

**Town of Goshen  
Planning Board  
Final Minutes of January 31, 2012**

Members Present: Allen Howe, Chair; John Wirkkala, Vice Chair; Ed Peckham; Bob Bell, Ex-Officio; Rich Moen

Other members of the Public Present: Rick Costello, Adam Howard, Allen Greenhalgh, Lois Stevens, Virginia Schendler, Mary Wirkkala.

Applicant Present: Shaun Carroll, Jr.; Richard Fraser, Advisor, One Source Properties & Permitting, LLC

Chair Howe opened the meeting at 7:05 p.m. He stated that the purpose of the hearing tonight is a continuation of a hearing started on January 17, 2012 for a renewal of a gravel excavation permit at what is known as the Davis site now owned by Guildhall Sand and Gravel. At the January 17<sup>th</sup> meeting the Board addressed waiver requests which were granted. The Board also reviewed the application for completeness and found that all required sections were present in the application. The purpose of tonight's meeting is to review the application for substance to see if there are any other questions or recommendations before final vote on the permit renewal.

Chair Howe informed the public that two of the Planning Board members, Mr. Peckham and Mr. Bell, are new to the excavation permit application process. He stated that he has a few questions that perhaps Mr. Carroll or Mr. Fraser could answer. The narrative on page 11 of the application, Section III B. 1. seems as though it was written as a history of the site and then merges into the proposed renewal application; so Mr. Howe asked for clarification of the proposed end products listed, concrete, asphalt, septic stone, septic sand and winter sand, etc. Are those products part of the history aspect or is that what you envision being the usage of the materials being removed from the Davis site under the renewed permit.

Mr. Carroll stated that the excavation activity will continue as it was in the past resulting in all of those materials listed.

Mr. Wirkkala referred to a copy of a letter within the application sent from Mr. Fraser to Mr. Ridley Mauck, Department of Environmental Services (DES) indicating that there are new products that NS&G was going to be marketing. Those new materials and market should also be listed in the narrative for this section of the application.

Mr. Carroll stated that the information regarding the new material and its market potential has been included in the application and the Board may feel free to insert the information in whatever section they feel appropriate.

Mr. Wirkkala thought the members of the public may be interested in knowing what the Davis pit would be used for. There is a copy of a letter from Mr. Fraser to Mr. Mauck outlining some additional uses for the material from the Davis pit. After believing the bank run sand had been exhausted, Foster Materials of Henniker, NH has found new material from the Davis site as

useful for the manufacturing of their specialty products, bunker sand, equestrian sand, top dressing sand etc. 'The site seems to have developed a new life. Whether or not it can be sustained, only time will tell.'

Mr. Fraser stated that NS&G was blessed to find a new outlet to sell its products.

Chair Howe referred to page 12, III.B.2. where it is stated that the estimated volume of material to be removed annual is impossible to predict. He assumed that if the annual removals cannot be predicted, then the lifetime of a gravel operation would also be impossible to predict.

Mr. Carroll stated that is correct.

Mr. Howe stated that he does not understand how predictions cannot be made on the Davis site where there is a lot of experience excavating, where on the other hand three to five year predictions with 200,000 cubic yards of material being removed are made on the Anderson pit site where gravel excavations have not yet begun.

Mr. Fraser presented a chart of annual excavation volume out of the Davis site. The chart shows that the amount of excavated material coming out of the site varies from year to year. So, calculations can be made for the amount of material that remains, but we cannot determine how long the material will last, that depends upon the economy. The chart shows that during the period of good economy, excavation could be as much as a couple of hundred thousand yards. The extraction rate follows the rate of the economy. If the economy would stay level, we could make an educated prediction. Mr. Fraser commented that circumstances of the Anderson pit should not be an issue tonight since the permit renewal is for the Davis pit.

Chair Howe agreed, but explained that he was seeking clarification as to why excavation predictions can be made on one pit but not the other. He presented an excavation chart which showed progress of the excavation activity in the Davis pit which illustrated actual excavation activity between the year 2003 to the present as below 50,000 cubic yards per year. There has not been close to 200,000 cubic yards excavated in a years' time since the year 2000. It would be Chair Howe's speculation that perhaps it's not just the economy or there are other factors involved as to why the excavation volume has been low.

Mr. Fraser suggested that the applicant be given the opportunity to present their application prior to questions being asked in order to help enlighten the Board members who have not been through this process before and perhaps at the same time, answer some of the questions the Board has regarding the application. He stated that it appears that by asking questions first, the Board is targeting areas that it thinks are lacking in substance.

Chair Howe agreed to alter the direction of the hearing and allow the applicant to present prior to questions from the Board.

Mr. Fraser commented that this is the fourth time that NS&G has been before the Planning Board for this renewal process. He stated that there was a comprehensive review of the application in the past and much of the application that has been submitted for this renewal process has not

changed; therefore the application is much the same as it was in 2007 in order not to waste everyone's time. NS&G is not proposing any changes from the last permit that was granted three years ago. That is why the previous permit was granted with conditions was put right up in the front of this application. The 2007 application has pretty much the same words, therefore should pass muster in 2012. Next in the application is the abutter list as updated per statute, most recent correspondence with DES as far as the State permit is concerned is included as well as the updated information shared with DES. The rest of the documents refer to Best Management Practices. That is the application. The plans have no significant changes except for updating the topographical lines as of 2009. Since there has been no significant excavation of this site since then, those topographical lines are pretty accurate to date. Mr. Fraser illustrated the areas of active excavation vs. reclaimed areas on the map. In 2002, there was over 8.1 acres reclaimed by grading and seeding, in 2003 there was approximately 3 acres reclaimed, in 2006 there was approximately 3 acres reclaimed, and in 2012 there will be another 6 acres reclaimed. The active areas of excavation on site comprise 4.4 acres in one area and 12.1 acres toward the back of the lot near the Unity Town line, for a total of ±16.5 acres of open, active excavation areas. There is one area not being mined because it is being used for ancillary purposes such as stock piles and sedimentation basins. The active areas are going through their process while there are still usable materials and will all be reclaimed. The next map is a map of final grade with contours indicating as closely as possible what the end result will be. DES also realizes that sometimes things don't go as planned. Sometimes the excavation may bump into ledge, boulders, silt, hard pack, etc., and those final contours end up being different than what was speculated. Consequently, the State requires updated topo maps to be prepared every five years, at which time another topo station survey will be conducted and a new contour map prepared. All of the storm water drainage of this particular site infiltrates internally so there is no drainage of storm water off site or into the river or onto neighboring properties. The contours are State mandated at a 2:1 slope and a grading plan that has a reverse bench every 20 ft. drop in elevation so that the runoff has a chance to infiltrate the soil and eliminate the storm water runoff issue. There will be an area created so that it will act as a catch basin in case of a 100-year storm. The last sheet of plans describe the Best Management Practices in detail for construction of the benches, construction of the gravel pit entrance, what type of seed mixes to use for reclamation, and covers the topics of RSA-155 that need to be addressed.

Mr. Peckham commented that this appears to be more of a self-governing activity with DES watching and monitoring.

Mr. Fraser agreed, and stated that DES has been over several times and has worked well with NS&G. They are very happy and knowledgeable with NS&G reclamations.

Chair Howe thanked Mr. Fraser for his presentation and recognized that any time the Planning Board has had a review of the site, they have found the work to be of high quality and there has never been any question of the company's work that it has done regarding reclamation activities.

Mr. Wirkkala commented that there appears to currently be 29.5 acres open, which includes an area of ancillary use and over 13 acres that have been reclaimed. He asked for clarification from Mr. Fraser that what NS&G was offering this evening was to reclaim an additional 5.5+ acres this year in 2012.

Mr. Carroll stated that NS&G is offering to reclaim 5.5+ acres; and is ready to go.

Chair Howe asked what the schedule is for reclamation of the 5.9 acres that is designated as ancillary, i.e., will it be reclaimed in 2012 or 2013. That schedule is not in the plan.

Mr. Carroll stated that that area has already been graded and just needs loam and seed. It has been sitting for a couple of years and the contours are not moving, so the company is comfortable to begin the reclamation. It should be seeded in the spring of 2013 at the latest for management purposes.

Mr. Moen clarified the orientation of the site on the map with Route 10. He commented that most people that have issues with the excavation activity are upset by the section that is more visible. He asked if there was any way that the most visible area from Route 10 could be graded and the reclamation process begun while the equipment is on site for reclamation of the back section.

Mr. Carroll stated that once the Bridge property is reclaimed, a lot of what is visible will be reclaimed and not an issue. He explained that when coming down Route 10 from Newport, there is only a small area visible, partly because the trees are not leaved at this time of year. As time progresses, more is reclaimed and less is viewed as open gravel activity. The excavation activity that is visible when coming down Fellow's Hill is part of the Lewis property, not NS&G operations. Once the gravel is exhausted, reclamation is done as quickly as feasible beginning with the terracing process. If the material is not removed, it will take months of bull dozing to get the grade prepared for reclamation.

Mr. Moen asked Mr. Carroll if he could estimate when NS&G will be ready for reclamation operations of the Davis pit, based on today's usage and the amount of gravel estimated to be on the site.

Mr. Carroll stated the permits are good for three years. The extraction rate for last year was 2 ft. deep over an area of 1 acre. Some years will be higher rates of extraction than others.

Mr. Fraser pointed out that there is an \$84,000 reclamation bond that NS&G keeps current which guarantees reclamation of the land in the event the company does not uphold its obligation and the Town has to step in and oversee the stabilization and/or reclamation of the site. He explained that the amount of the bond was set when there was a lot more area open than what is open now. In other towns, the amount of the bond is usually decreased relative to the progress of the excavation of the site. The bond held by the Town of Goshen has not been decreased.

Chair Howe commented that decreasing the amount of the bond was discussed during the renewal process of the last permit, and it was agreed to leave the bond at \$84,000.

Mr. Carroll explained that NS&G is working the area indicated on the map. There have been some jobs that have come up and third party companies that are interested in the "sugar sand" material. It is a specialty material that is not often found, so this excavation and reclamation

should happen quickly, but again will be dependent upon the demand which is driven by the economy. The sugar sand is in the right hand part of the site indicated on the map; the left hand side of the site has other types of sand. Sugar sand is good for back fill, bunkers, equestrian sand, mixing with shavings for stock bedding at dairy farms, etc.

Mr. Fraser commented that this site is a nice site because it yields a number of different products, which allows NS&G to be more diversified in the sale of its products.

Mr. Moen asked if there was any way to extrapolate, with current usage, how much longer the excavation operation will take.

Mr. Carroll stated it will be a while. With computers, the amount of gravel on site can be configured, but computers cannot configure how quickly the gravel will be able to be removed, that depends upon the economy.

Mr. Howe commented that in the past, the Board has heard that the economy is bad or the site is depleted. In February 2009, Mr. Carroll made a statement that the site is almost exhausted. The Planning Board has been up there and has done its inspection and NS&G is not too far from having that totally finished. Then in November 2009 after the Planning Board's annual inspection, the Board wrote a letter stating that it is satisfied with the ongoing progress toward full reclamation of the site, which appears on track for completion in 2010. Obviously, full reclamation did not happen, for various reasons. Some of the Goshen Planning Board members went to a public hearing held by the Unity Planning Board regarding reclamation of the Bridge site in Unity which abuts the Davis site in Goshen. It seemed efficient to do some cross-border reclamation at the same time. At that meeting, Mr. Howe referenced the January 2010 Davis site updated six-year status plan report to DES, which also included a statement that the Davis site has almost been essentially exhausted. Subsequent to that, there was an update to that plan sent in to Mr. Mauck at DES. There have been several things said that the site was depleted, aside from the economy being bad. Consequently, the removal of material has dropped off significantly. There are requirements in RSA 155-E for incremental reclamation; one being for two years of non-use or five acres or more that should be reclaimed. The last two data points on the chart should have initiated reclamation and the question arises, is the low level of excavation due to a bad economy or a low level of marketable material. The Board does not want to stifle any kind of economic venture that NS&G may have, but on the other hand, this process should not be open ended. There seems to be a situation where reclamation always seems to lose out to a potential that there is a market that never happens. There should be a reclamation plan with time tables and triggers as part of this permit.

Mr. Fraser stated that RSA 155-E has a section in it that says that if an area of five acres has been fully depleted of its material, then it has to be reclaimed. NS&G abides by that rule. Both areas have seen activity, not a great amount, and now there is a new market area. Since it is a new market, it takes some time to nurture it and get it going. There are other companies that are interested in this new material as well. It would be foolish to reclaim an area that would later have to be stripped off and open it up again for a market that has now newly developed. As long as the active areas are kept open, it is a good thing. There is nothing we can do about the economy.

Mr. Howe commented that RSA 155-E is a little grey because it does not clearly identify how much material is considered “sufficient weight or volume to be considered commercially useful” vs. “none”.

Mr. Fraser commented that he considers that statement to be perfectly clear. Any amount of gravel could be considered commercial useful. The industry recognizes it by truck loads.

Mr. Howe commented that he is not suggesting that NS&G reclaim the area then go back and strip it off when the market for that type of gravel materializes, but he is trying to make the point that there seems like there has to be some definition as to when you’ve tried to get the market for this product going and it has failed. Mr. Howe stated that NS&G’s reclamation plan lacks a time table.

Mr. Carroll commented that the reclamation plan does not need a time table because the process allows a company to go to the Planning Board year after year and make predictions that never come to fruition. He stated when the land gets depleted of the material in the area where there is a market demand; he will be back to the Planning Board with reclamation schedule.

Mr. Howe emphasized that there needs to be a time table for when reclamation will begin.

Mr. Carroll commented that since the permit is a three-year permit, then the time table the Board is looking for is three years.

Mr. Howe proposed that there be some triggers identified in case a market does not develop. The missing component of renewal application is no reclamation time table of the open areas.

Mr. Peckham commented that NS&G seems to have a good handle on gravel excavation operations and requirements since they have been in this business for a lot of years and operate all over the State; and in his opinion the renewal of this permit and the process of renewal should not be this difficult. The application and the necessary pertinent information have been submitted.

Mr. Carroll commented that he has never had such a difficult time renewing a gravel excavation permit as he has had with this Board. He stated that when the State shows up for a site visit, unannounced, whether by complaint or random inspection, if they find anything that is not in compliance with the law, they will shut the operation down; and, that has never happened.

Mr. Wirkkala stated that he also has dealt with this application for a long time. He commented that he believes the Board is getting to the point that there will be full reclamation of the Davis pit at some point. With an open site, the Planning Board does not have much leverage and would like to see less area of open excavation activity.

Mr. Carroll concurred that he is of the same opinion as the Planning Board; he would also like to see less open and that will happen as the economy improves and more material is sold.

Mr. Wirkkala commented that he asked for a copy of the Stevens map prior to the beginning of excavation so that the Board could see the contours of the land prior to the excavation, the current contours, and hopefully the projected contours. He stated that he is concerned with the test pit data being so old, from 1997 and would like to have new test pits dug to know where the depth of excavation is and projected to be in relation to the high water table. RSA 155-E states that excavation should not be closer than 8 ft. above the high water table.

Mr. Fraser stated that reclamation has happened and will continue. The site has come a long way. He presented soil test pit data from 2005. According to the map, pits were done in the area that elevations have not changed. Consequently, the 2005 test pit data is good. High water table is not an issue in the higher elevation area; it could be an issue nearer the river. Pit #20 – 8 ft. without hitting the high water mark; Pit #21 = 8.5 ft. without hitting the high water mark; Pit #22 = 11 ft. without hitting the high water mark; Pit #23 = 10 ft. without hitting the high water mark. None of the test pits in the open area come close to the high water mark. He offered copies of any and all of the test pit data to the Board for review.

Mr. Fraser and Mr. Wirkkala discussed protocols when digging test pits and indications of the high water table versus the seasonal high water table versus surface water.

Mr. Moen commented that he is still trying to determine the life expectation of the Davis pit. Taking into consideration the last permit from three years ago, can NS&G determine the volume of sand left on site, and based on the previous three years, how many years will it take to remove the existing sand. Mr. Moen calculated that if 10,000 cubic yards were taken out over a three year period, the excavation activity could take a long time. Mr. Wirkkala remarked that at that rate it would take 150 years for 500,000 cubic yards.

Mr. Fraser commented that they hope that the extraction rate of the past three years is not typical, and the answer Mr. Moen is asking lies within Goshen's regulations. A short-term, three-year permit is granted, and apparently the reason being is for regular Board review to be able to maintain a handle on what goes on with the excavation activity. If the economy is good, then the estimate could be higher than projected. If the economy is bad, then the estimate could be lower than projected. Also, there are other factors that play into the formula such as federal funding and infrastructure projects. NS&G makes concrete; Pike makes asphalt. Pike's stone comes from NS&G pits. So if highway projects receive federal funding, Pike has a higher need for stone.

Mr. Carroll commented that since the economy has been unwinding, the demand for extracted material has decreased. The depletion that was indicated to in previous reports referred to gravel. Now a new market is developing for sand extraction, which is much different than gravel and is used for different purposes. The pit is depleted of gravel, but not depleted of usable material. There is probably not going to be many more big jobs in the next few years, but there is talk of expanding Route 10 and other jobs that may need certain types of sand, which serves certain types of needs.

Mr. Howe commented that it was very helpful to the Board to learn the difference between the different types of material in order to clarify why the statements of depletion were made because

some of the earlier comments made did not make the distinction between gravel products versus sand product resources still available. He commented that another question he had was a number that was mentioned, 200,000 – 500,000 cubic yards. He asked if that number referring to cubic yards per year, cubic yards per the three-year permit, etc.

Mr. Fraser commented that that number was the best guess for useful salable material remaining in the site. The computer readout includes the top soil, which is stripped off, and other usable as well as unusable material for gravel operations. Sometimes there is a clay layer, and if that clay layer has depth to it, that will be the end of excavation activity in that area. There are also complications of other unusable gravel material such as ledge and silt. Those materials are not identified by the computer readouts available. That is why DES requires a plan revision every five years – in order to update the actual usable material excavated and an updated estimation of what is left on site.

Mr. Moen asked how many yards of material have been taken out since the last permit was granted three years ago.

Mr. Carroll stated approximately 600 truck loads.

Mr. Howe commented that the Board seems to be satisfied to review the permit based on a three-year basis which has been done before and is not concerned with identifying review based on triggers for reclamation.

Mr. Wirkkala commented that he would like to see updated test pit data indicating the seasonal high water table.

Mr. Carroll commented that there has been no digging activity in those areas, and the activity is more than 8 ft. above the seasonal high water table; but eventually agreed to provide current test pit data as requested by Mr. Wirkkala. If the activity is below the water table, then the excavation will stop in that area.

Mr. Fraser stated that the test pits dug in 2005 are valid test pits and are still valid test pits. The water table does not fluctuate year to year unless there has been a catastrophic event. The results will be the same.

Mr. Wirkkala explained that in a conversation with Mr. Mauck from DES, he was advised that since there is an alteration of terrain, it would be very prudent to ask for new data. A new permit should be based on new data that reflects up to date information.

Mr. Peckham asked if RSA 155-E requires that test pits are dug.

Mr. Fraser stated that RSA 155-E does not require test pit to be dug. He commented that digging below the water table is not a problem by State standards.

Mr. Peckham observed that if the information is still accurate and the company is in compliance with RSA 155-E, then why is the Board requiring more unnecessary test pits and expense.



Mr. Carroll commented that he would like a list of issues the Board would like him to address so that he can decide whether or not it is feasible for NS&G to continue excavating this site.

Mr. Wirkkala explained that the Goshen excavation regulations require that all excavations stay 8 ft. above the established high water table, therefore, the Board needs to enforce the regulations as written, whether the Board members agree with the regulations or not.

**Mr. Peckham made a motion for the Board to solely use RSA 155-E for their permitting process.**

Motion was not seconded.

Mr. Howe explained the process that the Goshen Planning Board has observed when approving a permit approval in the past. After hearing the presentation and the Board asking questions, the hearing is closed and a motion is drafted. The Board meets at a subsequent time in public session to discuss and vote on the motion. If the motion does not pass, then the motion is modified, discussed as modified and voted on as modified. The Board may overrule this process at any time by a majority vote.

At this time Mr. Peckham left the room. Shortly thereafter he returned and apologized for his absence.

Mr. Greenhalgh suggested that the Board just make a motion to grant or deny the permit and vote on it. He commented that NS&G has reclaimed more than Mr. Davis ever did. He stated that if there is a market for their gravel, it will sell it and reclamation will follow. NS&G has been doing a good job operating the site and should be allowed to continue; as long as it is being done responsibly, and it is, the Board should not concern themselves with how long it is going to take.

Chair Howe commented that he does not believe that the granting of the permit is a question, the question is getting the information out with the specific components so a motion can be drafted and voted upon.

Mr. Bell commented that the operation is subject to production rates that do not have a solid answer. Given that this is a three year permit, then if in three years there has been no activity, then perhaps at that point production rates should be considered in the permit renewal.

Mr. Howe agreed and commented that his understanding from discussion this evening is that the Board is not concerned with triggers for reclamation but is willing to grant a permit based on a three-year renewal review.

Mr. Wirkkala asked regarding III.3.B.7. on page 7 of the Goshen Excavation Regulations, there was no response addressing that section in NS&G's permit application for renewal. More specifically, there is no narrative explaining the specific actions the applicant will take relative to the handling and storage of fuels and chemicals to be used at the site. The storage of fuel and chemicals were somewhat satisfied because there is relevant information on the map, but nothing

was described within the application itself. The sheet notes refer to a 500 gallon storage tank that is not there now, but it could be in the future.

Mr. Carroll explained that NS&G is not asking for fuel storage in this application. If, in the interim or in another three years a storage unit is needed, NS&G will come back to the Board before the tank is installed and ask for an update/amendment of the application permit.

Mr. Peckham asked if NS&G owns the property, then why can't they have a fuel storage tank if they need/want one? Wouldn't NS&G's insurance company oversee the safety aspects of that installation and storage?

Mr. Fraser informed Mr. Peckham that Mr. Carroll has agreed to this aspect of the application in order to keep a good working relationship with the Board.

Mr. Carroll stated that page 24 – 29 of the application discusses how fuel is stored.

Mr. Wirkkala commented that he was just trying to get clarification on the specifics of where the fuel would be stored if it was to come back to the site. He commented that he noticed that NS&G was also requesting a maximum transportation trip count of 110/day. He did not think that was an issue that needed to be part of the discussion this evening since there has been a minimum number of trucks going in and out in the recent past. He explained that the limit on the number of trucks was due to several complaints made by citizens of the Town based on the trucking activity. He read a number of these complaints.

Mr. Carroll stated that based on a traffic study, the traffic flow from the NS&G trucks constitutes 1.5% of the traffic flow on Route 10. In order to comply with Town conditions, the mining operations were adjusted.

A comment from the audience urged the board to not limit the number of trucks per day because that will only prolong the excavation activity.

Regarding 100 trucks per day Mr. Howe commented that unless there is a material change of circumstances, the practice of the Board is to not revisit previous issues that have been discussed and decided upon. He explained that the next step is to draft a motion to approve the permit application with possible conditions or deny the application. This is done so that the Board is sure the motion is thorough and legal; and to seek legal counsel if necessary.

Mr. Peckham and Mr. Wirkkala volunteered to work together to draft the motion for review and discussion at a subsequent public Planning Board meeting. Mr. Peckham stated that this is a renewal process, pretty cut and dried no new information, no surprises. They agreed that they could have the motion prepared and ready for discussion on February 7, 2012.

**Mr. Peckham made a motion that the Board make the decision on this application based upon the facts that are outlined in the application and discussion.** Motion was not seconded.

Mr. Howe explained that the Board needs a written motion in a document so that the Board members can review and discuss it prior to voting on whether or not to approve or deny.

Mr. Carroll stated that the document under discussion is the application. He asked so what else is there.

Mr. Howe commented that as a Board member, he prefers to see a written motion in front of him that has been given more than a few minutes' thought before he commits his vote to approve or deny the permit application.

Lois Stevens said she was disappointed in the Planning Board's actions tonight. She stated that a Planning Board was meant to guide and direct. This is a simple application and everything necessary to make a decision is in the application. The Board seems to be dragging this application out. She stated that NS&G has a business that helps out the Town and should be given some consideration in return.

Comment was made that with all of the meetings that have taken place for renewal of this permit, any conditions or issues should have been thought of already.

Mr. Howe commented that it would be his recommendation to the Board that it follows the same procedure it has in the past.

Mr. Wirkkala commented that the previous permit approval is several pages long and very thorough. There are several issues that need to be summarized and written into the new permit renewal application including the scope of the operation, the areas of operation, new open areas, etc.

Mr. Howe explained that a motion cannot be drafted ahead of time because that would constitute prejudgment prior to the hearing. The date of the public hearing for the Board to discuss the final motion will depend on how soon Mr. Peckham and Wirkkala will have the motion prepared.

Ed Anderson stated that he is in favor of the permit renewal so that the reclamation can be completed. Progress of reclamation is being done, and he stated that he is satisfied with what has been done.

There was no further public comment.

**Mr. Moen made a motion to close the public hearing to additional public testimony. Mr. Bell seconded the motion.** All in favor.

**Mr. Peckham made a motion to continue this public hearing until February 7, 2010 at 7:00 p.m. Mr. Bell seconded the motion.** All in favor.

## **OTHER BUSINESS**

## **Mt. Sunapee Resort Review Status Report**

Mr. Wirkkala stated that Jay Gamble asked if it is necessary for Mt. Sunapee to go to the Zoning Board of Adjustment for a variance or a special exception; or, can everything be handled by the Planning Board. The Board needs to hear from Mr. Gamble on two matters: 1) The tree structures on the ridge to determine the impact of the tree structures on the ridgeline ordinance; and 2) The height of the tree structures – are the structures 35 ft. or less. He explained that it is the opinion of Bernie Waugh that the Board cannot determine if the application will need to be heard by the Zoning Board at this time. If neither of those two items are an issue, then the application can be handled directly through site plan review.

Sense of the Board was for Mr. Wirkkala to contact Mr. Gamble regarding the two issues above.

Mr. Peckham commented that the citizens of Goshen are looking to the Board members to make a decision on this and other applications; and the Board should not be involving Attorney Waugh if not necessary.

Mr. Wirkkala commented that it could be just as expensive if not more so if the Board does not involve Attorney Waugh, especially if the Town gets sued for the Planning Board's decision.

## **NEHSA**

A question was asked if the Board has heard any more on the NEHSA building.

Mr. Howe commented that he heard NEHSA did not have any money to build. They needed the ZBA approvals and got them, but that's as far as it has gone to the best of his knowledge.

A question was asked if the NEHSA approvals would be expiring since it has been so long without any activity.

Mr. Howe commented that it is possibly so, but it is up to the applicant to keep track of their own permits.

## **GRAVEL PERMIT RENEWAL APPLICATION PROCESS**

Mr. Moen asked if there was anything the Board could do to streamline the process of renewing gravel permits in order to eliminate the aggravation.

Mr. Howe pointed out that when all is said and done, there is not that much time involved. Perhaps two hours for an inspection, two hours for a public hearing for waiver requests, two hours to discuss the permit application, and maybe two hours to render a decision.

A comment was made that lengthy discussions frustrate the public and the applicant.

## **APPLICATION FOR PLANNING BOARD ALTERNATE**

The Board reviewed the application to the Planning Board for alternate members prepared by Mr. Wirkkala. Current alternate members hold their positions for three years or until someone else is appointed in their place or until they resign.

Mr. Howe commented that it would probably be a good idea to have alternates sign up every three years in order to keep them current and engaged with the Board and its meetings.

Mr. Moen suggested that a revision date be added onto the bottom of the application.

Mr. Bell commented that he likes the application; it is very encompassing, but thought that it may discourage people from applying to the Board because it may seem too cumbersome to fill out.

Mr. Howe commented that it may not be a bad thing because it could help weed out those people who are not willing to take the time to read and thoroughly review documents. A potential applicant could opt to discuss their answers with the Board rather than fill out the application.

Mr. Wirkkala stated that he will edit the existing draft and incorporate Mr. Howe and Mr. Bell's suggested change. The board decided that once the change was made the position description could be placed on the Town web site.

## **MEETING MINUTES**

In the interest of time, the Board agreed to postpone the review of the meeting minutes of January 17, 2012 and January 24, 2012 until the next meeting, February 7, 2012.

**Mr. Moen made a motion to adjourn. Mr. Wirkkala seconded the motion.** All in favor. Meeting adjourned at 10:30 p.m.

Respectfully submitted,

Linda Plunkett  
Recording Secretary