

**Town of Goshen
Planning Board
Minutes of September 15, 2022**

Planning Board members present (quorum = 3): Alicea Bursey (Chair), Steve Bursey, and Derek Tremblay (Selectmen ex-officio)

Guests: Shaun Carroll, Jr., Kim Gaddes

ANNUAL PIT INSPECTIONS - Newport Sand & Gravel

Meeting called to order at 7:00 p.m.

Inspection of Anderson Pit (off Route 10)

The Planning Board met Mr. Shaun Carroll, Jr. (Mr. Carroll) at the Anderson Pit and toured the excavation site. The Pit continues to be clean and orderly with only authorized equipment onsite. Storage area is clean and in good order. NSG is currently working in the upper portion of the pit.

Mr. Carroll pointed out the Phase I location and the reclamation work that has taken place. He mentioned the discretionary, white noise back-up beeper on the loader that helps minimize noise.

There was some discussion about the start-up time and Chair Bursey reminded Mr. Carroll, that the start-up for the loader time is 6:45 a.m., but operations cannot and should not be starting before 7:00 a.m.

Mr. Carroll has been reclaiming Phase II as work progresses and will be working in Phase III in 2023. Mr. Carroll estimates that depending on demand, there is one to two years of materials remaining in Phase II.

Mr. Carroll drove the Board through the traffic route of the trucks and stated that the route has been designed so that trucks do not have to back-up. Which eliminates back-up beeper and slamming gate noises.

The Planning Board found no areas of concern in the Anderson pit.

Inspection of Davis Pit (off Lear Hill Road)

The Planning Board also toured the Davis pit, as with the Anderson pit, the excavation site continues to be clean and orderly. No, equipment was on site at the time of the inspection. The Pit is not currently in use as it is undergoing road access work.

The Planning Board found no areas of concern in the Davis Pit.

Steve Bursey motioned to accept the findings of the Andersen and Davis Pit as acceptable. Derek Tremblay seconded the motion. All were in favor.

The Board reconvened at the Town Hall to conduct the Business portion of the meeting at 7:40 p.m.

Anderson Pit Complaint Discussion

Chair Bursey opened the floor for discussion to Kim Gaddes and Mr. Shaun Carroll, Jr. Chair Bursey asked Ms. Gaddes to share her concerns with the Board.

Ms. Gaddes asked the Board how they were able to conduct a proper pit inspection in the dark. Chair Bursey responded that the Board had enough time to review and discuss the road condition, slopes, shelving, future plans, and overall condition of the pits before visibility became an issue. Ms. Gaddes did not attend the site inspection portion of the meeting.

Ms. Gaddes began addressing Mr. Carroll stating that the issues with the excessive noise and issues to the abutters has been an ongoing problem for twenty years. She expressed her frustrations that she has seen trucks entering the pit before the permitted time on numerous occasions. She has heard excessive tail-gate slamming and beepers in the pit as well as constant jake brake use. She asked how the trucks were being paid because if they were being paid by the haul, that would make a lot of sense if they were entering too soon. Ms. Gaddes remarked that it was unacceptable for trucks to enter the Pit ahead of permitted times. Ms. Gaddes also shared that if an issue is addressed, usually there are two days of quiet and then it goes back to excessive noise and other problems.

Chair Bursey stated that Mr. Carroll did not have to explain business operations concerning pay to the Board. She furthered stated that the Board cannot regulate personal vehicle activity in the Pit. As a landowner, Mr. Carroll has the right to allow personal vehicles onto his property at his leisure. The only thing that the Board can regulate is the excavation activity and traffic related to that. Chair Bursey read the excavation permit aloud.

Shaun Carroll, Jr. addressed some of the concerns that Kim mentioned and stated that he cannot control the noise from Route 10 but tries to limit the noise in the pit. He has very reliable people who open the gate at a specific time every permitted morning and he is sure that the early start time is not being abused. He mentioned that there was a company that hauls out of Vermont once in a while that may show up early, but he has already addressed that issue. Ms. Gaddes stated that she is not talking about the trucks in the past, but the trucks that are entering right now.

Mr. Carroll continued by stating that the time stamps on the loader show no loading before 7:00 a.m. And no trucks are backing up as the traffic pattern design minimizes the need to back up thus reducing the use of back up alarms. As far as tail-gate slamming, he was not aware of this and it should not be happening as trucks are not dumping materials. Additionally, Mr. Carroll shared that with the modern trucks that are being used, tail-gate noise should not be an issue. Mr. Carroll was certain that the gate was being unlocked every morning at 6:40 a.m., with the loader starting up at 6:45-6:50 a.m., which is allowed in the permit, and he stressed that the trucks were not being loaded until 7:00 a.m.

Chair Bursey remarked that there were no laws against jake brakes in Goshen. Mr. Carroll mentioned that he cannot control the jake brake use outside of the Pit but he can certainly limit that activity in the Pit.

Ms. Gaddes reminded Mr. Carroll that he promised many years ago that he would minimize problems

for the abutters and she feels that he has not done this and the issues that she has discussed have remained and have worsened over the years.

Mr. Carroll apologized to Ms. Gaddes and said that he will ask about the truck that is using the jake brakes and see if he can get some of the noise to stop.

Chair Bursey stated that the Board's hands are somewhat tied in regard to their response in addressing these issues. According to a vote previously discussed by the Board, the complainant is required to bring their complaint before the Board for discussion and the Chair is not allowed to address the issue without the Board's input. Chair Bursey asked that Ms. Gaddes bear with them as they want to get to the bottom of activity in the Pits, especially when the depiction of the Pit that Ms. Gaddes is giving does not match the one that the Board just witnessed.

Ms. Gaddes stated that she didn't see why the rules were not being followed. She also wondered if there was any chance that the entrance of the Pit could be moved. Chair Bursey responded saying that the discussion of moving the entrance of the Pit cannot be reconsidered by the Planning Board because a previous Board voted against it and rejected the application associated with its use. The current Planning Board cannot revisit the decisions of a previous Board.

There was some discussion about tree growth to minimize the sound disturbance and Ms. Gaddes asked Mr. Carroll if he intended to plant trees near the entrance of the Pit to address the sound issue. Mr. Carroll stated that he cannot guarantee that there will be 100% shielding which is what he felt like Ms. Gaddes was asking for. However, he believes that he has been a good steward of the land and he believes that Ms. Gaddes will be happy with the overall condition of the land once operations have finished. Ms. Gaddes asked Mr. Carroll if he would go above and beyond what has been asked of him to not only preserve the land but also to minimize the effects that abutters were experiencing. Mr. Carroll stated that he will do what he can and Ms. Gaddes appreciated his response.

Ms. Gaddes stated that she wasn't trying to waste anyone's time, but that she would like to see better communication between the Board and Mr. Carroll and she would like her complaints to be taken more seriously and more positive actions made.

Ms. Gaddes left the meeting.

Shaun stated that he really did not feel that he was doing anything wrong, but he will try and make sure things are in order and her complaints are addressed.

Chair Bursey again mentioned the current policy for a complaint and asked the Board to consider amending the policy to allow more freedom for the Chair to respond to a complaint sooner so that if action needs to be taken it can be done in a timely manner and that issues do not go unaddressed for lengthy periods. Chair Bursey clarified that this would not replace the existing rule of requiring the complainant to address the Board but rather allows the Chair the opportunity to say to the operator that issues were voiced and to be aware of their actions and that a meeting would still occur.

Mr. Carroll mentioned that he has always tried and addressed the complaints as soon as they were made

aware to him, and he will continue to move forward in this practice. He will deal with the issues that were presented as soon as possible.

Derek Tremblay motioned to amend the policy regarding complaints against Pit activity to allow for the Chair to voice the concern to the applicant before the Board addresses the complaint. Steve Bursey seconded the motion. All were in favor.

Mr. Carroll mentioned again that he will try and get to the bottom of some of the noise complaints that were presented, especially the use of the jake brakes and the tail-gates slamming. He believes that it is a possibility that the tail-gate slamming may be the sound of a suspension hop when certain types of trucks enter the Pit empty and go over the bridge on their way to fill up. When the empty trucks cross the bridge or a bump in the road, it may be causing the sound that Ms. Gaddes is hearing.

The Board had no further comments or concerns. Shaun Carroll, Jr. left the meeting.

Review of Minutes (9/1/2022)

One change was suggested to the September 1st meeting minutes. The Secretary will add the end date of the appeal period for the lot line adjustment/annexation vote to the minutes.

Alicea Bursey motioned to accept the meeting minutes of September 1, 2022 “as amended”; Steve Bursey seconded the motion. All were in favor. Derek Tremblay abstained.

Member Discussion

If anyone else is interested in becoming an alternate member of the Planning Board they should stop by any of the Planning Board meetings at the first or third Thursday of the month at 7pm in the Goshen Town Hall. Applications for the alternate position can be found on the Planning Board webpage.

Other Business

- **Participation in the UVLSRPC Commission:** The Board tabled this discussion for a future meeting.
- **Law and Regulation Changes:** The Board tabled this discussion for a future meeting.
- **Lot Line Adjustment/Subdivision/Annexation (Greenhalgh):** Appeal Period Ends October 1st.
- **Performance Review for Secretary:** The Board tabled this discussion for a future meeting.
- **Spreadsheet:** The Board tabled this discussion for a future meeting.
- **Next Meeting:** The next meeting will be the first Thursday of the month – October 6, 2022.

Standing/Upcoming items

- Route 31 subdivision (McCutcheon) - pending
- Lot Line Adjustment/Subdivision/Annexation (Greenhalgh) - Appeal Period Ends October 1st.
- Capital Improvement Plan Review
- Master Plan Review - Pending
- Solar/alternative energy RSA and town regulation discussion - Pending
- Rand Pond Beach Discussion for inclusion in Master Plan - Standing Item
- Member Discussion - Standing Item

- *Budget due December 1, 2022*
- *Annual report due February 1, 2023*
- *Annual audit of CIP (May/June)*

Derek Tremblay made a motion to adjourn the meeting. Steve Bursey seconded the motion. All were in favor. Motion passes.

Meeting adjourned at 8:25 p.m.

Respectfully Submitted,
Melissa Salinardi
Recording Secretary

DRAFT