

TOWN OF GOSHEN
PLANNING BOARD
APPROVED MINUTES OF GUILDHALL PUBLIC HEARING
MAY 6, 2008

MEMBERS PRESENT: Chairman Allen Howe, John Wirkkala, Rich Moen, Jonathan Purick, Jack Scranton, Selectmen's Representative Melanie Bell, and Sue Peacock, Secretary.

Others Present: Shaun Carroll, Jr., Kathy Carroll, Town Building Inspector Jack Warburton, Abutters of Guildhall, David and Pat Stephan.

This is a continuation hearing on the application of Guildhall Sand & Gravel for an excavation permit. This pit is commonly known as the Davis Pit.

The first issue is to determine if the application is complete. The Board prepared a supplement to the March 4, 2008 minutes that outlined specific areas in the application that were deficient. At the April 1, 2008 continuation Hearing, Mr. Carroll presented to the Board two revised plan sheet maps that addressed earlier concerns with the maps. In addition, he described how he intended to address issues with the narrative portion of the application. The Board wanted to see a chart of the historic gravel extraction by year included in the application-- As well as a third map that more clearly identified reclaimed areas that had been brought to final grade and areas still open to excavation.

Mr. Carroll submitted those two items between Board meetings. In addition, the Board wanted the application to address how the site would be reclaimed to native species, as specified in the Towns' regulations. The Board anticipated this would include narrative in the reclamation plan related to issues of slope and future uses. Whether or not to promote restoration, or whether or not to allow stabilized areas to naturally revert to native vegetation. Since it appeared that reclamation of this site would be an incremental process, the Board also expected to see a narrative stating that the reclamation process would consist of a cooperative effort involving the Company, the Town, and NRCS. This approach would ensure the Town could exercise oversight and also incorporate both the applicants expertise and the expertise of the NRCS in gravel pit reclamation.

Between Board meetings Mr. Carroll submitted a letter from Ted Kelsey that discussed the origin of grass species used in gravel pit reclamation. The letter

stated that commonly used warm season grass species for reclamation are native to North America and their use for gravel pit restoration is supported by the State of New Hampshire. The letter noted that the few undeveloped restored gravel pit areas in New Hampshire either have or are converting to native forest species. The letter also stated that on slopes over 25%, hydro seeding is typically used to distribute seed fertilizer and that it is walked in. The copy of the USDA NRCS technical note **PM NH 21**, Vegetating NH Sand & Gravel Pits was also provided. This is the same document that had been included in the original application. Mr. Howe contacted Mr. Carroll by telephone on April 24th to acknowledge receipt of the above materials. Mr. Howe stated that the new map and graph appeared adequate. Mr. Howe also clarified that the Board anticipated receiving an updated application similar to the bound copies previously submitted by Mr. Fraser. This would incorporate the narrative information that Mr. Carroll presented on April 1, in addition to supplementary materials and expanded narrative on the reclamation plan.

Mr. Howe also stated that the maps previously submitted looked fine and would not need to be submitted again. As of May 5, Mr. Howe has not received any updated application narrative.

Mr. Carroll did handed to Mr. Howe a copy of a tax document. Mr. Howe stated that he had received prior to-the last meeting, but that this did not indicate that there was a permit to actually operate.

Mr. Carroll was under the impression that the letter that Ted Kelsey had written that was submitted to the Board contained all of the information requested.

Mr. Howe stressed to Mr. Carroll that the problem he has is that he needs the actual application and narrative so that he may go to a particular page and find the information that the Board is looking for in regards to the reclamation. For example, at the last public hearing the Board spoke about the reclamation process being a cooperative effort, and that it was going to occur incrementally over time. Also, because this was going to be incremental, in order for the Board to have some oversight responsibility and also to benefit from the expertise provided by Mr. Carroll and Mr. Fraser, and the NRCS. An application is needed that states this will be a cooperative effort regarding reclamation.

Mr. Wirkkala also said that what we (the Board) needs to see is the NRCS being referenced as part of the process, at some point in a written statement. That their involvement is going to be something that will occur, it doesn't take place in the

next permit, only that it will take place at some point. Mr. Wirkkala also stated that there needs to be a description at how Mr. Carroll sees the process, how he sees the NRCS' involvement. The application should also reference the NRCS, as it was agreed that they (NRCS) should be part of the process.

Mr. Howe stated that he expects to see a professional appearing application in a final form with text stating that there are attachments to this application. If Mr. Kelsey's letter is brought up, there can be an attachment referring to that letter in the application. Also, same as if there is a section in the reclamation plan about annual removals, it could be referenced in an attachment. Mr. Howe stated that he was under the impression at the last meeting on April 1, that the Map issues had been addressed, as well as narrative items in the March 4 supplement, with the exception of additional narrative needed about the reclamation process. Also, how it was going to be a cooperative effort.

Mr. Howe expected Mr. Carroll to take all the information and come back with something that was an updated application pulling together all the various Guildhall submissions, and they had talked on April 24th, and come back with something that was an updated application, in just one piece all together.

Town Attorney Waugh wondered would it not be sufficient if there is something with a final article, i.e. - a table of contents that states "our application consists of the following" and have a list which would include these separate pieces of paper. Mr. Howe stated that would work for him, as long as it is pulled together somehow.

Mr. Wirkkala stated that the most recent submission of Mr. Kelsey's letter should have a date on it, and should have Mr. Carroll's signature on it stating that he is submitting it or , Mr. Fraser did at the companies request.

Mr. Carroll asked if the issues talked about were the only two things he had to work on, and Mr. Howe stated unless anyone else has issues on the maps. It appeared to Mr. Howe that the Board had agreed that at the last meeting of April 1, that the first two maps Mr. Carroll had addressed all the questions, the map he also submitted between Board meetings had also appeared to address the other desire to have a *cleaner* looking map that laid out those areas that were reclaimed or ready to be reclaimed. Mr. Howe had no other issues on the maps. Mr. Carroll did not have the actual updated final application, or the narrative information that was requested at the last Public Hearing on April 1, 2008

Mr. Wirkkala wondered if it was possible to do anything of substance this evening,

as the Board is fortunate to have Attorney Waugh with us. The application is not formally voted complete. Attorney Waugh wanted to clarify if this meeting was noticed as a public hearing. Since it was formally noticed, he saw nothing in the regulations which prevented at least beginning the public hearing. Adding, you cannot end the public hearing until after a vote to accept the application is complete. Mr. Moen made a motion that the Board go into a discussion of substance, Mr. Wirkkala seconded, all were in favor.

Mr. Howe was looking at the estimated volume of materials removed annually. On the April 1 submission, it stated that the company processes 200,000 cubic yards annually at the Newport aggregate processing plant in an “*up*” economy. Thus, it appears that if all material came from this pit - 200,000 cubic yards, would be removed annually. In addition, it was roughly estimated that 570,000 cubic yards remain to be excavated at the site over the entire lifetime. Mr. Howe said that documents presented stated the reclamation would be completed by 2030, and one must assume that the pit would be active until that time. Various portions of it might be in stages of reclamations, and the graph that was submitted was helpful in terms of the annual removals, it obviously showed some variation. The earlier time period from 1998-2002 were the higher years of excavation. Those-years never reached 200,000 cubic yards per year. There was maybe an average of 140,000 to 150,000 cubic yards. That doesn’t mean you would at least reach 200,000 cubic yards. In the more recent years, it was as low as 0, and then up to slightly over 50,000 cubic yards in on of the years. Mr. Howe had quickly made a cumulative chart, which showed a cumulative chart of cubic yard removal. It basically shows what Mr. Fraser described to us at various points, as reaching a plateau indicating that the pit is reaching the end of its life.

All that information leads into the question of the date of 2030, whether it might be reclaimed earlier or go that full time period. It is obviously difficult to tell at this point. Mr. Howe thinks, in his opinion, this date should be monitored rather-than simply-accept 2030 as the final date. That was all Mr. Howe had to say about that issue in terms of substance. (This was referred to as **Section III.3.B.2** in our regulations, the above issue)

Mr. Wirkkala thought the chart basically indicated that when Don Davis turned the pit over or sold the pit, that the early period of excavation there was more material there that was more marketable material. That probably meant that there was a larger annual excavation than what is taking place, and increasingly is that it has become a “sandpit”, rather than a source for gravel. It has become less marketable and the amount of excavation has tended to drop away to the point that it was

almost negligible. Projections are that perhaps 50,000 cubic yards will be taken this year, although that would be the maximum, or it could be somewhat considerably less than that. Mr. Wirkkala and Mr. Carroll both commented that it could even go either way.

Mr. Howe brought up the next substance issue: The application requests 110 trucks per day, with a maximum loaded weight of trucks 65,000 to 70,000 lbs. Mr. Howe did not believe there was anything in the application that equated that in terms of cubic yards per truck. Whether that is essential or not, that would have been useful information to equate it to that. Mr. Howe stated that the last permit was for 77 trucks a day. There is an issue about dealing with a change of this nature. Mr. Howe stated there is a section in our regulations: Section III.3.6.C which states “The Board shall not, either as part of a request for amendment or as part as renewal application address any request to change or alter a condition or limitation imposed by the Board, as part of a prior hearing concerning the particular property, unless the applicant demonstrates to the satisfaction for the Board; there exists a material change that circumstances affecting the merits, the condition, or limitation involved” Mr. Howe stated basically this would constitute a change over the previous application from 77 to 110 trucks. There is a need for Mr. Carroll to address those changes of circumstances, in order for the Board to consider that revision.

Mr. Carroll replied that he thought that Mr. Fraser made the comment because that what we had asked for a long time ago. Mr. Carroll also said “Whatever it is, if it’s 77, we’ll go with 77 trucks” Mr. Carroll does not have a problem with putting that amount in there, but if it is going to make us (Guildhall) go to another meeting and another time. Mr. Carroll stated that it was fine if it was left open-ended at 77 trucks, but the question is are we going to use 77 truckloads? Probably like on the sand, it’s sandier material. If a 104 trucks is put down, Mr. Carroll could live with that. “Are we going to put out 104?” “It won’t happen, because it’s sandier material”. Mr. Howe stated that it sounded like it’s not worth revisiting, and so if Mr. Carroll doesn’t care to revisit the issue, then he doesn’t believe anyone else cares to revisit the issue.

Mr. Moen wanted to recap an issue on the warming up time of the trucks. On the previous permit, it was written that 6:30 a.m. to 6:45 a.m. starting up of the trucks. Does that all need to be re-instated or will the old permit carry over? Mr. Carroll stated that the 6:30 a.m. starting up(or warming-up) the trucks and 7:00 a.m. start worked out good, and was not aware of anyone coming to the Board with any problems with that. Mr. Wirkkala stated that there were abutters present at this

meeting who are very close to the site, and he suggested they might be asked whether there are any concerns regarding this 6:30 a.m. warming up of trucks.

Mr. Howe stated that this would be an opportunity, as a Public Hearing to comment about operations. The abutters asked for clarification of this issue, they were not sure of the 6:30 a.m. warm-up time. Mr. Moen stated that he was not sure this is issue carries over from permit-to-permit. Mr. Howe stated that this goes along with the statement (**Section III.3.6.C.**) that basically