well as a legal responsibility to see that the slope is revegetated successfully.

She cited NH RSA 155-E reclamation requirements that require pine seedlings to speed reclamation in cases where trees were cleared and the slope is visible from a public way—two criteria the sandpit meets.

Mr. Branon said seeding alone is a standard, successful practice, pointing to mostly white pine stands on former excavated slopes on either side of the open slope. Von Mertens suggested that given the RSA's clear requirement for seedlings, a waiver be obtained from the state if seedlings are not included in the reclamation.

Swift Corwin, given that summer drought caused reseeding failure the year before, said the window for successful seeding ends by June.

Recommendations: Bonding, third-party inspection, and deadline. After the Planning Board closed the site visit, ConCom members discussed next steps. Matt Lundsted said the developer is open to bonding relating to reclamation, a standard practice. Members agreed the bond should be held until revegetation/reclamation has been approved—and monitored—by a third party. The bond would be retired when revegetation has clearly been established with third party sign-off.

Members suggested making a Certificate of Occupancy subject to loaming, seeding and mulching the excavated slope.

Members noted an existing buffer of trees between Route 202 and the storage shed site, stating hopes that the Planning Board will encourage adequate screening from one of the town's important gateways. The Rural Gateway code requires 50-foot screening as a minimum.

State RSA on following page

TITLE XII
PUBLIC SAFETY AND WELFARE
CHAPTER 155-E
LOCAL REGULATION EXCAVATIONS

Section 155-E:5

155-E:5 Minimum and Express Reclamation Standards. –

Within 12 months after the expiration date in a permit issued under this chapter, or of the completion of any excavation, whichever occurs first, the owner of the excavated land shall have completed the reclamation of the areas affected by the excavation to meet each of the following minimum standards or when such excavation is not subject to a permit under this chapter pursuant to RSA 155-E:2 [see below], to meet each of the following express standards:

I. Except for exposed rock ledge, all areas which have been affected by the excavation or otherwise stripped of vegetation shall be spread with topsoil or strippings, if any, but in any case covered by soil capable of sustaining vegetation, and shall be planted with seedlings or grass suitable to prevent erosion.

Areas visible from a public way, from which trees have been removed, shall be replanted with tree seedlings, set out in accordance with acceptable horticultural practices.

II. Earth and vegetative debris resulting from the excavation shall be removed or otherwise lawfully disposed of.

III. All slopes, except for exposed ledge, shall be graded to natural repose for the type of soil of which they are composed so as to control erosion or at a ratio of horizontal to vertical proposed by the owner and approved by the regulator. Changes of slope shall not be abrupt, but shall blend with the surrounding terrain.

IV. The elimination of any standing bodies of water created in the excavation project as may constitute a hazard to health and safety.

V. The topography of the land shall be left so that water draining from the site leaves the property at the original, natural drainage points and in the natural proportions of flow. For excavation projects which require a permit from the department of environmental services pursuant to RSA 485-A:17, the provisions of that statute, and rules adopted under it, shall supersede this paragraph as to areas of excavation sites covered thereby. The excavator shall file a copy of permits issued under RSA 485-A:17 with the regulator.

Source. 1979, 481:2. 1989, 363:10. 1991, 310:18-20. 1996, 228:108, eff. July 1, 1996.

NH RSA 155-E:2

(c) Such an excavation [meaning grandfathered ones] shall be performed in compliance with the express operational standards of RSA 155-E:4-a and the **express reclamation standards of RSA 155-E:5 and 155-E:5-a**. Any violations of those standards shall be enforceable pursuant to RSA 155-E:10.

Note that the slope easement cited the Han-Sul sandpit deed also says that reclamation shall be done "pursuant to the provisions of RSA 155-E:5 after consultation with the superintendent of Public Works of the town of Peterborough." It also says restoration shall "comply with the requirements of the Planning Board relative to said restoration of the premises."