

Town of Goshen
Zoning Board of Adjustments
Meeting Minutes
March 3, 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, and John Wirkkala

Additional Attendance: Shaun Carroll Jr, of Carroll Concrete, Stephen 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, Dick Fraser, Residents: Beatrice Jillette, Ray Porter, Lilyan Wright, Jack Warburton, Robert & Frances Hadley, Mark Landry, Keith Hall, Jim & Prudence McCormick, Jean & Paul Barrett

1. **Meeting Overview:** Chairperson Allen Howe called the meeting to order at 7:05 p.m. Chairperson Howe explained this is a continuation of the joint hearing of the Planning Board (PB) and Zoning Board of Adjustments (ZBA) meeting that began on February 10th, 2009. In an effort to reduce some confusion, only the Zoning Board Secretary is present at this meeting. Both boards have copies of all reports that have been submitted and have the ability to ask questions at the joint hearing. As long as any questions asked do not influence the decisions of the other Board. The Planning Board will not be part of the deliberations made by the Zoning Board. It may not be possible for the Zoning Board to make a decision tonight, they have not had ample opportunity to review the prior applications filed by the applicant in 2000 and again in 2004. Hopefully the presentations can be completed tonight and members will have the opportunity to review the prior applications before a decision is made. The project presented in 2000 was a significantly larger project than the project presented in 2004. The project being presented tonight is substantially smaller than the project presented in 2004. Cyndi Phillips feels it is only fair to allow the new Zoning Board members time to review to the previous applications so they can properly educate themselves as they were not part of the ZBA at that time, and are not as familiar with the applicant as members that were part of the Board when the applications were first submitted. Stephen Pernaw of Pernaw & Co is here if members have questions about traffic, Jeff Cloutier of North American Reserve is here for questions about water aquifers, and David Rauseo of Rauseo & Associates is here to answer questions about traffic. Robert O'Neal of Epsilon Associates, Inc. will be presenting his noise study report.
2. **Noise Levels:** Robert O'Neal of Epsilon Associates testified about the noise levels that will be generated from the pit. Mr. O'Neal has 20 years experience with community noise evaluations. He will present data that is in the Sound Level Impact study dated February 24, 2009 and how sound levels from the excavation site are relevant to the Town's noise ordinances. Particularly the impact the sound level will have on the community. Town ordinances (Section III. Districting and General Provisions, R. Noise Regulations, 6. Noise measurement Standards) states three criteria; sound levels shall not exceed 65 dBA between the hours of 7:00 am and 10:00 pm, project sounds must be compared to the sounds level before the project begins, and will the project produce an outside audible tone not masked by the residual ambient sound. The sound level measurement instrument was set up in June 2003 at three locations in Town between

7:00 am and 5:30 pm. The three locations were; one on Route 10 near the Fournier's house, one at Town center by the Town Hall, and one the southern edge of Town at the Bevilaqua location, near the Route 10 and 31 intersection. Figure 7 shows locations. A lot of sound information was collected and can be seen on pages 14, 15 and 16, figures 4, 5 and 6. See page 10 to see the results of the background noise in Town. The Fournier location has a background noise of 40-dBA, Town Hall location also has 40-dBA and the Bevilaqua location has a dBA of 38. The reference sound level information came from the Davis project while work was in progress. Four sources of noises were used as a worse case situation. Software called the CADNA system was used to predict the projected noise levels from the pit. Several locations were studied in the pit, and the worse case situation was the east side of the esker where it is very low, even lower than the east end. However, the east end is the worst case for the community. The east side has a larger buffer, but is 1,000 to 2,000 feet away from Route 10. Figure 7, depicts sound level modeling locations. Eight site locations were selected, based on property line locations, even though there are no homes near those locations the Zoning Ordinances require property line locations to be reviewed. Table 6 on page 24 has a summary table regarding the sound levels recorded at the various measurement locations. Of the eight locations, the worst case predicted noise production is 40 dBA, which is near the property line of the project property closest to Lear Hill and 114 Mill Village Road, the Hall residence. The Town's limit is 65-dBA. The predicted results show increase over ambient of 0 to 6 dBA at residences and 9 to 10 dBA at some property lines. The Town standard is 10 dBA. The number is so minimal because of the distance. Newport Sand & Gravel Co. will maintain a ten-foot berm to keep the noise level down. Page 25, section eight, shows there are lots of natural elevations and bounders to help with a natural buffer to the North. A 3D program has been brought in to help assist with the visual. Allen Howe is wondering about the affect of a berm to the east on model results. Mr. O'Neal stated that without the berm the house noise would be six to seven dBA higher and would therefore be over the Town limit. How were these three locations selected to place the sound level instruments? How were results of the Town Hall location affected when the equipment is running? Mr. O'Neal explains that the center of Town was reasonable, because you can hear traffic passing by but you could not hear the Davis Pit activity. The equipment was set up to measure the traffic sounds, and not hear the Davis Pit activity. 50 to 70-dBA during the day with traffic, worse case with everything operating, the noise level would be approximately 44-dBA which is below the Town's requirements. Town Hall is 1,250 feet away from the project site. Sound decreases over distance, adding two sounds together, does not work the same way as adding two numbers together. 50-dBA plus 50-dBA equals 53-dBAs. The trucks drive to Newport and will not increase the sounds at the Town Hall anyway. Air brakes, or a "Jake Brake" would not be needed anyway. A 25-ton haul truck exiting the Davis site with a full load was measured at 69 dBA (LEQ) at 50 feet. The Base line sounds at Town Hall are all at a straight line, same level as the activity. How will homes that sit above the pit elevation be affected by the sounds from the pit? Heading uphill, the sounds will diminish as they are further from the pit. Cyndi Phillips feels that even though noise may diminish as you go uphill, the people living on Brook Road, for example, do not have the ambient noise of Route 10. Does the formula for the Town Hall and 144 Mill Village Road still work for locations that are elevated? Mr. O'Neal explains that the Fournier property is an elevated location from Route 10. Page 17, there is a sentence about a 25 ton fully loaded haul truck was measured exiting the Davis Pit,

why was the noise measured from within the excavation site, and not on the bottom of Lear Hill. Why was a sound study not done of trucks exiting the excavation site? Mr. O'Neal explains that the noise of trucks leaving the excavation site, and turning off Lear Hill are already existing. Trucks leaving the Anderson Pit would be leaving from approximately the same location. 22 Lear Hill was looked at in this study. Page 20 discusses the off site excavation related truck traffic, which was modeled by 10 trucks an hour, which would create 55-dBA. Vehicles traveling on a public way are not subject to Town noise ordinances. A board member is wondering why a 25-ton haul truck is used through out this proposal, and would a larger truck have a larger impact, would a 99,000 pounds vehicle make a difference to 22 Lear Hill Road. Mr. Carroll explains that the project is limited to 10 wheelers, generally the loads are between 60,000 and 73,000 pounds, but 80,000 pounds is the limit. The same size engines are used from 73,000 to 80,000 pounds, so there would be no sound level change. Ray Porter has a question from the audience, if there is a 60-dBA and a 40-dBA noise going on at one, do you hear both noises? Mr. O'Neal explains that if there is more than a 10-dBA difference, you usually hear the louder of the two, if one has a different tone, you would hear the one over the other. But he is not saying the excavation site or the trucks will never be heard.

3. **3-D graphics of Anderson site:** Dick Fraser has provided a 3-D computer model graphic presentation of the Anderson Pit, to help people visualize the location. The site was flown and data was sent to Ossipee to create this visual. Mr. Carroll points out that the esker goes up and back down into the basin. Work on the southern end first and the esker will be taken on the back swing. The two locations where the loader will be visible from the road were pointed out. The row of trees that will be left as a barrier in front of the esker are pointed out. The 3-D image illustrates that the basin will not be visible as you come down Route 31. As mentioned in the previous meeting, Mr. Carroll went up to the Baker's property on Ball Park Road and states that the pit will not be visible from that location, the steeple is visible, but no other buildings are. This project is 21.86 acres. An additional map was created to show the elevations after the excavation is complete. The Davis pit is 55 acres; this pit is only 21.86 and will be reclaimed as their work progresses. The Davis pit had to be done progressively. When the Anderson pit excavation is completed, there will be another meadow back there. The road built into the pit will be level with Lear Hill Road and will be the elevated knob so the trucks will not be visible from Route 10. Carroll only excavates from May thru mid October.
4. **Noise Levels:** Page 20, section 6.2 demonstrates the sound level is 55-dBA from the project and the existing traffic creates 60-dBA. In 2000, the LEQ or "average sound" was 61-dBA by 22 Lear Hill Road, which included the traffic on that day, such as logging and UPS trucks and school buses. The 61-dBA also included noise from the river, which is quite loud. Noise from proposed traffic from the excavation site, is expected to be 55-dBA. The project noise plus the existing noise would create a projected combined noise of 62 to 63-dBA. A change of one to two dBA is hard to hear with the human ear, there needs to be a change of three to five dBA before the difference can be heard.
5. **Property Assessments/Sales:** John Wirkkala has some questions from David Rauseo of Rauseo & Associates about the submitted. Page 45 there is a chart comparing a sale in

Charlestown. Comparison #3 with 3a shows 32% less where C3b shows 17% less. Page 52, C4 and C4a data chart comparison, should it be 32% less, rather than 17%? The same numbers are shown on Page 1, Summary of Facts, C3 and C3a. Page 27 pared sales in Goshen and Newport. This report was an update of the report submitted five years ago. Addendum B shows community of Goshen the most recent sales from Newport. Page two and three are balloon photos, which were also used in the February 3rd, 2004 report. A section on page 26 describes balloon markers from various nearby residence. There are photos of the new site, or phase one, which appear to be identical to the site in the 2000 proposal. There are fewer photos in this proposal, but some of the photos were reused from the 2004 proposal. What was then the north side of the site is now the southern part of the site, so photos were reused in this report. John Wirkkala pointed out that in looking at the new and updated report, the two sites seem to be outlined differently, so how could the same photos be used in both proposals. Mr. Rauseo explains that the photos on pages two and three are from the old proposal but overlap the new proposal. Mr. Howe stated the report seems to indicate that for 42% of the comparisons (5 out of 12) the sale price was less for a property associated with a gravel excavation. In addition it appears the average percent less (8.4% is greater than the average percent more (6.8%). The basis for this information was from confirmation from the buyer, seller and broker. To confirm the sales, it is most important to look at the proximity of the property to the gravel pit. A board member states that while all these numbers sound good on paper, it is hard to lean on something that is purely based on numbers. Mr. Rauseo states that most of the opinion is based on conversations with the parties involved. Seven of 12 sales had a difference in sale price of four percent or less. Data was collected over time and then the sale price was looked at, there is a difference in motivation for someone who purchases a piece of real estate as apposed to a condo. There is not a well-established market for properties sold near gravel pits so they can be studied more thoroughly. John Wirkkala also points out that on page 12, there is a sale from the beginning of the study, from 2002 and 2003, on this page there is a 13% depreciation from the sale price and then on page 11 there was a sale in 2000 that had a difference in asking price from \$99,000 to \$220,000 which comes to a difference of 3% not 13%. John is wondering if those numbers were changed for this study, by inflation or some other numbers to make up that difference so that it more properly illustrates the affects if the sale had happened now instead of in 2000. G1, G2 and G3 graphs show a difference of 3% not 13%. Mr. Rauseo states that page 11 illustrates that the average sale price declines rather than increases. Mr. Wirkkala observed that on page 34 the percentage should be adjusted to the center of the chart; adjust G1a to G1. G2a to G2 and G3a to G3, all involved Goshen related sales after 2003 but don't work into the analysis, because there were not any similar enough to compare the sales. C1 and C1B should be 17% greater. C1 sale was 100 yards from a gravel pit, but C1b was 400 yards from a gravel pit. C1 was sold from \$15,000 less than the asking price, after it was on the market for 146 days. Page 40 shows a 17% summation of the previous adjustment. C1b chart was adjusted to equate all the sales to C1. 5% adjustment to C1b, because it was a slightly inferior sale to C1. The building was 50% smaller and was deteriorated a lot more, resulting a net adjustment of 10%. 17% is just a calculation, greater adjustment from C1 to C1b after all the adjustments were made. A member notices that sales being compared are not necessarily near pits of the same size and amount of usage. Mr. Rauseo explains that it s difficult to find comparable pits in the same approximate area with a comparable sale within a comparable time frame. A

member states that it does not seem fair to be comparing sales of homes near a blasting pit to a sale of a home near a smaller pit, like the one owned by the Town of Charlestown that has very little activity that is limited to the Town leaving asphalt in the pit for a period of time until they are prepared to crush the material and remove it. C2, C3 and M1 are quarrying operations that include drilling and blasting. Thomas Lawton points out that statistical information is great, but there doesn't appear to be any information about the actual contact with the buyer, seller, broker, which would seem to be more important information. There is no documentation of the communication that occurred with the buyer, seller and/or broker. Mr. Rauseo states that the addendum includes summary information from each sale, which begins on page 108, the PA-34's are included from each sale, real data MLS information is provided to show that all sales were fairly exposed to the market. Thomas Lawton simply explains it would be nice to see back up within the report itself of the contact with the individuals involved in the sales. Mr. Rauseo states on page 30, the G1 sale compares a 2003 sale versus a 2001 sale, the % difference in average is 24%. Page 11 the total quantity of property sold, there was not a lot of data within the community the property was sold, so he did research on the county level. The sale on page 12 also had low quantity, 16 to 34% could be a difference due the sale within different counties. A board member wants to know about the G1 and G1a sale was a comparison of homes, one built in 1831 the other in 1840. Is it fair to compare the sale of homes, when one was built in 1950 and the other in 1843? Mr. Rauseo explains that on page 31 there is a chart showing the comparison of the sale of the home built in 1843, there is a lack of adjustment due to the ill maintenance of the building. G2 and G2a show the differences between them. Page 67 shows the G2a conditions were called "average," and the G2 sale of the 1950 house was in "good" condition. So the conditions of the properties make up some of the difference, the properties don't have to be similar in age to be similar in conditions. G2 and G2a appear to be comparable. Market conditions changed due to limited quantity of sales.

6. **Continuation:** The meeting will be continued on the second Tuesday in April, April 14th, at 7:00 p.m. at the Goshen Town Hall. Per a motion my Cyndi Philips, and a second my Jonathan Purick, motion passed.

Cyndi Philips, seconded by Jonathan Purick, makes a motion. Motion passed, meeting adjourned at 10:30 p.m.

Respectfully Submitted,

Jessica K. Dennis
Zoning Board of Adjustments Secretary