

Town of Goshen
Zoning Board of Adjustments
Meeting Minutes
February 10, 2009

Present: Peta Brennan, Robert Johnson, Hannah Lockwood, Chairperson Thomas Lawton, Cyndi Phillips and Secretary Jessica Dennis. Planning Board Members: James Carrick, Chairperson Allen Howe, Rich Moen, Jonathan Purick, John Wirkkala and Secretary Susan Peacock.

Additional Attendance: Shaun Carroll Jr, of Carroll Concrete, Stephan Pernaw of Pernaw & Co, Tim Britain of Cleveland, Waters & Bass, Jeff Cloutier of North American Reserve, Robert O'Neal of Epsilon Associates, Inc., David Rauseo of Rauseo & Associates, George and Betty Caron, Alan & Priscilla Greenhalgh, Beatrice Jillette, Ray Porter, Lilyan Wright, Jodie Decato (Alternate Zoning member), Jack Warburton, David & Patricia Stephan, Robert & Frances Hadley, Mark Landry, Edward Andersen, Sr. and Jack Scranton (Alternate Planning member).

1. **Meeting Overview:** Chairperson Allen Howe called the meeting to order at 7:03 p.m. Chairperson Howe explains this is a joint hearing of the Planning Board (PB) and Zoning Board of Adjustments (ZBA) in an effort to streamline the process and avoid the applicant, Newport Sand & Gravel Co, Inc., having to make two presentations as they have an application with both the PB and the ZBA. An excavation permit application was filed in November of 2008 with the PB. The ZBA must make a determination of the application for a Special Exception before the PB can act on that application. Due to time constraints, not all questions will be answered tonight, additionally it would be beneficial for the ZBA members to have a copy of the application submitted to the PB and to have a copy of the Town's Excavation Regulations to review before the next hearing. As one of the applicants expects reports was just recently submitted for review, not all members of the PB or the ZBA have had an opportunity to review the whole document. There will have to be a follow up meeting after members have had an opportunity to review these reports. Chairman Lawton explains that new ZBA members are not as familiar with the site as the long standing Planning Board members, so there will be a threshold to overcome. The ZBA will need to determine if this application is substantially different from the prior application. New members may wish to review the previous applications.
2. **Introductions:** Tim Britain of Cleveland, Waters & Bass takes the floor to introduce expert witnesses who have come on behalf of Newport Sand & Gravel Co, Inc. Stephan Pernaw is here from Stephan G. Pernaw & Co. to speak about his traffic impact study regarding the Project. Robert O'Neal of Epsilon Associates, Inc, to speak of the noise aspects of the Project if the permits are granted, his reports are not complete as of this meeting date. David Rauseo of Rauseo & Associates to speak about real estate valuation information if permits were granted. Jeff Cloutier of North American Reserve is here to present about aquifer related issues. The initial application that was submitted in 2000 was a much larger project than the one being proposed at this time. A 2004 application was filed with respect to a reduced project and the ZBA at that time determined that the 2004 project was materially different from the project proposed in 2000. All reports, that are available at this time, have been made available for the public to review. Some reports are not yet available, but as soon as they are available they will also be available to the Board and the public. Newport Sand & Gravel is hoping this will be the most

efficient and convenient manner to present the material to the public and the Planning and Zoning Boards. Robert O'Neal's noise evaluation report is not yet available and therefore he will not be speaking tonight. Jeff Cloutier and Stephan Pernaw are hoping to present tonight and not need to return at a later date, unless there is not adequate time for the Board members to get all their questions answered.

3. **Application Overview:** Shaun P. Carroll provided an overview of the project. The property in question is often referred to as "The Anderson Property," map 203, lot 2, this property is located behind the existing Lumber Barn property, the red school house and the Keith Hall property. This is a one-phase project as shown on the plans submitted with the application. Entry to the pit will be located fifty to sixty feet up Lear Hill Road from the Landry's property; there is an existing snowmobile trail there at this time. The entry will remain level with the Road most of the way, which will help keep water runoff onto Lear Hill to a minimum. There is already a short section of the entry that is paved; further paving will be done to the entry if the project is approved. A gate will be put up at the entry, similar to what is at the Davis pit at this time. The excavation will begin on the "top" of the site and then around in a "U" shaped fashion to the lower portion. Excavation will be done in a "U" shaped manner as it is easier to reclaim, and there is no need to leave the excavated site open after work is done on that portion. Excavation will begin on the backside of the esker much later into the project, so there will be minimal view from the road until the later part of the project, especially since there is a large amount of pine trees standing as a buffer. Reclamation will occur concurrently with excavation. Both the Davis Pit and the Anderson Pit would not be running at the same time, so the volume of trucks would not increase. Mr. Carroll stated that the Davis Pit is almost exhausted. Chairman Lawton asked if the esker will no longer exist as we see it today. Mr. Carroll responded the esker will not exist. Currently there is a gap between the hill and esker as that area has been heavily logged previous to this project. The toe of the slope will be taken and the material will be reclaimed before excavation begins on the back section of the property. They are not planning to strip the entire property and it is easier to reclaim as they work. It will be two and a half to three years before the esker behind Lumber Barn will be cut, and the whole project will not happen at once. The Company intends to conduct an aesthetically pleasing project. A walk through of the property would be allowed, similar to those done by the PB at the existing Davis Pit. This is expected to be about a five-year project, about two to two and half on the back, a half-year to make the swing around to the front of the lot and the remainder excavating the esker behind Lumber Barn; depending on the economy and the demand for product. If the applications were granted, it would be two to three months before excavation would begin in order to further develop the entryway to the pit. As mentioned at the end of the second year, the first year's work will be reclaimed; seeds will be planted in the spring or the fall depending on completion dates. A member questions the reference to "phase one," is there a "phase two?" Mr. Carroll explains that this application is only for a one-phase project. If the Town is still pleased with the work done at the end of the project, Newport Sand and Gravel Co, Inc may return for another application to do further excavation. Newport Sand and Gravel Co, Inc owns a total of 208 acres with gravel on 65 acres. A prior application contemplated four phases. However, this Application is for only one phase that coincides with Phase 1 of the 2000 application. The access for the project is from Lear Hill Road in an effort to impact the Town as little as possible. This application is for about 25 acres, there is nothing

included in this application to indicate any further excavation, as not to confuse the current application. Excavation of the slope will only go 15 to 100 feet deep and about 35 feet high and will be terraced. The slope is too steep to promote any further excavation up the slope, and there is too much ledge at the location, unlike the Davis pit. Newport Sand and Gravel Co, Inc has no interest in blasting the ledge, additionally there is no good ledge at this location. During reclamation, the top surface of the area excavated will be used as fill and will be reseeded with grasses and shrubbery will be planted to control erosion. The roadside of the esker has lots of trees, which will remain, while the backside has been heavily logged so only the cab of a truck or a portion of a loader will be visible for a brief period in the latter stages of the excavation. As mentioned, the truck traffic will remain the same, a maximum of 110 trucks a day, between the hours of 7:00 am and 5:30 pm. There has been an average of 94 to 96 trucks a day hauling from the Bridges pit in Unity through the Davis pit. The Planning Board granted permission for 110 trucks, which is up from the 77 originally permitted for the Davis pit, with the understanding the situation would be reviewed again in a year to be certain the Town is still satisfied with the situation. The trucks to be used will be tri-axle trucks. In response to a question from the audience about taxation of gravel pits, Mr Carroll indicated that he thought the Davis pit is zoned as commercial property and is therefore assessed at a higher rate, so the taxes paid are higher. Newport Sand and Gravel Co, Inc takes pride in their work and hope to keep the Town looking nice and have a cooperative relationship with the Town while they continue to work.

4. **Aquifers:** Jeff Cloutier testified about the impact the excavation will have on the Sugar River and the aquifer. Mr. Cloutier is a licensed geologist. He indicated that the water quality or quantity will not be affected by this project. The quality and quantity of water can be monitored throughout the project. It could be done monthly if it was requested, but quarterly would be sufficient. Three monitoring wells are in the same location as they were for the 2000 project proposal. The fluctuations in water quantity can be compared to regional data, which is collected daily at USGS aquifers in the area. Seasonal high water tables can also be compared to USGS aquifers. Traditionally, the water levels of the aquifer have mimicked the level of the River as it runs adjacent to the property. The water level remains at a level point, even as the elevation of the hillside increases. The excavation will not impact the water levels. The test wells could also be monitored during the excavation project if dictated by the Planning Board. The data presented at this time, is from the 2000 application, but it is unlikely the data would have changed. This can be verified by the results of the USGS aquifer sites in the area. The location of the 2000 test sits should also remain adequate for this project. The water level of the aquifer changes seasonally. The banks of the river are 15 to 20 feet lower than the excavation site. Even if there is a major flood event the water levels will not reach the area to be excavated. In terms of impacts to the quality of the water the Department of Environmental Services (DES), has issued a Terrain Alteration Permit for the project. Furthermore, the Company will adhere to Best Management Practices with respect to equipment used at the site will be well maintained and in the event there is a leak, pads are available at the site to immediately absorb anything that might contaminate the water. These procedures, and the pads used, are part of the Best Management Practices developed by DES. According to Mr. Carroll, typically there will only be two pieces of equipment at the site while excavation is in process. During reclamation, there may be three vehicles on site. The loader is the only piece of

equipment that will remain at the site at all times. It has a strict maintenance schedule, including an oil change every five weeks. A base line chemical analysis could be done before the excavation begins. This water runs down stream to other bodies of water, and supplies water to wells down stream. If there are any materials leaching from the sand and gravel into the Sugar River, they would be leaching now and the excavation will not make it leach any more than it already is. Chemical analysis are usually done when there is blasting or dynamite involved. Since there will be no blasting, there is little reason to have chemical analysis done. Excavation sites do not usually create problem like ray don or e-coli, these problems typically exist before excavation begins. It is usually petroleum-based substances that tests would be done for as they can create these problems. Opening up the excavation and stockpiling the topsoil usually allows more water into the aquifers, but due to the scale of this project, it should not have much affect. Predictably, it would be such a small amount of extra water it would not even be detected in the test wells. There is a seasonal stream located near the southern end of the excavation site. Mr. Cloutier stated that reducing the setback to a seasonal stream immediately south of the project area from 150 feet to 25 feet will not result in any negative impact to the stream. The stream is either perched (i.e. higher than the water table) on an impermeable layer (organics, clay, ect.) or the watershed provides enough overland flow to maintain the stream. The flow and course of the stream will be sustained as long as the stream bank and the streambed are not altered.

5. **Traffic:** Stephan Pernaw is a professional engineer and registered traffic engineer. He testified about affect of the traffic on Route 10 and Lear Hill Road. It is only a small section of Route 10 in Goshen that will be affected. The 110 trucks that are currently traveling that route are already showing the affects on local traffic. Particularly since both pits will not be running at the same time. Department of Transportation (DOT) guide lines are always used, even though it is not necessary on a Town owned Road. The number of trips is based on Newport Sand & Gravel Co, Inc agreement with the Town; there is no DOT land use code at this point. This project is expected to start in 2010, and a ten-year traffic and intersection projection was done, even though the project will not last that duration of time. The study was done on a day in January. In terms of existing traffic volumes, between the AM peak hour of 7:00 and 8:00 am. There were 192 vehicles, in total, traveling North and South on Route 10 and 12, traveling East and West on Lear Hill Road; between the midday peak hour of 1:00 and 2:00 pm, 169 vehicles, in total, traveled North and South on Route 10 and 26 traveled East and West on Lear Hill; and during the PM peak hour of 4:00 and 5:00 pm, 258 vehicles, in total, traveled North and South on Route 10, and 25 vehicles traveled East and West on Lear Hill Road. This is a new study for the present project. It is understood that January is not a peak travel season for the area. Summer projections were a 14% increase in traffic flow in the morning hour, 40 % increase in the mid-day traffic and a 20% increase in the peak afternoon traffic. Figure 4 in Pernaw's study indicates the travel occurring in 2010 if the excavation site was not permitted. Tables 3 and 4 evaluate the Route 10/Lear Hill intersection capacity. Currently there is no congestion at the Route 10/Lear Hill intersection and the study indicates that adding 20 to 30 trips an hour to that intersection would still not create congestion. A wait over 50 seconds at a stop sign indicates there is a level of service condition at any location. None of the vehicles observed had to wait for that duration of time, therefore it is felt this location is not congested. Tables 5 and 6 indicate there will be no special widening or other action needed at this location. Some

trees may need to be trimmed on Lear Hill Road to provide better visibility to drivers entering and exiting the excavation site. As long as these trees are removed, there should be no unsafe driving situations created by this project. This is good sight distance looking North and South on Route 10. The projected impact will be no different from that the Town experienced in 2008 in connection with trucks exiting from the Davis pit. Hannah Lockwood inquires about the safety of the bridge on Lear Hill Road. Mr. Carroll indicated that bridges are reviewed by the State yearly, and that bridge does not currently have any flags on it. Bridges are legally required to hold at least 80,000 pounds, unless they are otherwise posted. The bridge in question has not been posted otherwise and the loads being hauled over the bridge are only 76,000 pounds. The bridge was rebuilt in 1991, but the continued use of the bridge by the trucks of Newport Sand & Gravel Co, Inc are a concern for some members, and if the constant use will shorten the life expectancy of the bridge. Perhaps a little research is required on this subject. The Lear Hill Road, Route 10 intersection will remain adequate for the project. The Planning Board permitted the one-year trial of the increase from 77 to 110 trucks a day. This can be addressed again. A member asked if the constant running of large trucks up and down the Road have any affect on the old homes, structurally, in comparison to if the traffic was mostly passenger vehicles? Mr. Carroll indicated that he has spoken with the abutters about the project, most of which have left at this point in the night, and the noise affects will be discussed at the next hearing.

6. A member requests a quick math lesson in converting pounds to cubic yards. 2000 pounds equals a ton, a ton and a half equals a cubic yard. Therefore, 3000 pounds equals a cubic yard.
7. **Property Assessments/Sales:** Finally for the night, David Rauseo will present the affects the Anderson pit will have on the sales and assessment of properties in the immediate area and within view of the excavation site. Data is first collected using form PA-34. These forms are provided by the State to anyone who purchases property. This form is first used to identify sales that occur near active excavation sites, and then confirm if they are market sales. Market sales are those sales that were not influenced by any outside factors. For example, they were not a sale between related parties, neighbors of abutting land, and/or there were no cash or equivalents involved to somehow make the property more appealing to a potential purchaser. The PA-34 was used as a starting point, and then the buyer, seller and broker were spoken to, to make sure none of the above situations were a factor in the sale. Then the market sales of properties near an excavation site were compared to market sales of properties not near an excavation site. The sales were compared to the sale of houses within the same Town that were similar in as many ways as possible, for example the house styles, ages, ect. The sales should have also occurred within the same time frame. Sales were looked at from Goshen and surrounding Towns, like Newport, Claremont and Charlestown. Meaning a market sale of a property near an excavation site in Newport was compared to a market sale of a property not near an excavation site in Newport. Sales were not compared to a sale in another Town. If you stray to far from the immediate area the sales become less similar. It is determined that there is approximately a range of 0 to 17% (more or less) difference in the price of properties sold near an excavation site. Mr. Rauseo's conclusion is that people will not pay more or less money for a property within close proximity of an active gravel pit. The analysis was also done on properties

that were within visual range of the site, Mr. Rauseo looked at the affects on properties located on Brook Road and Center Road. He concluded there would be little affect on the assessment or possible sale of these properties. John Wirkkala inquired why Mr. Carroll did not consider Ball Park Road in his analysis. Phyllis and Ed Baker's property has a direct view of the downtown area, including the proposed excavation site, and is currently for sale. Mr. Rauseo did not realize these houses had a view of the site. It is determined that the highest possible impact on the valuation of the surrounding properties will not occur until the later part of the project, three to five years out, when the esker is removed.

8. **Continuation:** At this point, times are discussed for a continuation of this hearing. The hearing will continue on Tuesday, March 3rd at 7:00 p.m. in the Goshen Town Hall.

Cyndi Philips, seconded by Tom Lawton, makes a motion. Motion passed, meeting adjourned at 10:15 p.m.

Respectfully Submitted,

Jessica K. Dennis
Secretary for the Zoning Board of Adjustments