

TOWN OF GOSHEN  
PLANNING BOARD  
APPROVED MINUTES  
NOVEMBER 25, 2008

MEMBERS PRESENT: Chairman Allen Howe, Vice Chairman John Wirkkala, Jonathan Purick, Rich Moen, Alternate Member Jack Scranton, Select Board Representative Jim Carrick, and Sue Peacock, Secretary.

OTHERS PRESENT: Shaun Carroll, Jr., Town Attorney Bernie Waugh, Building Inspector Jack Warburton, and Dan Peterson, Goshen Fire Dept.

AGENDA ITEM # 1: Newport Sand & Gravel excavation application:

Mr. Carrick raised a question about recusing himself. Neither Mr. Carroll nor any Board member doubted his ability to serve impartially on this application. Therefore, Mr. Carrick will be the Select Board Representative for this application.

Mr. Howe stated that the purpose of this meeting is to review the completeness of an application from Newport Sand & Gravel for a new excavation to be located at a site designated on Lot 2, Map 203 on RT 10 in Goshen, and known for some years known as the "Anderson Property." Mr. Howe stated that there will be a joint meeting with the Zoning Board of Adjustment (ZBA) and the Planning Board. If the ZBA grants a special exception for excavation at the proposed site, then Mr. Carroll would have to return to the Planning Board for a complete review of his excavation permit application. Mr. Carroll handed out an application to all the members of the Planning Board along with Map sheets of the proposed excavation site.

Mr. Howe said that the Board members and Mr. Carroll will start out by going over the application step by step [according to Goshen's "Excavation Regulations"] and address any issues that are incomplete or missing.

Mr. Howe stated that on page 3 of the application there are waiver requests that cannot be dealt with until there is a hearing.

Mr. Carrick asked if there should be a public hearing scheduled regarding the waivers before the joint meeting with the ZBA. Town Attorney Waugh stated that according to RSA 37 A.3: the waiver request will determine if it is complete. Mr. Carroll said that it would be okay if a hearing on waivers were held before the joint meeting. Mr. Howe said that in his opinion he would rather deal with waivers later. The Board agreed to refrain from dealing with the waiver requests until after the ZBA makes a decision on a special exception request.

Mr. Wirkkala stated that on Map 1 the lines that show the boundary of the town and the contour lines cannot be distinguished from each other because they were done in the same colors. Mr. Wirkkala wondered if at some time when there is a need for a new map it would be possible to have better delineation done with the gray lines. Also, he noted that some of the colors are faint.

Mr. Carroll stated that the gold polygon shows the area within the property that is now proposed for excavation. In the past there used to be four of those gold polygons Mr. Carroll said that there is a blow-up on page 2 of the map which shows the zoning and soil delineation. Mr. Carroll said that is just gives you a better visual of this area.

Mr. Moen asked Mr. Carroll if there could be a leader put in the gray box on Plan Sheet 1 regarding phase I, to reference and rephrase in detail what exactly is on Plan Sheet 2.

Regarding Section III.3.A.9 of Goshen's Excavation Regulations: "Distances between disturbed areas (existing and proposed) and the closest to property lines": Mr. Howe noted that the line shown on the west did not extend to the property line. Mr. Carrick stated that there was one measurement of 205 feet on the corner of the upper right hand side, and one on the opposite corner on the left hand side that shows the closest spots to any property lines, with the exception of where Mr. Carroll is going to go out his haul road. Mr. Carroll stated that he can verify this and that this is the place where he is closest to any property line. Mr. Carroll stated that the measurement of 205 feet is the closest area. Mr. Carroll questioned what was needed was to bring this measurement up to the property line.

Mr. Wirkkala noted that the "prepared by" specification on Plan Sheets 2, 3, and RD1 should be consistent with Plan Sheet 1. That is, Mr. Richard A. Fraser's should be added as the "Preparer." Mr. Wirkkala also stated that there should be a consistency with the company name, and there are some pages with Newport Sand and Gravel in the signature line, and some pages with Carroll Concrete. Mr. Carroll said he would have the entire maps specify Mr. Fraser's name along with Newport Sand and Gravel.

Regarding Excavation Regulations III.3.A.10: "Location of existing dwelling units, other buildings and structures": Mr. Moen stated that for clarity there should be a leader put in to reference the buildings that are shown, such as the Lumber Barn and the Fire Department. Mr. Carroll noted that this will be done.

Mr. Carrick noticed that there is a property owner not shown on the map or the abutters list. The property owner is Brianna Bevilacqua, whose property is north of Elaine Bevilacqua's property. Mr. Carrick also questioned if also Kim Bevilacqua is an abutter of the property. Mr. Carroll will look into this matter further.

Mr. Moen stated that for his reference he would like to see more of Route 10 as well as have Mummy Road depicted on the map, as he is not too familiar with the residents. Mr. Carroll does not think that scale wise and if the property is wide enough that he would be able to put the name of the road in, but he will find out.

Excavation Regulation III.3.A.11: "Names, location, width of all public highways and rights-of-way within 200 feet of the property boundary." Mr. Howe noticed that Route 10 is identified, and in the bound application there is a width of the highway, and Mr. Howe stated that this may be labeled on there. Mr. Howe said that this is covered in one piece or the other, in the application or in the Map.

Excavation Regulation III.3.A.12: "Location of all driveways and road intersections within 200 feet of the property boundary." Mr. Howe stated that this is one of the waiver requests that was mentioned earlier in the meeting that he assumes that this is not on the maps. Mr. Carroll stated the reason for the waiver request is because there are none Mr. Howe stated that we will just note that this is a waiver request, and this will be dealt with at a later time (if the ZBA grants a special exception).

Excavation Regulation III.3.A.13: "Location of all easements (on or below ground) within 200 feet of the property boundary." Mr. Howe stated that according to the narrative, the applicant is not aware of easements impacting the property.

Excavation Regulation III.3.A.14: "Proposed routes of truck traffic." Mr. Howe said that according to Map RD 1 it appears that the access road goes off the project area and off of 203.2 onto another parcel before it reaches Lear Hill Road. Mr. Carroll agreed that this was so. Mr. Howe said that it was his understanding relating to the Davis Pit, that the use of private property as a haul road would also require a special exception. Mr. Carroll stated that this is not really private property, it is owned by his company. Mr. Howe stated to Mr. Carroll that it is, but that it is not part of your project. Mr. Howe stated that one of the things that Mr. Carroll was doing was requesting a special exception for commercial activity in a non-commercial zone. Mr. Howe referred to Town Attorney's Waugh earlier opinion regarding the special exception.

Town Attorney Waugh stated that there would be a need for a relevant special exception and this can be done as one request.

Mr. Wirkkala asked what the tax lot numbers are of the property in question; Mr. Carroll stated that it is Map 204, Lot # 10. Mr. Carroll stated that he could put in a leader stating the lot numbers and tax numbers in question. Town Attorney Waugh stated that for the meeting with the ZBA, that the map should reflect both lot numbers.

Mr. Carroll asked if the Planning Board and the ZBA needed an extra page to break out the abutters list for the haul road property separate from the abutters list for the excavation site.

Mr. Howe replied that both lots are part of the excavation. Mr. Carroll stated that in the bound portion of the application there are two list pages of abutters, one for the haul road and one for the excavation site

Excavation Regulation III.3.A.15: "Location and extent of any stone walls ... and man-made features."

Excavation Regulation III.3.A.16: Existing topographical lines. The Plan Sheets illustrate the lines.

Excavation Regulation III.3.A.17: Any lakes, streams, or ponds. Mr. Howe asked if any Board members knew of any that were not depicted. Mr. Moen proposed that if there are any bodies of water they be depicted, as required.

Excavation Regulation III.3.A.18: "Sketch and description of existing and proposed haul roads, service roads, etc." Mr. Howe told Mr. Carroll that he was unsure of what the "Y" shaped road exactly was. Mr. Carroll replied that it is an old road, and that it is currently used as an old snowmobile trail and no other vehicles can get through there. Mr. Moen suggested that this be depicted in a leader on the map as an abandoned road, or not a haul road.

Excavation Regulation III.3.A.19: "Breadth, depth, and slope of existing and proposed excavation areas." Mr. Wirkkala stated that this should be well diagramed with the depth of the excavation specified. Mr. Carroll stated that this is indexed, and the depth will be 11 feet, and that it will not be below that project area, and to the left of the project there will be a 25 foot difference. Mr. Carroll also stated that there will not be a lot of material to be taken out of sloping land to the west of the proposed excavation area.

Mr. Carroll stated that, as shown on Map # 2 in the gold area, there is a huge peak that he will get a slope on; there is not much area Mr. Carroll stated that this is depicted on Plan Sheet 1 and that number 9 in the general notes states that the area is 21.86 acres.

Excavation Regulation III.3.A.20: The size of the proposed area in acres and feet. The Board agreed that this is shown.

Mr. Wirkkala noted that # 9 in the general notes on Plan Sheet 1 describes this proposal as "Phase I". He asked Mr. Carroll whether there are to be other phases. Mr. Carroll stated that there is only one phase proposed, but in the future there definitely will be another phase or phases. Mr. Carroll said that there was originally 4 phases shown, and that those were deleted.

Town Attorney Waugh stated for clarification purposes that the phase issue will be individually reviewed. Mr. Carroll stated that the other phases that are not shown are a significant change, and that this is the only phase that we are considering as of now.

Excavation Regulation III.3.A. "Location of any existing and proposed accessory facilities and/or activities." Mr. Carroll stated that right now there is equipment stored at the Davis Site, and Mr. Carroll said he would like some leeway with the location at the proposed site. Mr. Howe stated that the location is not marked.

Mr. Carroll stated that it could be put in the permit criteria where we could store the processing equipment. Mr. Moen stated that there could be a comment added regarding a portable storage area when the area is established. Mr. Carroll stated that he will put this reference in the Environmental Fact Sheet as soon as the area is established.

Excavation Regulation III.3.A.22: "Storage areas for topsoil to be used in reclamation: , The Board agreed that this is shown in the "basin" on Plan Sheet 11.

Excavation Regulation III.3.A.23: "Seasonal high water table elevations." The Board agreed that this is shown on the map.

Excavation Regulation III.3.A.24: "Test pits and/or monitoring wells." Mr. Wirkkala asked if the results described were the same ones as reported at an earlier time. Mr. Carroll stated that the test pit results shown in the current application were those that had been reported some years ago.

Excavation Regulation III.3.A.25: "Existing vegetation." The Board agreed that this is covered.

Mr. Wirkkala asked Mr. Carroll about screening the haul road. The plan sheets show a tree screen. Mr. Wirkkala asked if it is Mr. Carroll's intention to maintain this area. Mr. Carroll stated that he will maintain a buffer.

Excavation Regulation III.3.A.26: Existing and proposed fencing, barriers, etc." The Board agreed that these are shown on Plan Sheet RD 1. Mr. Howe stated that this does show some buffer. Mr. Carroll stated that the haul road is near the end of the Landry's property, just before the asphalt road. Mr. Wirkkala asked Mr. Carroll about, the depiction of vegetation in the project area on Plan Sheet 2, where it shows final grade. There are clouds of green at the edge of the woods. Mr. Wirkkala asked Mr. Carroll if this tree line will end just at the gold area. Mr. Carroll stated that this is what will happen and that it is not a huge buffer.

Excavation Regulation III.3.A.27: "Aquifer locations and limits." Mr. Howe stated that this is in the narrative, and asked if the aquifer is depicted in the bigger maps. Mr. Carroll stated that

the aquifer impact is 25 feet away from a seasonal stream, which is the closest area. Mr. Howe stated that this should be circled on aquifer locations, and asked to have it depicted on the larger map on R1.

Excavation Regulation III.3.A.28: "Location of any processing equipment." Mr. Carroll stated that the location is mentioned in the narrative.

#### Excavation Regulations Section III.3.B, "Attachments to the Excavation Plan"

III.3.B.1: Usage of the proposed excavation site. The Board agreed that more specifics will probably be necessary, but this item is sufficiently complete at this point for ZBA review.

III.3.B.2: Estimated volume of material to be removed. The Board agreed that the amount to be removed annually is covered in the narrative.

III.3.B.3: Hauling information. The Board agreed that more specifics will probably be necessary, but this item is sufficiently complete at this point for ZBA review.

III.3.B.4: Measures to control erosion, sedimentation, etc. The Board agreed that this is covered in the narrative, sufficient for ZBA review.

III.3.B.5: Stormwater Pollution Prevention Plan. The application states that a storm water pollution plan is not required. The site is designed to be internally drained, according to the application.

III.3.B.6: Description of equipment maintenance plan. The application refers the Board to Fact Sheet WD-DWGB-22, which is part of the submittal with the application.

III.3.B.7: Handling and storage of fuels and chemicals. The application states that there is intent to store fuel on site. Mr. Wirkkala pointed out that Plan Sheet 1, General Note # 4, indicates that it has not been decided whether fuel will be stored on the site. He suggests that the application should be revised for consistency.

III.3.B.8: Methods to prevent tracking of materials onto public highways. The application states that haul roads will be treated. The Board agreed that this is covered.

III.3. B.9: Actions to reduce noise, dust, fumes, etc. The Board agreed that this is covered in the application sufficiently for ZBA review.

III.3.B.10: Actions to ensure site security and safety. The Board agreed that handling of potential hazards to human safety is covered sufficiently for ZBA review.

III.3.B.11: Actions relative to handling of explosives on site. The application states that the applicant will never handle explosives.

III.3.B.12: Blasting Plan. See number 11, not applicable.

III.3.B.13: Processing equipment plan. The Board agreed that the location of processing equipment is covered in the application sufficient for ZBA review.

#### Excavation Regulations Section III.3.C, "Reclamation Plan"

III.3.C.2: See III.3.A.2

III.C.8: Cross section views. A cross-sectional view of the final topography is shown on Map R-2.

III.C.9: Drainage/erosion control-sloping detail. Sheet R-3 described the construction sequence and erosion control specifications. Mr. Howe asked Mr. Carroll if there are any ponds. Mr. Carroll said that when the project is almost done, and there is a final grading plan with the sloping detail, there will be no pond.

III.C.10 – C.11: Narrative relative to these requirements is included in the bound application. If the ZBA approves a special exception for this application, the specifics may require additional review and comment by the Planning Board.

#### Section III.3.D: "Attachments to Reclamation Plan."

III.D.1 through D.5: Narrative relative to these requirements is included in the bound application. If the ZBA approves a special exception for this application, the Planning Board will reserve the right to provide additional review and comments.

#### Section III.3.E, "Administrative Items"

III.E.1 Additional copies of application are submitted.

III.E.2. Mr. Carroll stated that the application for the Special Exception request has not been filed yet with the ZBA. Mr. Wirkkala stated that the impact studies that are done on various issues should also be copied to the Planning Board. Mr. Wirkkala stated that examples of such studies done in past applications for this same property are those on property values, truck traffic, and noise. Mr. Carroll stated that he will look at the past history regarding such a practice, and he will also talk to the ZBA regarding his intent.

III.E.3 Owners names are submitted. Mr. Wirkkala asked Mr. Carroll if there were any other names that should be included with this application. Mr. Carroll stated that Newport Sand & Gravel owns this property, and that there are no other agents other than who is listed.

III.E.4: Not applicable.

III.E.5: Name of site manager is listed as Mr. Carroll. Mr. Moen asked Mr. Carroll if possibly he could add a secondary name and phone number for a back-up. Mr. Carroll stated that he will put the persons who can be contacted on the form.

III.E.6: A DES Site Specific Permit is included in the application.

III.E.7: The names of the abutters are included; Mr. Carroll will look into the possible additional abutters of Brianna Bevilacqua and Kim Bevilacqua.

Mr. Howe then stated that he would like to summarize what has to be done to be able to decide if this application is complete.

Mr. Carroll then stated his list of additions to be done:

- To insert a leader in a box regarding phase I, and references to detail.
- Extend RTE 10 as long as map allows, and show Mummery Road.
- A key from map 1 should be consistent with all maps.
- References to as many buildings.
- Add additional abutters, will check on Brianna Bevilacqua and Kim Bevilacqua.
- Label haul road with a leader on RD1.
- Add an abutters list for haul road.
- Show as much of flare on Map 2
- Map 1: Show on map the road not to be used/abandoned road/old snowmobile trail.
- Locate aquifer on Map 1
- Add page numbers to booklet.

Mr. Howe then asked Town Attorney Waugh if the information seemed complete. Attorney Waugh replied that as of now it is sufficiently complete to proceed with a joint hearing with the ZBA.

Mr. Carroll stated that he will come back with new maps and a new booklet with all the additions that were stated. Mr. Howe stated that a tentative date for the joint meeting with the ZBA could be December 30<sup>th</sup>. Mr. Carroll stated that he will contact the ZBA, and Mr. Howe stated that he will coordinate with the ZBA regarding the Joint meeting. Mr. Moen made a motion to go forward with the joint meeting with the ZBA, Mr. Purick seconded. All were in favor.

AGENDA ITEM # 2: Davis Pit excavation "report":

Mr. Howe distributed copies of September and October reports for the Davis Pit, the reports did not have a narrative, and therefore, Mr. Howe will wait for the November report to see if a narrative will be included.

AGENDA ITEM # 3: Zoning Ordinance questions (where to put wind & wood heaters in our regulations):

Mr. Howe stated that he will draft where the wind and wood heater regulations should be in the ordinances for a number scheme. Town Attorney Waugh suggested a complete re-write or to put somewhere within the existing ordinances, or a re-organization of ordinances.

AGENDA ITEM # 4: Letter received from Attorneys Orr & Reno:

Mr. Howe received a letter from Attorneys Orr & Reno regarding Mount Sunapee Park and an attachment with a compliance report. Mr. Howe will send to Town Attorney Waugh for review and to ask for further verification of the matter.

AGENDA ITEM # 4: Correct Minutes for 9/20/2008 site visit:

The minutes were previously reviewed by Mr. Howe with edits, so Mr. Wirkkala and Mr. Purick reviewed and they had no additional edits. Mr. Purick made a motion to accept the minutes with edits, Mr. Moen seconded. All were in favor.

Mr. Wirkkala made a motion to adjourn the meeting, Mr. Purick seconded. All were in favor to adjourn at approximately 10:00 P.M.

Respectfully submitted,

Sue Peacock, Planning Board Secretary