

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.