

# *Town of Goshen Planning Board*

## **Request of Guildhall Sand & Gravel For An Excavation Permit Under RSA 155-E.**

Public Hearing: February 3, 2004, continued to February 11 and February 24, 2004.

Deliberations: February 24, March 2, and March 10, 2004.

Members Participating: John Wirkkala, Richard Moen, Selectman James Carrick, John Scranton, and Melanie Bell-Harrington.

### **I. Introduction and Procedural Posture.**

1. Guildhall Sand & Gravel (“the applicant”), a company with the same ownership as Carroll Concrete, has submitted an application for an excavation permit on land located on Lear Hill Road in Goshen, Tax Map 403, lots 4.1 and 4.2, and Map 204, Lot 15 – collectively often referred to as the “Davis Pit” or “Davis Site.” The application was delivered to the Goshen Town Office on January 5, 2004.

2. The property was operated as an excavation before the Goshen Zoning Ordinance was adopted in 1970, thus it is not subject to a special exception under Section V(F) of that Ordinance. However, the excavation is not exempt from a permit under RSA 155-E, because no report was filed within the time required under RSA 155-E:2, I(d) (*see also* RSA 155-E:2, II(a)(3)). At the time of the present application, the excavation is operating under a prior 3-year permit which expires on July 12, 2004.

3. The current permit was originally issued by the Board on July 12, 2001. In response to a permit amendment proposed by the applicant, the permit was amended by the Board on April 3, 2002 to authorize the applicant to expand its excavation to encompass approximately 4.1 additional acres in Map 403, Lot 4.2, conditional on the applicant reclaiming an equivalent area before proceeding with the expansion.

4. The applicant appealed the original permit to Superior Court, on numerous counts. On June 17, 2002 Judge Jean Burling vacated two of the challenged provisions, remanded one to the Board, and affirmed all other original provisions (*see* Sullivan County Superior Court Docket No. 01-E-058). On October 1, 2002, the Board held a public hearing to resolve the remanded issue and amended the permit in accordance with the judge’s instructions. At that time the Board also amended paragraph 3(a) of the permit, in response to a request by the applicant during the hearing, to clarify that routine equipment maintenance could take place on Saturday mornings.

5. The new three-year permit now under consideration will commence at the termination of the current permit on July 12, 2004 and will remain in effect until July 12, 2007.

6. The written materials describing the proposal for which application is made are contained in a two-sheet plan, labeled "Updated RSA 485-A:17/RSA 155-E Site Plan," prepared by Guildhall Sand & Gravel, dated 5/19/2003, and signed by Richard Fraser. Sheet 1 is further labeled "Existing Conditions" and has a Rev. No. 4 revision date of 02/10/04. Sheet 2 is further labeled "Final Grading Plan" and has a Rev. No. 5 revision date of 02/10/04. The proposal also includes a third map which the applicant submitted to the Board on February 11, 2004, and which is neither labeled nor dated. This third map shows the excavation area (gold polygon) portion of the "Final Grading Plan" sheet, and within the gold polygon it shows red polygons which the applicant said delineate the open excavation areas as they exist at the time of this application. Copies of these plans are found in the Board's case file 2004-3.

7. The applicant was represented at the 2004 hearings by Shaun Carroll and Shaun Carroll, Jr., owner-operators of the company, and by Richard Fraser of the company.

8. The Town of Goshen has no local excavation regulations under RSA 155-E:11. Hence the standards applicable to this proposal are solely those contained in RSA 155-E itself, particularly Sections 4 "Prohibited Projects," 4-a "Minimum and Express Operational Standards," 5 "Minimum and Express Reclamation Standards," and 5-a "Incremental Reclamation."

## **II. Findings and Rulings of the Board.**

9. *Previous Findings and Rulings.* Section II, "Findings and Rulings of the Board," as documented in the decision of the Board on July 12, 2001 (*see* the Board's record of proceedings on the Guildhall Sand & Gravel permit application, 2001) is incorporated herein by reference, for purposes of illustrating the Board's ongoing regulatory process with this excavation, and as further support for the Board's decision on the current application, except as specifically updated or otherwise changed in this decision.

10. *Hours of Operation Issues.* The applicant testified that the company had been unduly handicapped by having to wait until 7:00 a.m. to start the loader on weekdays. This was despite the fact that in 2001 the Board extended the hours of operation from 5:00 p.m. to 5:30 p.m. to accommodate the company's startup and close-down activities. After discussion, the Board decided, on an experimental basis, to allow the company to start the loader at 6:45 a.m., with the provision that the noise from the loader shall not be noticeable to abutters and neighbors. The Board also decided that this experimental start-up time should be reviewed at such future time as the company may apply for a new three-year permit.

11. The applicant testified that the company had in the past conducted some volume of third party sales within the Davis site. The applicant indicated that, depending on how the Board responded to its request for additional trucks, and depending on market conditions, the company might continue and expand its third-party on-premises sales. To clarify that the term “operation” includes these sales, and indeed the loading of excavated material into any vehicle at any time by any means and by any party, the Board has expanded the definition of “operation” to include the “moving of any excavated material on or from the site.”

12. The applicant testified that the company would like to be able to use hand tools to conduct reclamation activities on weekends. The Board decided that this was a reasonable request and would clarify the definition of “operation” to specify that forbidden activities are those which generate “noise from power equipment such as bulldozers or chainsaws.”

13. ***Scope of Operation Issues.*** Richard Fraser presented a map to the Board on February 11, 2004 which indicates that the currently-open areas within the excavation site total approximately 18 acres. These acres, as well as any new areas to be opened during the course of this permit, are located within the 33 acres contained within the gold polygon on the site plan. As represented by the applicant, this will be the work area permitted during the next three years. The applicant has agreed that there shall be a total of no more than 22.84 acres of open excavation area at any one time, and no new areas shall be opened so as to bring the total over 22.84 acres, until an equivalent area which is open has been fully reclaimed in accordance with the applicant’s reclamation plan and RSA 155-E:5.

14. The applicant in these proceedings has requested an increase in the permitted number of trucks per day. It asked for an average of 105 to 110 trucks per day and a maximum of 123 trucks per day, saying it was basing its request on the historical level of trucking that took place at the site prior to the Board’s limitation of 77 trucks a day in the 2001 permit. The Board reviewed the history of the 77-truck limitation, including the original reasoning for the limit and the ruling of the Superior Court, which had supported the Board’s limitation (*see* the Board’s record of proceedings on the Guildhall Sand & Gravel permit application, 2001). It also reviewed the Board’s decision of June 17, 2003, which rejected the applicant’s request at that time to increase the number of trucks to an average of 104 trucks per day and a maximum of 110 per day (*see* the Board’s record of proceedings on the Guildhall Sand & Gravel application to amend its permit, May – June, 2003). The Board reviewed two traffic studies prepared by the company’s consultant, Mr. Stephen Pernaw. The November 2000 Pernaw study had said that the company ran an average of 63 trucks a day and that the 77 trucks counted on an observed day in the year 2000 “reflects a higher than average day.” (*See* report entitled “Traffic Impact Evaluation, Proposed Excavation Site, Anderson Property, Goshen, New Hampshire,” November 2000, Stephen G. Pernaw & Company,

in the Board's record of proceedings on the Newport Sand & Gravel permit application for excavation at the Anderson site, 2000). By contrast the May 2003 Pernaw study reported that a review of company historical data from the Davis site indicated that in the year 2000 the company ran an average of 104 trucks a day, and that a maximum of 123 trucks occurred on two dates in June 2002 (*see* report entitled "Traffic Impact Evaluation, Davis Excavation Site, Goshen, New Hampshire," May 2003, Stephen G. Pernaw & Company in the Board's record of proceedings on the Guildhall Sand & Gravel application to amend its permit, May – June, 2003).

15. In response to Board concerns that the bar charts in the 2003 Pernaw report appeared to be in conflict with that report's conclusions, the applicant made actual company data available to the Board members. According to the Board's analysis of this data, the average number of loads per day that were actually hauled from the site over the four years 1997 – 2000 before the 77-truck limitation was in effect ranged from 81 to 83. Mr. Pernaw attended the public hearing on this current application on February 24, 2004, and reviewed his traffic studies with the Board. However the Board noted that on the two dates on which Mr. Pernaw observed traffic at the site, the company's truck data did not match Mr. Pernaw's data. (On October 25, 2000, Mr. Pernaw counted 77 haul trucks, while the company data reported 73 haul trucks. On November 19, 2002, Mr. Pernaw counted 77 trucks, while the company data reported 63 haul trucks.) Hence there do remain some discrepancies concerning the historic levels of trucking.

16. Besides Mr. Pernaw, two citizens, Fred Trommsdorff and Judith Filkins testified on February 24, expressing concerns about the disruptive impact that any increase in the maximum number of trucks and its accompanying noise would have on citizens. The Board also received a letter from citizen Diane Gosselin which expressed similar concerns about any increase in the truck traffic.

17. Mr. Pernaw, who has experience in conducting traffic studies in urban situations, testified that there is little difference between 77 trucks a day and 123 trucks a day. However, the history of this excavation leads the Board to conclude that in the environment of the center of Goshen, where this excavation is located, an increase in truck traffic would rise to the point of being "unduly hazardous or injurious to the public health and welfare" under the standards of RSA 155-E:4, IV. In particular:

(a) Prior to 1997, there is no record of citizen concern about truck traffic from the Davis site. Basically, Mr. Davis was at that time running a fairly small business. Significantly, this Davis-run operation had its principal entrance and exit (its main haul road) located on Route 10 very near the Newport town line. Such limited truck traffic as existed did not use Lear Hill Road for access, as the current operation does.

(b) Around 1997 the Carrolls became noticeably involved in the operation of the Davis site. In April of 1998, after public meetings with Mr. Carroll, Mr. Davis, their civil engineer Ross Stevens, and their attorneys, as well as concerned citizens, particularly the Barons, the Planning Board issued a permit in the names of two owner/operators: Don and Alice Davis, and Shaun Carroll. (Shaun Carroll assumed the full ownership of the site soon after the 1998 permitting.) This permit addressed issues of hours of operation and dust control, but it said nothing about limiting the number of trucks. (See the permit dated March 3, 1998 in the Board's records of proceedings on an application by Donald Davis and Shaun Carroll for an excavation permit at the Davis site.)

(c) By the year 2000, when Newport Sand & Gravel applied for a permit to operate a new pit nearby at the so-called Anderson site, citizen complaints concerning the existing Davis site pervaded the hearings. A number of citizens raised concerns about the proposed Anderson excavation, based on their experience with the Davis excavation. For example Page 9 of the minutes from the Planning Board's November 30, 2000 hearing contains the following:

“Ken Baron ... Stated he and his wife have also done truck traffic counts and have seen 1 truck approximately every 8 minutes, 7:00 a.m. – 5:00 p.m., Monday thru Friday. This creates a large amount of dust and makes it impossible for us to enjoy our front yard. We also cannot open our home's windows due to the dust, fumes, and noise. The effect on our home and the structural beams due to heavy gravel truck traffic is that our stone foundation is crumbling. Constant rumbling and shaking of the earth can be felt in our home. We have had to sweep and shovel dirt from the roadside and have also observed Newport Sand & Gravel sweeping at the entrance of Lear Hill Road.”

Page 10 of these same minutes contains the following:

“D Gosselin: Stated that she lives across the road from the Lear Hill entrance, and would like to present the board with photos of the existing Davis pit and real estate evaluations. ...Also expressed a concern for possible pollution from dust. Played a tape recording of gravel trucks stopping and going up Route 10 from her driveway and bedroom. Further stated that she has also counted trucks coming and going from Lear Hill Road and sees one about every 2-5 minutes.”

These statements are typical of citizen concerns raised at that time

(d) In March of 2001, the Planning Board began public hearings to consider a new three-year permit for the Davis site. Simultaneously, the ZBA was hearing testimony for the proposed excavation at the Anderson location. In both of these proceedings, testimony was presented by Mr. Baron, Ms. Gosselin, and numerous other citizens concerning the issues involving noise and truck traffic at the Davis

site. The testimony from citizens made it clear to the Planning Board that material was being hauled from the site at a rate that was adverse to the lives and properties of citizens and abutters. (*See* the Board's record of proceedings on the Guildhall Sand & Gravel permit application, 2001; *also see* the record of proceedings of the Zoning Board of Adjustment on a special exception application by Newport Sand & Gravel for excavation at the Anderson site, 2001.)

(e) The trucking issue was one of several matters that the Planning Board struggled with during the 2001 permitting hearings. However the Applicant at that time provided no trucking data, saying only that "it is not possible to meaningfully estimate the number of trucks necessary to haul excavated material." (*See* the document "Applicant's Responses To Questions Promulgated by the Board" in the Board's record of proceedings on the Guildhall Sand & Gravel permit application, May 2, 2001.)

(f) In light of that response, which the Board felt was one that could provide no reasonable assurance to affected citizens and property owners concerning the scope of trucking, the Board settled on a limit of 77 trucks per day, based on two lines of reasoning. First, in his traffic study in support of the Anderson proposal, Mr. Pernaw reported that he observed 77 haul trucks during his day of observation at the Davis site on October 25, 2000, and based on information provided to him by the company, he concluded that this "reflects a higher than average day." Second, the Board reasoned that if Guildhall were to haul material on 167 days (the number of days used by Mr. Pernaw, the company's expert) and if trucks were loaded to an average of 16 cy per truck (based on truck sizes provided by Mr. Carroll), then the company could haul 184,000 cy of material (the total reported by the applicant for the year 2000) using an average of just 69 trucks per day. Putting these two lines of reasoning together, it seemed reasonable to the Board to set the maximum number of trucks a day at 77. This parameter was affirmed by the Superior Court in its decision of June 17, 2002.

18. The 2001 Board applied a cap on the maximum daily haul truck traffic because it believed it was necessary to do so in order to prevent the traffic from rising to the level where it became hazardous or injurious to the public welfare. The Davis pit is located in a residential area in the center of town, where truck traffic has a serious impact on surrounding properties and the character of the community in general. The Board finds that a trucking limit is still necessary to prevent such injurious effects. The fact that the testimony does not point inexorably to one specific number does not preclude the Board from selecting a number. A number chosen is not necessarily unreasonable merely because another number would also have been reasonable, see *Town of Windham v. Alford*, 129 N.H. 24 (1986). Despite the fact that Mr. Pernaw has now disavowed the 77-truck per day statement as a statement of historical accuracy, the

Board finds based on the discrepancies recited in paragraph 15 above, that the information as a whole does not support the figures now being requested (105 to 110 trucks per day average and a maximum of 123 trucks per day) as representative of historic trucking levels. More importantly, however, the Board now finds that the limit of 77 trucks a day, notwithstanding how it was originally arrived at, has in the Board's view, along with the other terms and conditions imposed upon the permit in 2001, kept what was at one time an injurious level of activity within tolerable limits for the surrounding property owners since the company began to observe the limitation after June 2002. While these hearings have not resolved all discrepancies in the reported historical trucking number, the averages computed from the Company's figures do show that 77 trucks per day is not substantially different from those averages, and to the extent that individual trucking days have exceeded such levels in the past, the Board finds on the basis of testimony from this and past proceedings as well as the Board's own observations, that trucking levels on those days did indeed create effects that were injurious to the public welfare. Therefore, in order to prevent injurious impacts to the public welfare, the Board will, as a condition of this permit, continue to require that the scope of the operation be limited to no more than 77 haul truck round trips per day and no more than 184,000 cubic yards of excavated material per year.

19. As stated in paragraph 11 above, the company has commenced some third-party on-premises sales. The Board will include a provision in the permit that specifies that any such sales must be conducted in accord with all of the permit parameters, including the trucking limitations.

20. The applicant testified that no regular blasting was contemplated at the Davis site, but that blasting had been required on one previous occasion to deal with a boulder and that a similar situation might require limited blasting again at some time in the future. The Board will therefore incorporate provisions requiring the applicant to notify the Goshen Board of Selectmen prior to any blasting activities.

21. ***Dust and Noise Issues.*** The applicant has volunteered to continue to employ those measures to control dust and noise that were specified in paragraphs 5 and 6 of the 2001 permit. The Board will include these same provisions as conditions of this permit, with the exception of provision 5(d) of the 2001 permit, since all paving requirements of that particular provision have been fulfilled.

22. ***Site Safety Issues.*** The applicant has volunteered to continue to employ those measures to ensure site safety that were specified in paragraph 8 of the 2001 permit. The Board will include these same provisions as conditions of this permit, with the exception of specific fencing provisions that have already been complied with. The applicant has assured the Board that the company will enforce Mine Safety and Health Administration (MSHA) regulations with respect to all potential third-party on-premises sales.

23. **Buffers and Visual Impact Issues.** The company has fulfilled the requirement in paragraph 9(b) of the 2001 permit to plant seedlings in the buffer area of the Keach lot to provide a visual and noise barrier. The Board therefore has removed this requirement from this permit but will continue to monitor the health and growth of the plantings.

24. With respect to the former haul road located within the buffer area along the Lewis property, the Board observed during its site visit in November 2003 that reclamation was incomplete. The company testified that they had seeded this area but that the seed might not have taken hold. As a provision of this permit, the Board will require that full reclamation be completed by the end of the 2004 production season.

25. **Reclamation Issues.** The amount of the reclamation bond currently on file, in accord with the 2001 permit, is \$84,456. This was based on the cost of reclamation of 23 acres, which was the company's estimate of the open acreage at that time, plus a cushion to reflect the possible need for the planting of trees and other reclamation uncertainties. The total subject to the applicant's terrain alteration permit under RSA 485-A:17 is currently 33 acres, which is the area within the gold polygon on sheet 2 of the site plan. The applicant has agreed that there shall be a total of no more than 22.84 acres of open excavation area at any one time, and no new areas shall be opened until an equivalent area which is now open has been fully reclaimed in accordance with the applicant's reclamation plan and RSA 155-E:5. Mr. Carroll has stated that although the active excavation area is currently less than 20 acres, he is agreeable to maintaining the bond at its current amount. On the site plan, there are areas designated as storage areas for materials outside of the gold polygon. The Board feels that, taking all this into consideration, a bond based on 23 open acres is still reasonable.

26. In the "Revegetative Guidelines" section of the company's permit application, there is a statement by Richard Fraser that indicates that he "would like to reserve the option of using prescriptions which deviate from the standard recommendations" in the document "Vegetating New Hampshire Sand & Gravel Pits," as revised in April 2000. Mr. Fraser testified that this means that a different mixture of seeds might be used, but that it does not mean that an entirely different type of seed would be used. The seeds would be taken from the three mixtures listed in "Vegetating New Hampshire Sand & Gravel Pits." The Board regards Guildhall's excavation site, which existed prior to the adoption of a Town Zoning Ordinance, as exempt from that ordinance's requirement that topsoil must be used for reclamation. The Board will therefore accept Mr. Fraser's request.

27. **Reporting and Review Procedure Issues.** The applicant requested that the Board conduct its annual site inspection during the last half of the month of October each year. The Board agreed that this is a desirable time for the inspection. If weather

and Board members' schedules allow, the Board will conduct its inspection during this time frame.

28. Paragraph 11(b) of the 2001 permit required the applicant to “copy the Board on all correspondence between Guildhall Sand & Gravel and any governmental agencies.” The company agreed that they had not fully complied with this requirement in the past but that they would do so in the future.

### **III. Action of the Board.**

It was moved by John Scranton, and seconded by Rich Moen to issue an excavation permit to Guildhall Sand and Gravel, LLC, to be worded as follows: (Permit Attached) *Adopted Unanimously on March 10, 2004.*

# Excavation Permit

**Guildhall Sand & Gravel, LLC**

**Lear Hill (Davis) Excavation Site, Goshen, New Hampshire**

March 10, 2004

Guildhall Sand & Gravel is issued a permit pursuant to RSA Chapter 155-E to excavate at its Lear Hill Road site in Goshen, New Hampshire – formerly the “Davis Pit” or “Davis Site” – consisting of map 403, lots 4.1 and 4.2 and map 204, lot 15, during the period beginning July 12, 2004 and ending July 12, 2007, subject to the following list of stipulations, the violation of any of which may subject the applicant to enforcement under RSA 155-E:10, including suspension or revocation:

**1. *Conformity With Plans.*** The excavation shall be performed in conformity with the written plans and oral testimony submitted by the applicant, and the reiteration of some aspects of those plans in this list of stipulations shall not be deemed to excuse or justify non-compliance with remaining aspects. No material changes in those plans, including transfer of ownership of the site, shall be made unless the applicant receives approval from the Goshen Planning Board for an amendment, using the procedure prescribed by RSA 155-E:6.

**2. *Posting of Permit.*** As required by RSA 155-E:8, a copy of this permit must be prominently posted at the excavation site.

**3. *Hours of Operation.*** Hours of operation on the site are limited to weekdays from 7:00 a.m. to 5:30 p.m. Operation on weekends (Saturdays and Sundays) and on state and national holidays shall be on an “emergency basis” only.

(a) The term “operation” includes the operation of any heavy motorized equipment or vehicles or the use of back-up warning devices or other noise-generating devices. It includes excavation activities, including the moving of any excavated material on or from the site, as well as any noise-generating activity ancillary to excavation, including land clearing or reclamation, which generates noise from power equipment such as bulldozers or chainsaws, whether such activities are performed by Guildhall Sand & Gravel employees, by contract personnel, or by any other parties. The term does not include the use of personal passenger vehicles to access or inspect the site, normal conversation, or routine Saturday morning (8:00 a.m. to 12:00 noon) maintenance of equipment left on site, which does not involve any moving of equipment.

(b) The applicant may begin the warming up of the loader engine at 6:45 a.m. on weekdays, as long as the loader is located in such a place that noise from this preparatory activity will not be noticeable to abutters and neighbors.

(c) The term “emergency” means a crisis or accident that requires the use of equipment or material to rescue or protect personal lives or property. Any operation which occurs under the “emergency” provision shall be reported to the Goshen Board of Selectmen, with a written explanation of the emergency, within seven days.

**4. Scope of Operation.** The scope of the operation shall be limited as follows:

(a) As represented by the applicant any new excavation areas shall be within the gold polygon on the plan entitled “Updated 485-A:17/RSA 155-E Site Plan, Final Grading Plan,” dated 05/19/2003, Rev. No. 5, 02/10/04, prepared by Guildhall Sand & Gravel, LLC and signed by Richard Fraser.

(b) Also as represented by the applicant, there shall be a total of no more than 22.84 acres of open excavation area at any one time (all within the gold polygon), and no new areas shall be opened in excess of the 22.84 acres until an equivalent area has been fully reclaimed in accordance with the applicant’s reclamation plan and RSA 155-E:5.

(c) Earth hauling from the site shall not exceed 77 round-trips by haul trucks during any single day. Sales to third parties shall be included within this limitation. Records of all daily trips by all trucks, those in the employ of the applicant, as well as those which are not, shall be maintained by the applicant and shall be available for inspection by the Planning Board upon request.

(d) The total amount excavated in any one year shall not exceed 184,000 cubic yards.

(e) Any on-premises sales to any third party shall be conducted in such a manner that the safety and community concerns regarding noise as exist in these regulations under paragraph 6, “Noise Control,” paragraph 7, “Truck Traffic and Highway Safety,” and paragraph 8, “Excavation Site Safety” shall be observed. The applicant shall be responsible for compliance by third parties.

(f) As represented by the applicant, no fuels shall be stored on site except in the present location near the Davis house.

(g) Overnight storage of explosives or blasting agents, whether supervised or not, is prohibited. Explosives shall be used in accordance with the regulations for storage and handling of explosives as published by the State of New Hampshire. Before any blasting takes place, the

applicant shall notify the Goshen Board of Selectmen or its designee. The Board of Selectmen may, upon review of the specific request, require the applicant to notify abutters prior to blasting. The conduct of all blasting or explosive detonation shall be governed by the standards in New Hampshire Code of Administrative Rules Saf-C, Section 1600, et seq. In addition, the provisions of RSA 158, "Explosives and Explosive Substances," shall be complied with. Blasting shall cause no vibration or air blast damage to residences, buildings, or surrounding land areas.

(h) The company shall provide an emergency contact number for the general public and town officials, such that a responsible company person may be contacted at any time on all matters involving an emergency at the excavation site. An emergency number shall be posted at the excavation site which shall also include the number for the Goshen Police. The company shall give the Goshen Police Department contact numbers of responsible individuals who may be contacted in the event of any off-hours emergency.

**5. Dust Control.** Dust shall be reasonably controlled so as not to adversely affect the use or enjoyment of adjoining properties. In particular, the following measures shall be employed at a minimum:

(a) The use of the Tennant sweeper vacuum on the paved portion of the access road and on Lear Hill Road between the access road and Route 10 during permitted operation hours, as needed, subject, however, to the Selectmen's authority to regulate highways under RSA 41:11.

(b) The use of a water truck on unpaved haul routes within the pit during permitted operation hours, as needed.

(c) The use of calcium chloride or the equivalent on unpaved haul routes, as needed.

**6. Noise Control.** Noise shall be reasonably controlled so as not to adversely affect the use or enjoyment of adjoining properties. In particular, the following measures shall be employed at a minimum:

(a) The use of a discriminating backup beeper on the loader, as volunteered by the applicant.

(b) As volunteered by the applicant, the maximum use of hand signals or other silent means, rather than vehicle horns, for communicating among personnel within the excavation site.

(c) The directing of the flow of traffic such as to minimize the need for vehicles to back up within the excavation site, also as volunteered by the applicant.

(d) Compliance with the “hours of operation” as set forth in paragraph 3 above.

**7. Truck Traffic and Highway Safety.** In addition to the scope of operation limitations stated in paragraph 4 above, the following measures shall be required to control traffic impacts:

(a) Haul trucks operated at this excavation site shall have a capacity of no more than 18 cubic yards. There shall be no 18-wheelers or tandem haul vehicles. All vehicles shall comply with road and bridge weight limits.

(b) The applicant shall notify all employees, contractors, and other haul truck operators that they must bring their vehicles to a complete stop before proceeding from the access road onto Lear Hill Road and that they shall adhere to posted speed limits on public highways.

**8. Excavation Site Safety.** The following measures, at a minimum, shall be taken to assure safety at the excavation:

(a) The applicant shall construct and maintain berms according to Mine Safety and Health Administration (MSHA) standards at all steep slope locations.

(b) Orange construction fencing at least four feet high shall be erected at the top of any temporary slopes which equal or exceed a 1:1 slope.

(c) The applicant shall maintain “No Trespassing” signs around the perimeter of the excavation site at all times to discourage any unauthorized trespass.

**9. Buffers And Visual Impact.** The following measures shall be required:

(a) The line of trees along the access road, which currently provide a visual barrier to the Landry property, shall not be removed, nor shall any other existing trees within the buffer areas required by RSA 155-E:4-a, I, II, and III be removed.

(b) The remnant of the haul road within the buffer area along the property owned by Judy Lewis shall be reclaimed and brought into full compliance with RSA 155-E:4-a, II and III by the end of the 2004 production season.

**10. Reclamation.** In addition to the open area limitation in paragraph 4(b) above, the following measures are required:

(a) The applicant shall continue to maintain a reclamation bond in the amount of \$84,456. The reclamation bond shall state that it is to secure the applicant’s obligation to perform the reclamation activities as required under an excavation permit granted pursuant to RSA Ch. 155-E for Tax Map 403, lots 4.1 and 4.2 and Map 204, lot 15. A copy of this

decision and permit shall be attached and cross-referenced. The bond shall be of a self-calling variety, which does not automatically expire on a particular date, but instead makes the amount available for the use of the Town upon a particular date unless released by the Town or extended by the applicant.

(b) As represented by the applicant, the applicant will use seeds listed in the document "Vegetating New Hampshire Gravel Pits" in implementing its reclamation procedures. The mixture of seeds may deviate from the three standard mixtures cited in the document.

(c) As represented by the applicant, no bio-solids or sludge shall be used in the reclamation of this site.

**11. Reporting and Review Procedures.** The operation shall be subject to reporting and an annual site inspection as follows:

(a) The company shall immediately notify the Goshen Planning Board of any inability to perform any conditions of this permit. Any alteration of any condition of this permit, express or implied, shall require a permit amendment as set forth in paragraph 1 above.

(b) The applicant shall copy the Board on all correspondence between Guildhall Sand & Gravel and any governmental agencies. In particular, the company shall provide the Board copies of Guildhall's biennial filing with the Department of Environmental Services and the engineering plan which Guildhall submits to the state every six years, as well as the annual "Notice of Intent to Excavate" form and the annual "Report of Excavated Material" report filed with the Goshen Board of Selectmen.

(c) The applicant shall submit an annual report to the Goshen Planning Board no later than October 1 of each year. This report shall note the extent of company compliance with the terms and conditions of this excavation permit and the reclamation plan.

(d) The applicant shall also annually submit an updated sketch map that shows with reasonable accuracy all changes in the location of haul roads, berms, fences, and physical features. This map shall indicate all areas worked during the production season just ending, and shall be in sufficient detail for the Board to assure compliance with the total open area requirement set forth in paragraph 4(b) above.

(e) The Goshen Planning Board will, under normal circumstances, conduct an annual inspection of the site after October 1 of each year. The company shall provide a representative to accompany the Board during the annual inspection.

**12. Complete Permit.** All representations or statements of regulatory intent made by the Goshen Planning Board are merged into and incorporated into this permit and the accompanying written decision of the Board, which alone

express the intent of the Board and the obligations of the applicant. The plain meaning of the conditions and stipulations contained herein shall not be deemed modified, construed, or altered by any prior or future statement, written or oral, made by the Goshen Planning Board or its members, or by the applicant or its agents, except following a request for amendment submitted under RSA 155-E:6 and a favorable Board decision on such.

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FAX (603) 448-5949

G&F.LAW@GARDNERFULTON.COM

May 27, 2008

Goshen Planning Board  
P.O. Box 68  
Goshen, NH 03752

Re: Guildhall Sand & Gravel  
Unity Excavation – Use of Davis land for haul road  
Our File No. 2056

Dear Planning Board:

The purpose of this letter is to give you a legal opinion on Guildhall's use of the Davis property as a haul road for earth materials from the adjacent land in the Town of Unity, for which I understand Guildhall has a 155-E permit from Unity. This was an aspect about the Davis property which had not specifically been discussed with Goshen officials by Guildhall prior to the Planning Board hearing on May 6, at which time Shawn Carroll indicated that the Davis land would be used for the haul road. He indicated at that time that he did not believe Goshen had any jurisdiction over that issue. At this point in time, I don't have any knowledge of whether Guildhall has begun hauling material from Unity through the Davis property or not.

This opinion is in two parts:

(a) First, if the hauling from Unity were to take place at a time during which the Davis property had a 155-E permit from the Goshen Planning Board (for example the permit Guildhall has at this point already applied for) then it is my opinion that the hauling from Unity, using the Davis site haul road, would be subject to whatever limitations may be contained in that permit. As a general principle, the Goshen Planning Board has the authority to evaluate the impacts of the entire use of the property – including all trucking – and imposes whatever conditions it deems are called for, based on that entire impact. So, hypothetically, if the new permit were to contain the same 77-truck limit as the prior permit, then it would be a violation of that permit for more than 77 trucks per day to haul material by way of the Davis site haul road, regardless of how

many were hauling material removed in Goshen, and how many were hauling material removed in Unity. It is my opinion that the Board, in doing such an evaluation, and in imposing such conditions, is not required to “use blinders” as to any use of the property, and that any 155-E permit is intended to cover all uses of the property related to excavation, even if the material being excavated is on adjacent land.

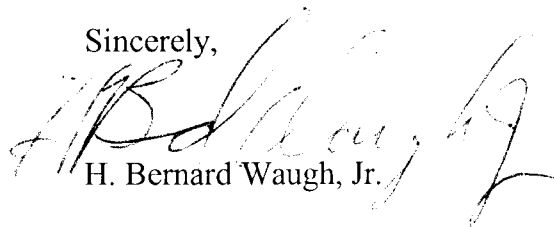
(b) Secondly, if the Davis property were to be used as the haul route from the Unity property during time periods when there were *not* any 155-E permit in effect for the Davis site, then it is my opinion that the issue would arise as to whether this use of the Davis property would require a special exception from the Goshen Zoning Board of Adjustment. Section V(F) of the Goshen Zoning Ordinance requires a special exception for any commercial use. The Davis property has been used as a gravel excavation since prior to the enactment of the Zoning Ordinance, and is therefore “grandfathered” from the special exception requirement for that use, as long as the Davis property itself is being excavated within the parameters of a valid 155-E permit. However the use of the property *solely* for a haul road to the Unity property could, in my view, be considered a new and different use of the Davis property, and one which would *not* be “grandfathered.”

From a procedural perspective, the first “call” – on the issue of whether using the Davis site as a haul road from Unity is “grandfathered” or not – could be made by the Planning Board itself, or by the Selectmen, or by the Building Inspector, but the decision would ultimately be appealable to the Goshen Zoning Board of Adjustment under RSA 676:5. The question would be decided using the tests set forth by the N.H. Supreme Court for when nonconforming uses can be changed or expanded.

\* \* \*

Please don't hesitate to get back to me with any questions or comments about this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "H. Bernard Waugh, Jr.", written in black ink. The signature is fluid and somewhat stylized, with the first letters of the first and last names being capitalized and prominent.

H. Bernard Waugh, Jr.

*Materials presented by Shaun Carroll, Jr. @ 4/1/2008 Meeting*

**Planning Board Determination on Completeness of Revised Application  
of Guildhall Sand & Gravel  
March 4, 2008**

**Plan Sheet (Map) Issues**

1. Print the maps so that the entire property is shown on the maps, at scale of 1" = 100'.  
*Completed*
2. Change legend to indicate that the faint contour lines are "pre-existing" and give date.  
*Completed*
3. Provide a written statement to the effect that the final grade contours outside the gold polygon on Plan Sheet 2 are already in place.  
*Completed*
4. Delineate those areas within the gold polygon that are currently open. Alternatively, delineate those areas that are not open.  
*Completed*
5. In the legend, add an item for the faint orange line that surrounds the area that was brought to grade in 2006.  
*Completed*
6. Delineate the "pile of materials" on both plan sheets and the "stockpile area" on Plan Sheet 1.  
*Completed*

**Issues with Narrative Responses**

***Sections III.3.B – Attachments to Excavation Plan***

From my perspective, there is nothing more important to one's integrity than his/her character. I view the framework of good character consists of honesty, God-inspired wisdom, and living by the Golden Rule. I submit responses to the following issues in that spirit, nothing less. RAF

1. Item III.3.B.2 – Provide an estimate of volume material to be removed annually and over the life of the project; the duration of the project; and a description of project phasing. Explain the way the estimates are made. For example, test pit data and elevations might be used to estimate the material over the life of the project. Economic information and historical data might be used to estimate the amount of material to be removed annually.

As discussed repeatedly during this permit process and those previous, it is not possible to estimate (with any degree of accuracy) the amount of material to be removed annually. As discussed during the November 27, 2007 meeting, it was stated that estimating volumes of

material to be removed annually is impossible to predict. The point was confirmed and reiterated by long time Board member Jack Scranton. Rich Moen is also a long standing board member that understands the basic principle of operating excavation sites. Demand for different aggregate products at a certain point in time, variables in sand and gravel (grading) in different areas of the excavation site, permit limitations (if any), materials available at other excavation sites, the health of the regional economy, proposed development projects, etc., all play a factor in the amount of material excavated during any one year.

Historical data (year to year) is available in the Board of Selectmen office. It is a poor indicator of future trends relative to amounts of material to be mined for companies having multiple sites. As stated, specific product demand will dictate the type of material to be excavated, material which may not be available at any one site. Example.....GSG stated that it intended to excavate 48,000 cy during the 07 season (Intent to Excavate form). The year ended without any material being excavated .....there was no demand for the materials found in the Davis excavation site. The company will process typically 200,000 cubic yards of material at the Newport aggregate processing plant during an up economy. For reasons articulated above, the material is excavated from those sites containing the material in demand.

Based on the final grading indicated on Plan Sheet 2 in relation to the topography illustrated on Sheet 1, the amount of material that remains to be excavated is roughly 570,000 cubic yards. ✓  
Phasing has historically been simply concurrent reclamation with excavation. This process will continue until the excavation site is fully depleted of commercial quality material and subsequently reclaimed.

2. Item III.3.B. 9 – Indicate that the company will continue to use discretionary backup beepers and will maintain a litter-free site.

According to Shaun Jr., discretionary backup alarms will be utilized on loaders. As John Wirkkala has stated, litter has never been an issue at the site. The company operates all sites in this manner.

### ***Sections III.3.C and III.3.D – Reclamation Plan and Attachments to Reclamation Plan***

1. Item III.3.C.10 – Using test pit data, provide a written assurance that after final grading, the new restored surface will be at least 12 inches above the seasonal high water table.

The company assures the Board the excavation will remain 12” above SHWT after reclamation.

2. Item III.3.D.2 – Provide an anticipated maximum time within which all reclamation shall be complete.

→ According to Shaun Jr., the anticipated maximum time when all reclamation will be complete by 2030. He wishes to discuss this further during the course of public hearings.

3. Overall Reclamation Plan – Make the reclamation plan as specific to the Davis site as possible. For example, indicate how steep slopes (over 25%) will be revegetated to

achieve native species growth. To this end, contact the National Resource Conservation Service to request a visit for site evaluation that will be scheduled to involve the company and the Planning Board.

The reclamation efforts will utilize the prescriptions outlined in the application. Depending on organics available, the percentage of fines, and with the help of Ted Kelsey (if available) a prescription which best promotes stabilizing growth of vegetation will be used.

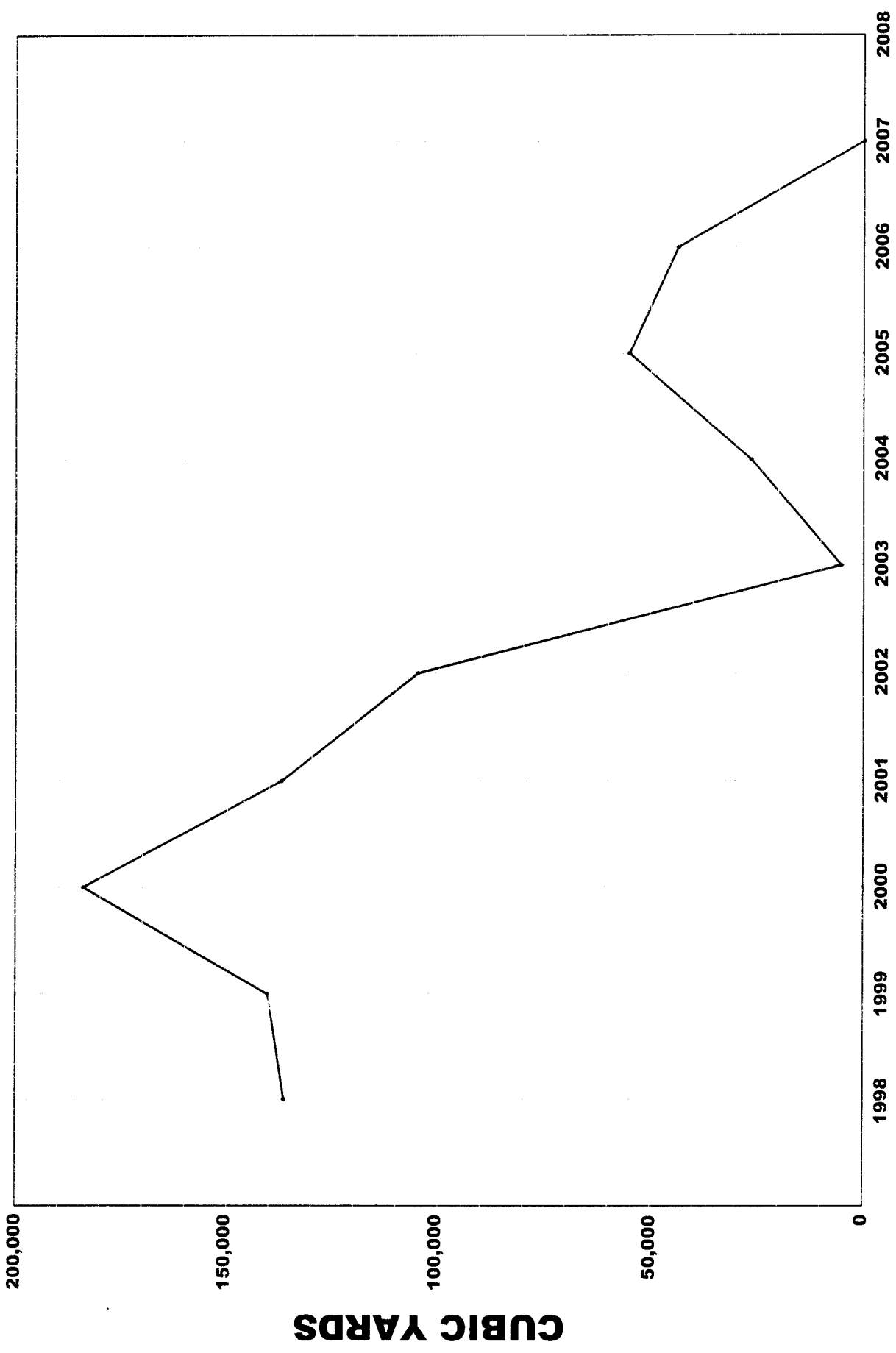
Jan Heighes, District Manager of the Sullivan County Conservation District, was asked to call or email Alan Howe. She has unbiased, first hand knowledge of the depth of the company's experience with the reclamation and the different prescriptions used during the process.

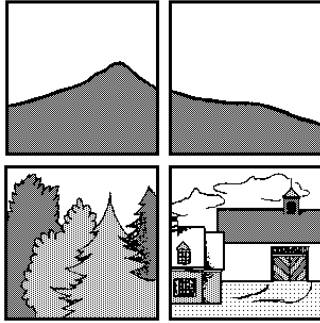
From reading Mr. Howe's email to Jan Heighes and Deb Weymouth, it appears he would like to learn more about the reclamation process. I might suggest the Board be not so quick to dismiss the information presented by the applicant.

The company is not opposed to having the Natural Resource Conservation Service present during discussion related to reclamation. Should this be the course of action, there is no one more qualified to be involved than Ted Kelsey. I would ask he be part of the discussion.

Rec'd 4/17/08

# DAVIS EXCAVATION SITE MATERIAL EXTRACTION RATE BY YEAR





***SOUTHWEST REGION PLANNING COMMISSION***

*20 Central Square, Second Floor Keene, NH 03431  
Tel. 603-357-0557 FAX 603-357-7440*

**M E M O R A N D U M**

**TO:** John Wirkkala, Chairman Goshen Planning Board  
**FROM:** Carol Ogilvie, Senior Planner  
**DATE:** July 2, 2001  
**RE:** Guildhall Bond Estimate

At the request of the Planning Board, I have prepared estimates for the amount of the bond required by this operation. Note that there are two estimates – one that assumes the use of warm season grasses, and one for cool season grasses. The difference between the two is that the warm season grasses do not require topsoil, and the cool season grasses do not require tracking, although they do require topsoil. I did not include the cost of topsoil in this estimate, since there appears to be enough of this material stockpiled on the site to meet the need.

**WARM SEASON GRASSES:**

Hydroseeding includes the seeds, fertilizer and mulch	23 acres @ \$1,200/acre =	\$27,600
Tracking	6 hours/acre @ \$70/hour	\$9,660
	<b>Subtotal</b>	<b>\$37,260</b>

Site Work	12 hours/acre @ \$120/hour = \$1,440/acre	
	23 acres @ \$1,440/ =	\$33,120
	<b>TOTAL</b>	<b>\$70,380</b>

**COOL SEASON GRASSES:**

Hydroseeding includes the seeds, fertilizer and mulch	23 acres @ \$1,200/acre =	\$27,600
Site Work	12 hours/acre @ \$120/hour = \$1,440/acre	
	23 acres @ \$1,440/ =	\$33,120
	<b>TOTAL</b>	<b>\$60,720</b>

**Allen Howe, Sandra Sonnichsen, Thomas Howe**

---

**From:** Anne-Marie Perry [amp03262@hotmail.com]  
**Sent:** Monday, May 19, 2008 7:40 PM  
**To:** gosshome@wildblue.net  
**Subject:** Excavation reclamation bond

Hello - In Woodstock we have a gravel pit owner on our board. We revised our regulations in 2006. We have established \$10,000/acre as the bonding amount, pro-rating amount for portions exceeding an acre.

Keep your kids safer online with Windows Live Family Safety. [Click here for more information.](#)

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Checked by AVG.

Version: 8.0.100 / Virus Database: 269.23.21/1455 - Release Date: 5/19/2008 5:04 PM

**Allen Howe, Sandra Sonnichsen, Thomas Howe**

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**From:** Candace Daigle [cdaigle@belmontnh.org]  
**Sent:** Monday, May 19, 2008 6:34 PM  
**To:** Allen Howe  
**Subject:** RE: [Plan-link] Gravel pit restoration bond  
**Attachments:** Reclamation.pdf

I've attached the reclamation summary and cost estimate. Since it's been confirmed by NRCS it would seem that it's a standard cost for this type of reclamation. In this particular instance they're incorporating loam into the process which would not be necessary with warm season grasses.

Candace L. Daigle  
Belmont Town Planner  
P.O. Box 310, 143 Main Street  
Belmont, NH 03220-0310  
(603) 267-8300 x 13 (voice)  
(603) 267-8307 (fax)

**From:** Allen Howe [mailto:goshenhome@wildblue.net]  
**Sent:** Monday, May 19, 2008 4:01 PM  
**To:** Candace Daigle  
**Cc:** John Wirkkala  
**Subject:** RE: [Plan-link] Gravel pit restoration bond  
**Importance:** High

Thanks! I have emailed Mr. Lynch at NRCS.

Could you email me an example of what you consider an acceptable excavator's description of his restoration method and per-acre cost estimate? I am interested in seeing format and substance.

In your experience, was there anything extraordinary that resulted in the use of \$6,882 per-acre or is that fairly typical?

Sincerely,  
Allen Howe, Chairperson  
Goshen Planning Board

**From:** Candace Daigle [mailto:cdaigle@belmontnh.org]  
**Sent:** Monday, May 19, 2008 11:44 AM  
**To:** Allen Howe  
**Subject:** RE: [Plan-link] Gravel pit restoration bond

We require the excavator to describe his restoration method and his per-acre estimate. That gets submitted to Mike Lynch at NRCS who confirms or recommends a change to the per-acre value. The excavator is required to escrow an amount to cover all open areas (pit floor as well as pit face) and areas approved to be opened during the upcoming year using that per acre cost. It's reevaluated annually using the same method. Most recently an operator used a \$6,882 per acre cost.

Candace L. Daigle  
Belmont Town Planner  
P.O. Box 310 143 Main Street  
Belmont, NH 03220-0310  
(603) 267-8300 x 13 (voice)  
(603) 267-8307 (fax)

**From:** plan-link-bounces@maillist2.nh.gov [mailto:plan-link-bounces@maillist2.nh.gov] **On Behalf Of** Allen Howe  
**Sent:** Monday, May 19, 2008 11:16 AM  
**To:** plan-link@maillist2.nh.gov  
**Subject:** [Plan-link] Gravel pit restoration bond

Does anyone have knowledge or experience concerning determination of the bond amount to cover gravel pit restoration? I have contacted the NRCS and they have technical expertise on how to restore gravel pits, but not in establishing an appropriate dollar amount for a restoration bond.

Allen Howe  
Goshen Planning Board, Chairperson

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Version: 8.0.100 / Virus Database: 269.23.21/1454 - Release Date: 5/19/2008 7:44 AM

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Version: 8.0.100 / Virus Database: 269.23.21/1455 - Release Date: 5/19/2008 5:04 PM



5 Sheep Davis Road, Suite F  
 Pembroke, NH 03275  
 Tel 603-226-1166  
 Fax 603-226-1160  
 www.northpointeng.com

**RECLAMATION COST ESTIMATE**  
**Sand and Gravel Pit**  
*(per acre)*

*Assumptions: All equipment must be contracted (including driver).  
 Production rate of 1 acre per 6 hours including slopes.  
 All rates based on rental and/or contractor quotes obtained May 2007.*

**Topsoil Must Be Purchased**

Load Topsoil from Stockpile <i>4-c.y. Loader @ \$100/hour x 6 hours</i>	\$600.00
Spread Dumped Topsoil w/ Dozer <i>D-6 Dozer @ \$125/hour x 6 hours</i>	\$750.00
Topsoil Cost - Unscreened * <i>\$6.00 per yard loaded x 532 cy (1 acre 4" deep) * Screened topsoil = \$14 - \$16 per cubic yard</i>	\$3,192.00
Haul Topsoil to Site <i>2 x Trucks @ \$65/hour each x 8 hours</i>	\$1,040.00
Hydroseed with Fescue, Mulch and Fertilizer	<u>\$1,300.00</u>
<b>Cost per Acre</b>	<b>\$6,882.00 per acre</b>

4/5/08

Hi Dick.

As regards to native species.

While most forest species are native, nearly all commonly used grasses and legumes are not. Most commonly used lawn and farm grasses were introduced from Europe and are called naturalized. Most from England. On the other hand, the warm season grasses that we use in Gravel pit reclamation are native to North America. In the 1860's, railroad cars brought switchgrass and big bluestem to NH from the midwest. Little blue stem is common to most states and occurs in most NH towns on sandy areas. The other warm season grass that we use in gravel pit reclamation, sand lovegrass, was introduced around 1950 from the Midwest. This plant now occurs in many NH towns. This was the result of research in the Northeast States to find plants that could be used in reclamation of sandy areas of road sides, earthen dam faces, and sand and gravel pits. The use of all four of these plants is supported by the State of NH.

Most reclaimed areas are now used for development which varies from industry, housing, athletic field to golf courses and other. The few undeveloped areas either have or are converting to native forest vegetation.

As to life cycle, switch grass and big bluestem and little bluestem plants may be over 150 years old in NH. It has been said that little bluestem plants may survive until the next glacier. These plants make their growth in the heat of summer where the cool season plants such as bluegrass, redtop, timothy, red fescue, tall fescue and others make much of their growth in the spring and fall.

On slopes over 25 percent in gradient, the seed, lime and fertilizer may be spread on the slopes typically by hydroseeding, and walked in.

I realize that in the absence of pictures some of these terms may not be sufficient explanation.

If follow up is necessary please just ask.

Theodore Kelsey



**Newport Sand & Gravel Co., Inc.**

P.O. Box 1000  
Newport, NH 03773

603 863-1000  
fax 603 863-4047

May 27, 2008

This attachment is part of the Davis Excavation Site Permit Application, Lear Hill Road, Goshen, NH.

After talking to Ted Kelsey, his recommendation is that we leave the field the way it is, un-mowed, and let natural escalation take place. This is the preferred measure for re-vegetating to a more natural state.

Once sand is depleted from polygon A and B we will commence reclamation bringing these to final grade and starting the seeding process. Given the current economy and the type of jobs we pick up, we can not predict what year this will begin.

In reclaiming area A and B we are going to follow the same practice as in the past. We plan to use Nate Bacon's company to do the hydro seeding. We can also reference the material published by the NRCS.

For Guildhall Sand and Gravel, LLC

A handwritten signature in black ink that reads "Shaun P. Carroll, Jr." in a cursive script.

Shaun P. Carroll, Jr.

## Load Count Data (1999 to Present)

Davis Excavation Site, Goshen (NH)

1996	Days	Loads	Yards	Daily Load Range	1997	Days	Loads	Yards	Daily Load Range
May					May	0	0	0	
June					June	19	1,547	21,658	60-96
July					July	22	1,967	27,538	67-112
August					August	18	1,405	19,670	24-103
September	20	1,682	23,548	58-100	September	18	1,382	19,348	42-95
October	21	1,848	25,872	35-109	October	22	1,762	24,668	18-103
November	20	398	5,572	1-87	November	8	600	8,400	56-91
December	0	0	0		December	0	0	0	
<b>61</b>		<b>3,928</b>	<b>54,992</b>		<b>107</b>		<b>8,663</b>	<b>121,282</b>	
Daily Averages		64.39	902		Daily Averages		80.96	1,133	
Average Load in yds			14		Average Load in yds			14	

**NOTE:** Sand & gravel was excavated and trucked from other locations during the 1996 production season.

**NOTE:** Sand & gravel was excavated and trucked from other locations during the 1997 production season.

1998	Days	Loads	Yards	Daily Load Range	1999	Days	Loads	Yards	Daily Load Range
May	0	0	0		May	8	553	8,818	19-90
June	21	1,440	20,160	14-93	June	21	1,599	25,378	16-96
July	22	1,627	22,778	20-101	July	21	1,847	29,718	43-110
August	21	2,044	28,616	85-118	August	21	1,796	29,204	7-108
September	21	1,973	27,622	79-114	September	1	96	1,544	96
October	11	879	13,838	66-99	October	14	1,028	16,972	32-92
November	18	1,425	22,968	60-100	November	17	1,445	23,774	67-100
December	0	0	0		December	1	83	1,322	83
<b>114</b>		<b>9,388</b>	<b>135,982</b>		<b>104</b>		<b>8,447</b>	<b>136,730</b>	
Daily Averages		82.35	1,193		Daily Averages		81.22	1,315	
Average Load in yds			14		Average Load in yds			16	

2000	Days	Loads	Yards	Daily Load Range	2001	Days	Loads	Yards	Daily Load Range
May	14	1,014	17,012	7-93	May	0	0	0	
June	21	1,700	28,256	11-109	June	3	280	4,776	79-108
July	14	1,146	18,712	52-104	July	14	1,296	22,268	10-118
August	21	1,788	29,960	9-109	August	12	1,069	19,006	70-110
September	19	1,541	26,234	59-99	September	16	1,261	22,510	7-104
October	22	1,977	32,286	34-110	October	20	1,733	30,574	34-106
November	18	1,461	24,335	10-103	November	15	1,148	20,224	17-107
December	7	456	6,949	20-90	December	14	1,045	18,256	28-101
<b>136</b>		<b>11,083</b>	<b>183,744</b>		<b>94</b>		<b>7,832</b>	<b>137,614</b>	
Daily Averages		81.49	1,351		Daily Averages		83.32	1,464	
Average Load in yds			17		Average Load in yds			18	

2002	Days	Loads	Yards	Daily Load Range
May	13	973	17,006	3-98
June	20	1,874	32,872	40-123
July	1	102	1,784	102
August	8	476	8,392	30-80
September	17	1,119	19,750	14-77
October				
November				
December				
<b>59</b>		<b>4,544</b>	<b>79,804</b>	

**NOTE:** Sand & gravel was excavated and trucked from other locations during the 2001 & 2002 production season.