

TOWN OF GOSHEN
PLANNING BOARD
APPROVED MINUTES
MAY 5, 2009

MEMBERS PRESENT: Chairman Allen Howe, Vice Chairman John Wirkkala, Rich Moen, Select Board Representative Jim Carrick, and Sue Peacock, Secretary.

Agenda Item 1: Distribute letters (attached) submitted to ZBA/PB at ZBA hearing, April 30, 2009: The next date set for the ZBA hearing is June 16, 2009 for the special exception application for the Anderson property.

Agenda Item 2: Anderson site joint meeting fees: Mr. Carroll called and asked to meet Mr. Howe. Mr. Carroll and Mr. Howe met today, May 5th. One item discussed was the fees due for the joint meeting with the Zoning Board. Mr. Howe told him that the ZBA has no mechanism for recovering fees for Public Hearings. Mr. Howe spoke with Town Attorney Waugh who stated that the two days that the Planning Board met in joint session with the ZBA could be charged. The amount would be \$80 per day. Mr. Carrick made a motion to charge Newport Sand & Gravel (NSG) for the two hearings, Mr. Wirkkala seconded and all were in favor.

Agenda Item 3: Costs incurred for notification of the requested Davis excavation site amendment hearing on increased truck size: NSG will be charge \$39 for the 4/22/09 Eagle Times notice and \$39 for the 4/29/09 Eagle Times cancellation notice. This hearing was cancelled because Mr. Carroll did not provide an abutters list so the hearing could not be properly noticed.

Mr. Carroll told Mr. Howe on May 5th that he will not be doing anything in the Davis pit until June, and before long it will be all reclaimed. Mr. Carroll would like to meet with Mr. Howe and Mr. Wirkkala to show them the progress, and he should be done by August 2009, and then have a site visit sometime in September 2009. Mr. Wirkkala spoke regarding the Unity part of the project. He suggested that there are concerned citizens, maybe more people would be interested in seeing the progress and they might be interested in going to a site visit.

Mr. Carroll's goal is to have the Davis Pit reclaimed by the end of year. Mr. Howe reminded Mr. Carroll regarding the required meeting by the end of year with the Natural Resources Conservation Service (NRCS), the Planning Board, and NSG regarding reclamation.

Agenda Item 4: Master plan update: Mr. Howe emailed Mr. Dzewaltowski and has not heard a response as of last week.

Agenda Item 5: Finalize minutes 3-31 and 4-28

The minutes of 3-31 were reviewed/and edits were made-Mr. Moen made a motion to accept the minutes with edits, Mr. Howe seconded, and all were in favor.

The minutes of 4/28 were reviewed and edits were made-Mr. Moen made a motion to accept the minutes with edits and Mr. Wirkkala seconded, and all were in favor.

Allen obtain the Comprehensive Shoreland Protection Act presentation from DES and have it placed on the Town Website.

Agenda Item 6: Other business: Mr. Howe talked about the Errata sheet which incorporates changes from the March 22nd ZBA document.

Mr. Howe attended the OEP training session, and he stated that one item of interest to him was the Site Plan Review section.

Mr. Moen made a motion to adjourn the meeting, Mr. Carrick seconded, and all were in favor to adjourn at approximately 8:30 P.M.

4.28.09

Town of Goshen Zoning and Planning Boards

Dear Zoning and Planning Board members:

In 2004, over 50% of Goshen residents voted for a 'Village Overlay District' which would have included all land within a radius of one mile from the intersection of Mill Village Rd (rte 10) and Brook Rd. "Commercial Earth Excavation, as defined by RSA 155-E, is strictly prohibited in this district." The proposal did not pass (66 2/3 needed) but its intention - to prevent heavy industrial activity in the town center - remains as critical today as it was five years ago.

Here we are again in 2009 listening to Shawn Carroll's paid specialists present arguments about 24-hour traffic patterns; truck numbers and frequency; noise and air pollution (the latter receives barely a mention); threats to the Sugar river and the underlying aquifer; the decline or appreciation of real estate values next to the projected haul road or Lear Hill Road. Unlike in 04, Mr. Carroll now owns two of the houses which would be most closely affected by any new excavation and all of the land. My guess would be if his tenants are troubled by the activities in the new pit, they have the option of moving - unlike those who own their houses.

We are told that Newport Sand & Gravel has essentially exhausted the Davis pit and MUST release the valuable aggregate in what is known as the 'Anderson pit'. I would like to ask why, if this is the case, the Davis pit has not been extensively reclaimed? Shawn Carroll has articulated plans to reshape the pit based upon his own engineering skills, but little has changed in the past six months. There are still huge conical sand piles and little evidence of reclamation beyond the section just west of the Sugar River.. Would it not be logical to require full restoration, with top soil and grasses and proper contouring before deciding on another request for a special exception?

I am not convinced that the Davis pit will ever be restored to an aesthetic standard that our town would be proud of. I also cannot accept the assertion that the Anderson excavation will be as minimally disruptive as Mr. Carroll suggests. In my view it will add to the already horrific landscape that stretches from mid Goshen south through the Peck pit to Fellows - now also owned by Newport Sand & Gravel. We can anticipate another huge scar in Goshen's residential center with the concomitant fumes and noise, the elimination of trees, the vibrations and the hazards caused by large trucks stopping, starting, turning, accelerating.

As in so much of America today, particularly in mining areas, we have a corporation and a small rural town. One with unlimited financial assets; one with limited resources. Over the years, from 2000 until the present, there has been a battle - sometimes nasty, sometimes civilized - over control of Goshen's land and resources which has cost both sides vast amounts of money, time and anguish. It has become a nightmare that won't go away..

From a citizen's perspective, although the terms may have been altered sufficiently to qualify for a rehearing by the ZBA, the basic intent presented to the town in 2000 - to cut into a centrally located gravel mine, whether phased physically and temporally, or executed in a more haphazard fashion as with the Davis pit - remains the same. I would urge you to deny the request for a special exception.

Sincerely,
Virginia Schendler



GOSHEN PLANNING BOARD: HEARING CONCERNING NEWPORT SAND AND GRAVEL -- TUURSDAY, APRIL 30, 2009

FROM: LILYAN WRIGHT, A CONCERNED CITIZEN

In 2001, as a citizen of Goshen, N.H., I presented in writing my concerns about a gravel pit proposed by Newport Sand and Gravel Company (see attached) and many of these concerns are still applicable today, when, again, Newport Sand and Gravel is petitioning the town for a gravel pit.

Attention needs to be paid to the goals expressed on Page 1 of the Amendments of 1985 which include, among others, the following:

- #1 "To maintain as far as possible the rural environment and character of the town"
- #4 "To encourage further residential growth in a pattern that will maintain a rural character as much as possible, taking into account such issues as land slope, protection of aquifers, planned development of new roads and school buildings," (I included this goal because of its mention of aquifers.)
- #5 "To protect natural and scenic areas from new or improper development, etc."

After hours of studying many of the documents Newport Sand and Gravel has given the Zoning board and the Planning Board and having attended several hearings, I have additional concerns which I'd like the Board to address by questioning the petitioner:

1. On the second page of the letter dated November 21, 2008 to the Planning Board from Jeffrey P. Cloutier, NHPG #654 concerning Newport Sand and Gravel excavation site states. "The prevention of damage to an aquifer is achieved in New Hampshire by, among other things, requiring such excavation to operate in careful compliance with regulations established for this purpose by the N.H. Department of Environmental Services under its 'Terrain Alteration Permit' program (RSA 485-A:17)." "This proposed operation has received such a permit, etc." I would like to know the permit number and where it is shown in the documents to the Board or Boards from Newport Sand and Gravel.
2. There are many paragraphs about protecting the aquifer in the literature of the petition and it mentions that "monitoring might be appropriate". I assume that the company will do the monitoring. Correct? However, will the results be regularly reported on specific forms to the Planning and Zoning Boards and will these reports be available to local citizens, especially to the Conservation Committee which now monitors Goshen's waterways?
3. The excavation plan looks as though it may come close to the south branch of the Sugar River and past history (see documents from citizens regarding the 2001 request for excavation by Newport Sand and Gravel) has shown sediment and other detrimental effects from past gravel pit excavations.

The report contained in the Visual and Proximity Impact document utilized comparisons of impacts on Goshen housing insofar as saleability was concerned with housing in Charlestown and Newport. It is hard to imagine that gravel pit excavations in these two towns would be comparable to the effects on house pricing in Goshen. And the manner in which the report was printed did not help the reader at all. On the first page, one is met with a graph that has "G-1 and G-1a; C-1 and C-1a; N-1 and N-1a" with no explanation as to what these letters mean. Finally 28 pages further along in the publication, the mystery is cleared up. "G" means Goshen, "C" means Charlestown and "N" means Newport. Data were gathered from Real Data Research Service, neighboring assessors' offices. Multiple listings, etc.. The report admits, "Also, it appears that the near Davis pit properties take

(over)

slightly longer to sell than the average residential property in Goshen. However, it is likely that the higher value homes near the center of town and the Davis site take longer because of the higher asking price and exposure to the relatively busy traffic in the area" This is all supposition; there are many high price homes in Goshen not anywhere near Route 10.

The publication listed 4 properties sold (list is on P.28) adjacent to the Davis pit:

22 Lear hill Road. The Landry family purchased this property 11/03.

308 Mill Village Road. On the list of properties on P.8 of the Update to Impact Report there is no mention of 308.

174 Mill Villaghe Road. Christine Woodward purchased this 10/02

326 Mill Village Road. Again, on P.8 there is no mention of 326.

Again, I would like to point out that it is hard to compare sales of homes in towns such as Charlestown and Newport where you have paved roads and sewer systems with a town like Goshen where most roads are dirt, homes have septic systems and proximity to many town services are 6 or 7 miles away.

I trust members of the Board will consider these concerns and seek answers or clarifications before granting the request of Newport Sand and Gravel. Thank you.

April 30, 2009

Town of Goshen Planning and Zoning Board
Goshen Town Hall
Mill Village Road North
Goshen, NH 03752

Dear Goshen Zoning and Planning Board members:

I am writing to strongly urge you deny the application from Newport Sand and Gravel for a Special Exception to our Goshen Zoning Ordinances for an excavation site in our historic downtown area near the intersection of Mill Village Road and Brook Road.

As a former seven-year member of the Goshen Planning Board, I am very familiar with our excavation ordinances as well as the previous excavation applications submitted by Newport Sand and Gravel. I understand that they must show that this application is *materially different* from previously denied ZBA applications to be granted a Special Exception. *This application does not meet that criterion.*

The current application is a re-hash of "Phase I" from the 2000 application that was denied by our ZBA. That decision was upheld by NH Superior Court Judge Philip Mangones in a suit filed by Newport Sand and Gravel. Judge Mangones' finding in Goshen's favor was in clear support of our town's claim that an excavation operation (at the same site currently proposed) would clearly have adverse effects on our quality of life and the character of our village.

Unless the village of Goshen (the Goshen Grange, our Town Hall, the Olive G. Pettis Library, our Fire Department, the Goshen Community Church, the Goshen Village Store, and numerous residences and families) has moved since 2000, there is no way that an excavation at the proposed site can be materially different. It would still have the same negative overall effect on the unique character of a small New England village.

Although I am not a direct abutter to the proposed site, I own a home at 34 Brook Rd., the first house up Brook Rd. from the intersection. My own (and my neighbors') real estate property value would be directly negatively affected by a sand and gravel operation *of any size* near the center of our town. The quality of life at 34 Brook Rd. would also be negatively impacted with increased dust, increased noise, increased traffic, and the extreme degradation of the character of our historic village.

Your own good common sense is more valuable in considering this application than much of the results of the Newport Sand and Gravel-commissioned studies that you will be asked to consider during this application. The truck traffic numbers, the data from the sound study, and the real estate estimates may seem slightly revised from 2000, but *the site and the negative effects to our village are still the same.* The only question you seriously have to ask yourself is: "Would I really want to live with a dirty, noisy, visually devastating sand and gravel excavation site as a close by neighbor?"

Please take the time to review both the original ZBA denial of the 2000 application (especially compared to the site of the currently proposed project) and even more importantly, please review the clear language of Judge Mangones' decision supporting that ZBA denial. Then, once you are satisfied that your own common sense answer to the previous question is validated by our legal system, I urge you to act to represent your neighbors' homes and quality of life and DENY this application for a Special Exception.

Respectfully,



Judith A. Filkins
34 Brook Rd./ PO Box 487
Goshen, NH 03752