

**Town of Goshen
Planning Board
Minutes of December 21, 2017
FINAL**

Planning Board members present: Alicea Bursey (Chair), Bruce Nadeau (Vice-Chair), Doug O'Clair, Fred Smith, and George Hebert.

Guests: Shaun Carroll, Jr., Kathy Carroll, Dick Fraser, Lydia Hawkes, Sue Russell, Steve Russell, Jolyon Johnson, Alan Shulman, and Dan Peterson.

Meeting called to order at 7:00 p.m.

Public Hearing on Newport Sand and Gravel Permit Renewal

The full board was present as Dick Fraser presented the application documents required for the Anderson Pit, phase 2 permit renewal. Mr. Fraser presented the board property maps, discussed permits that had been obtained, provided the updated bond information and explained the need for a permit renewal and the processes of both excavation and reclamation that have been performed to date.

All documents for the renewal process have been submitted and received by the board, all notifications of the local newspaper, abutters, and postings around the town have also been completed. A check was presented to the board in the amount of \$199.57 (check #191524). Recording secretary, Melissa Salinardi, will deliver payment to appropriate location.

Chair Bursey opened the floor for discussion and there was no concerns or comments.

Several board members voiced that they were pleased with the upkeep of the pit, the work that was being accomplished, and the relationship/communication between the Town and Newport Sand and Gravel.

Chair Bursey read the wording of the renewed permit. Shown below...

**PERMIT FOR EXCAVATION
TOWN OF GOSHEN
*RENEWAL (Phase 2)***

Owner/Applicant: Newport Sand and Gravel Co. Inc.
Address: P.O. Box 1000 Newport, NH. 03773
Telephone Number: 603-863-1000, 603-520-9815 (cell)
Contact Person: Shaun Carroll, Jr.
Site Location: Tax Map 203, Lot 2
Date of Issuance: January December 21, 2017
Renewal Date: December 21, 2020

Conditions of Approval: Hours of operation on the site are limited to weekdays only from 6:45 a.m. to 5:30 p.m. on weekdays only. Operation on weekends (Saturdays and Sundays) and on state and national holidays shall be on an "emergency basis" only.

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 through, 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 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.

With the following conditions:

- The minutes of 6:45 a.m. to 7:00 a.m. are to be used exclusively for warm-up as follows: 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.
- 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:
 - The use of a discretionary backup beeper on the loader.
 - The maximum use of hand signals or other silent means, rather than vehicle horns, for communicating among personnel within the excavation site.
 - The directing of the flow of traffic such as to minimize the need for vehicles to back up within the excavation site.
 - Compliance with the "hours of operation" as set forth in the Town of Goshen's Excavation Regulations dated April 2004.
- 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.

The permit is valid for three years.

A bond for reclamation of the site in amount approved by Planning Board is received.

Planning Board will visit the site every year of operation in the fall to verify compliance with the permit.

This permit is issued and accepted on the condition that all regulations of the Town of Goshen's Excavation Regulations dated April 2004, and Newport Sand and Gravel's Excavation Permit Application approved December 21, 2017 (**note in the original signed document, this date is hand edited**) are in compliance.

Any change in design or scope must be proceeded by a new application and permit.

This permit can also be found on the town's website.

Chair Bursey opened the floor for discussion on the permit wording.

Dick Fraser: Had a concern regarding the reclamation hours.

Chair Bursey: Stated that the wording comes directly from the Excavation Regulations.

Shaun Carroll, Jr.: If changes are made to the regulations, will the new regulations have to be followed or will the current regulations be enforced?

Chair Bursey: As it states now, Newport Sand and Gravel would have to follow the old regulations. However, the board would meet and rewrite the wording so that the new regulations would be enforced.

Shaun Carroll, Jr.: What about certain emergency situations?

Chair Bursey: As long as the selectman board is notified, there shouldn't be a problem with emergency situations.

Bruce Nadeau made a motion to renew Newport Sand & Gravel's permit for Phase II of the Anderson Pit. Doug O'Clair seconded the motion. All were in favor, permit is approved and Newport Sand & Gravel Pit has completed their renewal application process.

The board signed five (5) copies of the permit.

Mr. Shaun Carroll, Jr., Mrs. Kathy Carroll, and Mr. Dick Fraser left the meeting.

Lydia Hawkes addresses the Board

Lydia Hawkes addressed the board with her concerns. Her concerns are stated below...

As a Goshen resident I am concerned about the development of the 3D archery course in the Goshen portion of the leased area of Mt. Sunapee State Park. I appear before the Planning Board to present additional information which was not part of Jay Gambles presentation on September 7, 2017.

The development of any proposed activity by Mt. Sunapee Resort must follow procedures laid out in the 1998 Lease and Operating Agreement in the Public Oversight and Policy section of the lease.

Commissioner Rose's June 29, 2017 letter to Timothy Mueller defines the conditions to be met for approval of the 3D archery course.

It appears that these procedural steps were not taken by Mt. Sunapee Resort resulting in a lack of review by the state of NH and the town of Goshen.

*The Goshen PB was not given an opportunity to do a review of the plans prior to construction as well as a site review. Jay Gamble appeared before this board on Sept. 7th (the course opened on July 4th weekend) and presented the Design and Safety Plan of the Mount Sunapee 3D Archery Course. According to the 1998 lease, "construction plans will be submitted to DRED and the Town of Newbury or the Town of Goshen as may be appropriate **60 days prior** to construction."*

In addition he states, "that no trees were removed for the making of this course." Further he stated "that a similar course exists on Mount Sunapee on Newbury, NH property." I believe these statements to be at least misleading and potentially false. These statements were made to justify the integrity of the project to Goshen PB members.

I have submitted photographs of trees that were cut along the course trail as well as in the target areas.

The 3D archery course is wholly in Goshen and is not part of the Newbury portion of the leased area of Mt. Sunapee State Park. This was stated to the Newbury Planning Board by Jay Gamble on September 22nd. There is no 3D archery or similar course on the Newbury portion of Mt. Sunapee State Park.

*Further, the NH Dept. of Fish and Game was supposed to have been notified of the project prior to construction to do a Design and Safety Plan review. According to Laura Ryder, the Dept. of Fish & Game did not receive the plans for the course until July 24th, 24 days **after** the course had opened.*

Based on this new information, I respectfully ask the Planning Board to reconsider their Sept. 7th decision, "that no hearing and no permit would be required for the 3D Archery Course" and conduct a review that includes the additional information presented to you this evening.

I would also like to know if the PB has had any knowledge of the building and design of the Adventure Park, Evolution Bike Park, or Frisbee golf course, all of which are in the town of Goshen. Past and recent work this summer on the bike trails involved alteration of terrain which may have required DES approval. The disc golf involved cutting of trees.

If one walks on the side of the hill where many folks walk their dogs or hike, the zip line, mountain bike course and Frisbee golf converge with one another to the point of being dangerous. And while patrons of the resort buy a ticket with a waiver exempting the resort of injury liability, is the town of Goshen also exempt from liability?

Could the Planning Board review their minutes as to when these projects came before the board, what type of site plan reviews were made, and what plans and permits were presented.

I thank you for looking into these projects and letting me know at your earliest conveniences.

*Respectfully,
Lydia Hawkes*

The board reviewed pictures that were presented and addressed portions of Lydia Hawkes concerns.

Lydia Hawkes, reiterated her concerns as were mentioned above and voiced her concern for the safety of residents using hiking trails on the mountain. Safety was noted as a main concern as well as appropriate procedures that should have been followed by the Mt. Sunapee Resort prior to the expansion and construction of the Adventure Park, Evolution Bike Park, or the Frisbee Golf Course. Ms. Hawkes is concerned that Goshen should be able to have some sort of oversight over what is being constructed or altered on Goshen property.

Bruce Nadeau made a motion to allow a non-Goshen resident to voice their concern. Doug O'Clair seconded the motion. All were in favor, Sue Russell was given permission to address the board.

Sue Russell of Newbury: Clarified for the board the area in which was altered for the mountain bike terrain.

Discussion was made amongst the board members regarding liability that Mt. Sunapee would have regarding any part of the Adventure Park. Also, questions were brought to the table regarding the procedure taken for building/altering the terrain for these new trails. In the opinion of Sue Russell and Lydia Hawkes, material was indeed moved and brought in to change the landscape of the area.

Fred Smith: Suggested that the board take a guided tour of the area in the Spring early Summer (after the ski season is finished) so that the board can view the areas in question.

Lydia Hawkes: Agreed that the board should see the trail and would be willing to accompany the board as a guide. She also stated her concern for proper procedures that Mt. Sunapee Resort should have followed prior to construction of the Adventure Park, and asked the board if they knew what type of permissions the Planning and Zoning Boards at the time had given.

Doug O'Clair: Stated that Mt. Sunapee did come before the Planning and Zoning Board for approval of the Adventure Park and the zip line. The board would have to look back and see what information was on file. However, he did suggest that a special exception or variance may be on file.

Bruce Nadeau made a motion to allow a non-Goshen resident to voice their concern. George Hebert seconded the motion. All were in favor, Steve Russell was given permission to address the board.

Steve Russell of Newbury: Stated that some of their concern revolved around the presentation that was given to the board during the Sept. 7th meeting where Jay Gamble (Mt. Sunapee Resort) was present. His concern was that some of Mr. Gambles statement were inaccurate. Especially his comments regarding a similar course in Newbury. To Mr. Russell's knowledge, there is no similar course in Newbury whatsoever (see Minutes 9-7-17 Final for more details).

Jolyon Johnson: Stated that the process of getting things done is what is being questioned. Whether proper procedures are being followed.

Chair Burse closed the public discussion portion of the meeting.

At this time, due to the weather, no further actions can be made in regards to viewing the areas in question. The board agreed that once the snow has melted, they would plan a guided walk-through inspection to determine their next course of action regarding the terrain alterations. The board will also look into previous special exception and variances to determine what permission was given in reference to the Mt. Sunapee Adventure Park.

Lydia Hawkes was asked to bring her concerns before the Town meeting in March as well as to reach out to the Planning Board again during the Spring early summer months to set up a day for the guided tour.

Bruce Nadeau made a motion to have a guided walk-through inspection in the spring and to review special exceptions and variances in regards to the Mt. Sunapee Adventure Park. George Hebert seconded the motion. All were in favor, motion approved.

Review of ZBA Proposed Sign Regulation Changes

Bruce Nadeau made a motion to table the ZBA's proposed changes to the Sign Regulations and revisit during the next meeting. George Hebert seconded the motion. All were in favor, proposed sign regulation changes will be discussed during the January 2018 meeting.

Review of Excavation Regulations

Bruce Nadeau made a motion to table the review of the Excavation Regulations. George Hebert seconded the motion. All were in favor, the board will continue to review excavation regulations during the January 2018 meeting.

Review of December 7, 2017 Meeting Minutes

Doug O'Clair motioned to accept the minutes from December 7, 2017. Bruce Nadeau seconded the motion. All in favor, minutes approved "as is".

Other Business

- **Bruce Nadeau made a motion to cancel the first meeting in January 2018. George Hebert seconded the motion. All were in favor, the January 4, 2018 meeting is cancelled.**
- The next meeting will be the third Thursday of the month - January 18, 2018.

Standing items

- ZBA Proposed Signage Regulations
- Review of Excavation Regulations continued
- Mount Sunapee Discussion (Lydia Hawkes)

Bruce Nadeau motioned to adjourn the meeting; George Hebert seconded the motion, all were in favor. Meeting adjourned at 7:58p.m.

Respectfully Submitted,

Melissa Salinardi
Recording Secretary