

TOWN OF GOSHEN  
PLANNING BOARD  
APPROVED MINUTES REGULAR MEETING  
AND PUBLIC HEARING  
JUNE 12, 2008

MEMBERS PRESENT: Chairman Allen Howe, John Wirkkala, Jonathan Purick, Rich Moen, Jim Carrick, Melanie Bell, Select board, and Sue Peacock, Secretary.

OTHERS PRESENT: Peter Dzewaltowski, UVLSRPC, Shaun Carroll, Jr., Kathy Carroll, Attorney Timothy Britain, David and Pat Stephan

AGENDA ITEM # 1: MASTER PLAN UPDATE PROJECT W/PETER DZEWALTOWSKI, UVLSRPC

Mr. Dzewaltowski said that he would like to get the process moving, and he would like to at least get the first phase started of the Master Plan.

Mr. Dzewaltowski handed out to Board members a “Goshen Community Visioning Workshop Master Plan Update”. He spoke to the Board about each task, and Mr. Howe stated that even under our HCPP grant application the Town would pay for the 1<sup>st</sup> task.

Mr. Dzewaltowski then asked the Board what type of Visioning Workshop the Board like. He gave examples such as having more than one meeting, or having an open house where citizens could share ideas, and arrange for input. Or it could be a neighborhood process, or smaller locations within areas, there could be a focus put on that. Mr. Howe liked the idea of having an open house, and having a big meeting.

Mr. Dzewaltowski asked the Board when would be a good date for the Workshop, it could possibly be supplemental to Goshen Old Home Day, either before or after. The date and timing is important so people could participate. A location was also discussed; it could be at the Goshen-Lempster School, Town Hall or at the Grange Hall.

He spoke of the need to make a list of individuals, groups and organizations to invite to the Workshop. There also needs to be a draft made of the invitation to the Workshop, in which Mr. Dzewaltowski can make the 1<sup>st</sup> draft, the Planning Board could revise before it is mailed out. Then the UVLSRPC will develop a Community Visioning Workshop Outline, and the Planning Board would review the draft of Outline. The UVLSRPC would also develop an Agenda for the Community Visioning Workshop.

The Planning Board would then have to find Volunteer Facilitators such as school teachers or others. Then a week before the Workshop there would need to be a one evening training session with the facilitators.

Mr. Dzewaltowski stated that it is a good opportunity for the Planning Board to update the Master Plan, and to inform the intentions and to show the participants what they can expect and what we can expect of them. He also recommended developing (as an option) a task force to accommodate your duties. There would need to be special Planning Board meetings to discuss planning the Workshop.

Mr. Howe stated that he wanted to approach Task 1 as outlined in the HCPP grant application. Rather than relying on Board members or others to perform some components of Task 1, he felt was better that UVLSRPC perform the work as proposed under the HCPP grant application. Mr. Dzewaltowski will draft a modified contract to reflect this and send it to the Planning Board for signing.

#### AGENDA # 2: CONTINUATION HEARING W/GUILDHALL SAND & GRAVEL

Mr. Howe had spoken with Select Board Chairman Jim Carrick and confirmed, as he expected, that Melanie Bell has full authority to act on behalf of the Select Board at this hearing.

Mr. Carroll distributed a handout to the Board members which was a Load Count Data, from 1999 to present, from the Davis Site in Goshen.

The handout showed for each year the number of days of trucking, the number of loads removed, and the total cubic yards excavated, and a daily load range by month. An overall average number of loads per day was presented for each year. These annual averages ranged from about 64 to 83 truckloads per day. Mr. Carroll stated that as shown in the data there are lower and higher amounts of usage. The daily load ranges are to show history and historical values of number of trucks. Mr. Howe noted that a frequency histogram by month within year would better show the importance of high daily loads to the total monthly activity. Mr. Howe stated it is possible that high load days were present, but infrequent. One can't easily assess that with the information presented.

Mr. Howe stated that at the last Public Hearing (6-3) there was a legal opinion from Town's Attorney Waugh regarding use of the Davis Site as a gravel haul road.

Mr. Carroll said that what would work for his company is no more than 110 trucks-combined from the Unity Pit to the Davis Pit. If he and the Board can come to an understanding with a number of trucks, and the data is useful to some degree. Mr. Carroll also said he could do a recent tonnage report with tickets, which would be easier, for the last three years. Then he could show the data for yardage and tons.

Mr. Wirkkala stated that this would also permit third party trucking as part of the total count, beyond the paid drivers, as a supplemental group.

Mr. Carroll stated that third party sales are basically non-existent, and he doesn't want to get involved in that, as he does not have a second loader.

Mr. Wirkkala asked if the capacity of 110 trucks exceeding would be unlikely? Mr. Carroll

stated that he does not need more than 110 trucks.

Mr. Howe question if he is willing to live with that condition of 77 trucks restricted to Goshen?

Mr. Carroll has some reservation, needs to get to a middle ground, especially during reclamation adjacent to the Town line. There might be a need for more than 77 trucks from the Davis pit during reclamation activities near the Town line.

Mr. Wirkkala questioned that this is not an immediate problem. Attorney Britain stated that it should be consistent with 110 trucks, not cumulative, and need to get a buffer.

Mr. Moen asked if there could be something defined in the permit as to the town line. Mr. Howe stated that we should be able to build in some flexibility regarding reclamation adjacent to the Town line. This would probably occur in the third year of excavation, and could be addressed in the permit with Select Board approval being required for a short-term increase in the 77 truckloads per day to accommodate reclamation activities.

The Board would have a problem defining a limit, and there should not be anything put in at this time. Mr. Moen asked if there could be something defined in the permit as to the town line.

Mr. Howe spoke of the concern of 110 cumulative trucks and not 187 trucks as a reference point.

Mr. Purick asked Mr. Carroll to verify out of 6 years the daily load numbers from 2002 from October to December. Is 77 trucks per day an average daily number, if these numbers are correct?

Mr. Howe stated that 77 trucks would work, and there is a possibility to accommodate in the third year, when that time comes. Mr. Carroll stated that he will do what the permit says and come back to the Board.

David Stephan spoke regarding the 110 trucks, and feels that the 77 truck limit is needed to keep the impact down, as they are working in a zoned residential area.

Ms. Bell asked how many potential days are 110 trucks being used versus 86 trucks?

Mr. Carroll replied that 86 trucks will be used up until October or November for sure. This year we are putting one more truck, probably looking at 86, and not looking at to go over 100. The 110 trucks would give an extra edge, we need one more truck, and have not been able to get one more. The pattern has been very steady unless a truck breaks down. He also stated that we are hovering around 86-100 trucks.

Mr. Wirkkala stated that we are trying to keep in mind the Unity Permit as well. Mr. Wirkkala also stated that if we were to go back to the Unity Planning Board, and if there was enough material of 180,000 cubic yards out. There is a concern of truck traffic, and dealing with how

many trucks, how many days, and the total impact increases.

Mr. Wirkkala stated that we should be careful as to what we should put into the permit, as we have had no follow-up from Attorney Waugh. Mr. Carroll stated that these numbers are from the Davis Pit, which he wants people to realize.

Mr. Wirkkala stated that he believes that the advice from Attorney Waugh is restricted to 77 trucks, that would be one Mr. Carroll could challenge, and attempt to try to change the number of trucks. Mr. Wirkkala said we do not know what we are dealing with Unity, and should not attempt to challenge the Unity Pits. We should adhere to the 77 trucks and let it play out and see what develops with the increased truck traffic, we should avail ourselves for 77 trucks for our community as we might want to regulate this amount. Mr. Wirkkala said we should just deal with Goshen and not worry about what Unity is doing.

Mr. Howe stated that we are not proposing to modify the Unity permit, just working into the Davis Pit permit a condition that would limit traffic to no more than 110 truckloads daily. Mr. Howe also said that he is offering a position, his concern is that it would be unfair to Mr. Carroll if we were not clear as to the rules under which he must operate. We should have a legal opinion, we should regulate use of the Davis Site a haul road, and that would make the rules clear for the company.

Mr. Wirkkala suggested a legal opinion to gain clarification on whether the Board could regulate the haul road.

Ms. Bell suggested getting a special exception from the Zoning Board to get additional number of trucks, and a legal opinion is also needed.

Mr. Howe stated that he is hoping to reach some agreement, what happens if there is no condition written in?

Mr. Carroll said that we do not need another legal opinion, but we have been up front with the town, but we have to satisfy not to go over 110 trucks, we are not loud or obtrusive. Mr. Howe stated that this is a grandfathered site, a business.

The Stephans Asked Mr. Carroll which way do your trucks travel from the Unity Pit to the Davis Pit? Which is the governing pit, and you need to be up front if you are thinking of getting anything over 77 trucks. If there are to be heavy loads on the town's residential community, and if there are 77 or more trucks, then the community will not be happy.

Mr. Carroll replied that the way the trucks travel are through the downtown, then onto Lear Hill Road, then down the haul road.

Mr. Wirkkala said he is not sure whether the Board surrenders our right to regulate our haul road in the future. We first need to gain clarification from our Attorney of the numbers on the haul road and regulate the haul road traffic. There should be no more than 110 trucks, and if we do

not say anything in the permit, trucks from Unity to Goshen, then we don't have to put any figure in. We need to have a conference with our Town Attorney Bernie Waugh.

Mr. Howe stated that it is difficult for the residents to make the distinction, we are avoiding the issue. Mr. Wirkkala said that we need to determine based on what is best for the Town, and if we (the Board) needs to commit to a figure. At that point we might get some citizen complaints on the 77 trucks from the Unity Pit to the Davis Pit.

Ms. Bell said that someone should make a motion for either Mr. Wirkkala's or Mr. Howe's suggestion.

Mr. Carroll said that he does have other pits, and he will be out of there in less than three years. Mr. Carroll stated that his company is limited on what he has been able to haul. He is not putting more burden on another town.

Mr. Howe stated one option is that we do not close this Public Hearing, until we obtain clarification on the legal opinion.

Mr. Moen asked Mr. Carroll if there was a possibility that he might not meet 100 trucks. Mr. Carroll answered that right now we do not have another pit to go to.

Mr. Howe stated another option to forge ahead and either approve the permit basically the same as it was, or to approve the permit and add a condition allowing 110 truckloads per day with no more than 77 truckloads of material excavated from the Davis Pit.

Mr. Moen's opinion on the options were to ask for a legal opinion and keep the permit as it is with 77 trucks.

Mr. Howe said we should deal with the haul road question.

Mr. Wirkkala made a motion to get a legal opinion on whether the Board has the right to forfeit the haul road, Mr. Moen seconded. All were in favor.

Mr. Purick said that he doesn't know what other information is needed. Mr. Moen stated that some clarification is needed.

Ms. Bell agreed with Mr. Wirkkala's motion regarding the haul road, and if there is a limit it is unclear as a haul road under **RSA 155E** in place. The attorney's opinion is 77 trucks coming only from Davis Pit, and we would forfeit that right.

Mr. Wirkkala said that we (Board) would be reserving our right to see how the Unity traffic works out, then to see what complaints are received at that point. The Board would be looking to implementing attorney's advice. We need to regulate what we can and prove that there is not going to be a disturbance. Mr. Howe stated we do need to get our attorney's opinion.

Mr. Carroll said “Now we are going into another direction”.

Mr. Purick said “We do not know the legalities, we try to do our best”.

Mr. Howe stated that he would like to continue this hearing, and asked Mr. Wirkkala will to draft the legal question for Attorney Waugh’s review.

Ms. Bell said “It is unfortunate that Attorney Waugh is not here tonight, and we do need that clarification from him”. Ms. Bell then made a motion to waive the \$80 Public Hearing fee for the continuance, Mr. Wirkkala seconded, all were in favor.

Mr. Howe then asked the Board if there were any other issues that needed to be discussed. Mr. Wirkkala asked Mr. Carroll if the sweeper was not available, as in the past permit. We should reword the permit that the Company should be responsible for the dust issue.

Mr. Carroll stated that he is using calcium to try to control the dust issue, and that there is a dust issue going up the hill across from the haul road. The sweeper worked fine in the past, he can control it with calcium, he does not feel that he should pay for outside help. Mr. Carroll is willing to come up with another option and is willing to do whatever he can.

Mr. Howe stated there was other language in the past permit regarding the dust control that would be carried forward into the new permit.

Mr. Wirkkala asked Mr. Carroll if there was a regular schedule with the calcium? Mr. Carroll stated that he is doing that next week, and there is no schedule, it is just done when we are working in the pit.

Mr. Wirkkala stated that the Chairman needs to decide if that condition needs to come out, or if there might be a problem. Mr. Carroll could suggest remedies.

Mr. Carroll said that he is willing to help maintain road for the town, and that he does have the ability to do so.

Mr. Howe said he would alter the language to remove the sweeper, but still provide flexibility for the company and Select Board to deal with any problems on Lear Hill Road. Mr. Howe asked the Board if there was anything else that needed to be discussed?

Mr. Wirkkala said there was an another area of question which was the size of the trucks. Mr. Howe stated he has revised the draft permit to include the 76,000 pounds gross weight figure. Language would also be included for one truck from the Unity pit, a tractor trailer that could be 80,000 pounds gross weight. This last condition would be dependent on the final decision regarding use of the Davis Site as a gravel haul road.

Mr. Howe stated that we need to continue this hearing and asked Mr. Carroll and Board members when would be a good time. It was agreed that July 15<sup>th</sup> was acceptable.

Mr. Moen made a motion to continue the hearing until July 15 at 7 P.M., Ms. Bell seconded. All were in favor.

Mr. Purick made a motion to adjourn the Public Hearing, Mr. Wirkkala seconded, all were in favor to adjourn at 9:45 P.M.

Respectfully submitted,

Sue Peacock  
Planning Board Secretary