

Nash Subdivision Application

Abutter Concerns combine in one document (without Anne Emerson's letter and the Heath's letter from 9.24.23 included separately)

Message: Dear Canterbury Planning Board Members, We hope you are well and appreciate your time reading this letter. Our names are Nikki and Chadley Kolb, and we are writing to you as Canterbury residents with serious concerns about EMSI material being proposed for use as a subbase near our residence on the north end of Wyven Road. The New Hampshire Department of Environmental Services (NHDES) excludes the use of this material within a recharge area of any sole source of drinking water supply, within 100 feet of any surface water, on or within lands used for crop production and human consumption, and other applications.

As parents of two young children ages 2 and 4, we are deeply concerned with the possibility of this material being used north of our property at 56 Wyven Road, and with the possibility of future contamination of our ground water and well – our sole source of drinking water at home. Understanding the NHDES restrictions on this product, that there is no charge for its use, and that studies on its long-term impacts are lacking, our family urges the Planning Board to deny the use of this material as a subbase on the north end of Wyven Road for the health and safety of our existing community, our children, our ecosystem, and the future residents of Wyven Road. Thank you for your time and consideration.

Sincerely, Nikki & Chadley Kolb

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Date: Mon, Apr 1, 2024 at 10:54 PM Subject: Reclaimed contaminated material as substrate for roads in Canterbury

To: Hi Canterbury Resident, The Heaths and the Clocks on Wyven Rd. just started a petition regarding "Reclaimed contaminated material as substrate for roads in Canterbury" and wanted to see if you would add your name. You can sign the petition here:

<https://chnng.it/HcbxzBtJQ4> This is a link to our petition on the Change.org website. More information appears below our names. We hope you will share this widely within the town.

Forwarding this message will ensure the background information is passed along too.

Thanks! The Greg and Ruth Heath, Kerry Clock and Deb Tomasek Petition Background

Information: Requesting Canterbury Select Board Investigate the Use ESMI Substrate There

are 6 families who live on a private gravel road in Canterbury. This road is similar to other private dirt roads in town. The residents have worked collaboratively to ensure that the southern half of the road has been well maintained since 1980, including initial upgrades to meet town requirements for safety, access to residences, and placement of power lines. One of the owners of property that abuts the northern end of the road has submitted a proposal to the Canterbury Planning Board requesting permission to upgrade .3 miles of northern portion of the road, which would include the use of thermally treated toxic material as a substrate which is produced by ESMI in Loudon, NH. There are serious concerns about this material's potential to contaminate wells, groundwater and aquifers, as well as garden areas. The State of NH has specific restrictions that limit the use of this material - not within 100 feet of surface water, not within recharge areas for drinking water, not for driveways, etc. These restrictions raise significant questions as to whether the material still contains contaminants that might negatively impact the health and safety of the neighborhood. It is therefore requested that the Canterbury Select Board investigate these concerns.

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Ruth and Greg Heath 49 Wyven Road Canterbury NH 03224 March 14, 2024

Hello Selectmen and Planning Board Members, We are writing because we are concerned about the proposed road bed for the northern end of Wyven Rd. Ground water contamination could easily happen from this stuff they want to use as a base especially given the high water and run off from alongside the road.

We've gotten to know the Canterbury Zoning ordinances better than we want to. Article 2 prohibits obnoxious uses including those that have a negative impact on property values and the potential health risks. Use of this material should not be allowed in this neighborhood. It makes no sense to bring in materials that have known warnings. I hope your respective boards will consider that protection of the community is a higher value than lowering the cost of development for a land owner. People who develop land are likely to have buyers to shoulder the cost of road building with clean materials.

We are not opposed to development on the northern end of the road so long as they are not using our private southern end of the road. But we want to make sure that it doesn't endanger our health or lower our property values. This proposal is a loser on both points. Thanks for considering these thoughts,

Kindly, Greg and Ruth Heath

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February 25, 2024

To: Town of Canterbury Board of Selectpersons Town of Canterbury Planning Board

From: Kerry L Clock 57 Wyven Road Canterbury, NH 03224 Re:

Proposal to place EMSI thermally treated material as a substrate on the northern end of Wyven Road.

Dear Canterbury Board Members, My wife Deb Tomasek and I live on the southern section of Wyven Road. We are concerned the EMSI material being proposed for use as a substrate on the north end of the road may have the potential to contaminate wells, ground water, and aquifers even though this reclaimed material has been heat treated.

Based on the fact that the State of NH has restricted its use to specific and limited applications makes me question whether there is enough conclusive information to support the use of this material as a substrate on the north end of Wyven Road. The fact that the state restricts application of this material: • within 100 feet of surface water, • within recharge areas for drinking water, • "...in lands for the production of crops for direct human consumption", raises too many questions regarding the safety of the material.

These restrictions foster questions regarding whether the material still contains contaminants that might negatively impact our property on the southern section of Wyven Road by contaminating wells, the water table, aquifers, garden areas, wetlands and other aspects of the of our neighborhood.

In addition, it is not clear that the right of way issues that were brought up at the planning board have been resolved. I believe that there are two or more landowners on the north end of the road who have claims to the middle of Wyven Road where it abuts their lots and that they have not agreed to use of the substrate. If this is the case, I assume the proposed substrate could not be used without their permission. Unless there is definitive research that can be cited demonstrating no cause for concern and guaranteeing there is no possibility of contamination to the neighborhood on the south end of Wyven Road we request that this proposal not be approved.

Thank you for you consideration of these concerns and all that you do. Kerry L Clock
kclock1@gmail.com 603.724.4000



From: Contact form at Town of Canterbury NH Sent:

Thursday, February 29, 2024 2:24 PM To: Canterbury Planning Board Subject: [Town of Canterbury NH] Neighbor using ESMI Soil (Sent by Denise Luneau, dluneau@spauldingyouthcenter.org)

Hello Planning Board,

Message: My husband and I have lived in Canterbury for over 45 years in the same house on Wyven Road. We are reaching out to the Planning Board and The Board of Selectmen out of concern with our neighbor, Al Nash, who is trying to get the town's approval to use ESMI Soil as a substrate on a road he would like to build on the north end of Wyven Road.

This road would be passing through his proposed subdivision and then ending at the top of our driveway, where our well and house sit at a lower elevation, not far from where the ESMI Soil would be placed. We have tried researching this product and have not been able to find any long-term studies that have been done. This is extremely disturbing; the fact that NHDES places restrictions on its applications near surface or well water, or, in land used to produce crops for human consumption are very big reasons why we are concerned about our safety and the risks it could bring to not only us, but the neighborhood.

We strongly oppose the use of this material and hope you understand our concerns and oppose the use of this material, until there have been long-term studies done, over a very long period.

Thank you for your attention to this matter. Denise & Omere Luneau 63 Wyven Road

Canterbury

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February 25, 2024 To: Town of Canterbury Board of Selectpersons Town of Canterbury Planning Board

From: Debra Tomasek 57 Wyven Road #134 Canterbury NH 03224

Re: Proposal to use thermally treated soil material as a substrate to improve the northern portion of Wyven Road.

Thank you for your attention to this matter. I am writing to express my concern about the proposed use of a waste derived product as a substrate in improving the condition of a portion of north Wyven Road. I have, with my husband, Kerry Clock, co-owned land and our home for 45 years nearly mid-way on this road. Our neighbors and adjacent landowners have been tending to the condition of the south half of the road since 1979.

Major upgrades were done initially to meet town requirements, place power lines and insure access for emergency vehicles. The maintenance and winter care have been managed collaboratively through our road association. We have historically given thought to the safety and effectiveness of materials used in road projects.

Some of my concerns and questions include but are not limited to: The application of thermally treated soils, which are previously contaminated materials as a roadway substrate relatively near adjacent homes. This end product is from a diverse combination of contaminated materials.

Even state regulations do not appear to endorse its safety: Env-Sw 1502.02 (c) Certification shall not mean that a product is benign to the environment, public health and safety or that the product will perform according to consumer expectations or manufacturer or distributor representations.

Does the state determination for use of thermally treated soils define “roadways” that are paved over or does it include dirt roads? Will there be any erosion control measures? Acute and long-term protection of water sources such as wetlands, seasonal surface water, aquifers are a significant concern. What might the effects be on our wells? There is interest in preserving the natural resources and attributes of this neighborhood that have been taken care of for the last nearly 50 years in a safe, ecological and sustainable manner for our immediate benefit, that of our heirs and for future homeowners.
