

**Town of Goshen
Planning Board
Minutes of November 7, 2013**

Members Present: Doug O'Clair, Chair; Chip Ball; Bob Bell; Alicea Bursey; Steve Bursey; George Hebert; Allen Howe; Richard Moen

Chair O'Clair called the meeting to order at 7:00 p.m. and appointed Mr. Bursey as a full member for this meeting.

MINUTES

The Board reviewed the minutes of October 3, 2013.

Mr. Ball made a motion to accept the minutes of October 3, 2013 as written. Ms. Bursey seconded the motion. All in favor.

The Board reviewed the minutes of October 17, 2013 and made corrections.

Ms. Bursey made a motion to accept the minutes of October 17, 2013 as corrected. Mr. Hebert seconded the motion. All in favor.

Chair O'Clair opted for the Board to review the letters and notes from the September 21, 2013 site visit to the Davis and Anderson Gravel Pits until Mr. Peckham is present since he was the only other Board member on the site visits.

Kim Gaddes, member of the public, requested that copies of meeting minutes be provided to the public during the meeting so they can follow along. Chair O'Clair provided Ms. Gaddes with copies of the draft minutes and notes for review.

UNFINISHED BUSINESS

Newport Sand and Gravel – Excavation Operation

Ms. Gaddes asked the Board to recognize her comments and concerns regarding the Newport Sand and Gravel Excavation site. She referenced an amended plan and asked for a time line.

Chair O'Clair clarified that there is no an amended plan and that Mr. Carroll, applicant of the gravel pit, agreed to have the excavation equipment out of the Anderson pit and over to the Davis pit by the first part of November.

Ms. Gaddes stated that for future reference and permit consideration, she would like the Board to be aware that the conditions of the permit are not being followed. She stated as an abutter, the activity can be heard before 6:00 a.m. As much as the abutters were promised they would not be impacted by the gravel operation, there are negative impacts to the abutters of the excavation

site. Sometimes there is activity at the pit until after 6:00 p.m. Ms. Gaddes read the following letter into the meeting and added that the noise referred to in her letter is with her windows closed.

November 7, 2013 Town of Goshen Planning Board Attn: Doug O'Clair and Ed Peckham

Please read and enter into tonight's minute and also into the next scheduled Zoning Board Meeting Minutes. (November 13, 2013)

This is a formal complaint regarding the operations of the 'Anderson'/Newport Sand and Gravel pit. Please understand that life across from this gravel excavation is not as it seems to others not living in close proximity to this newly permitted pit. It is not pleasant. There is no peace. The noise does not stop!! Since 6 a.m. April 15, this operation has negatively impacted my family on a constant daily basis. We cannot get away from the noise whether we are out in our yard or inside our home. Now since the excavation site has been amended and altered, the noise level is UNBEARABLE!!! To add insult to injury we can now SEE the daily operations of the excavation, the trucks, the graders and a part of the haul road. We see it from most windows in the house and in many locations we see it while outside in our yard and pool area. What happened to keeping it hidden behind the berm so it wasn't visible and lessened the noise and its impact? Please when the Applicant comes back to the Board(s) in the near future to expand, amend, prolong, or alter PLEASE protect us, the families, which ARE being negatively affected. We are willing to meet with the Board together with the Applicant at anytime so we all can live peacefully with the final decision. Respectfully submitted, signed Kim Gaddes.

Ms. Gaddes commented that there was also a fair amount of sand accumulated in her swimming pool and swimming pool filters, which has never happened prior to the excavation operation. She invited the Board members to her property or suggested they view the site from the abutting cemetery and experience her grievances. She stated that she was told the gravel berm would be the last to be excavated in order to keep a barrier from the excavation activity and that nothing will be seen or heard. She stated that has not been the case. The gravel bank has negatively affected the abutters. She acknowledged that her efforts to prevent the excavation operation were futile, and in recognition of that, she asked the Board to be open to working with the abutters and the applicant to come to an agreement before the next phase begins. She suggested an alternative access on Lear Hill road should be considered. The entrance would have much less impact on the abutters and be safer for traffic on Route 10.

Chair O'Clair informed Ms. Gaddes that he has been monitoring the entrance to the gravel pit in the mornings, but not as early as 6:00 a.m.

Ms. Gaddes commented that there may be no hauling at 6:00 a.m., but there is still noise-generating activity happening. She reiterated her request to find a common ground which would allow the excavation activity and return quality of life to the abutters.

PUBLIC HEARINGS

NEW BUSINESS

Laptop

Chair O'Clair advised the Board that the laptop used by the Planning Board secretary is in need of replacement. Two different computer technicians assessed the issues and determined that the cost to repair the existing laptop would be more than the cost to replace it. Recent laptop advertisements were circulated for Board members to review.

Ms. Bursey made a motion to authorize a maximum o \$600.00 to be spent for the purchase of a new laptop. Mr. Hebert seconded the motion. All in favor.

COMMUNICATIONS

OTHER BUSINESS

Proposed Zoning Amendments for March 2014

The Board reviewed Bernie Waugh's response to the Planning Board's proposed zoning amendments for March 2014 and agreed on several minor changes prior to the public notice deadline of November 12, 2013 to clarify intent. Chair O'Clair stated that the Board could accept additional changes to the proposed amendments at the public hearing on December 12, 2013, but a rewriting of the amendments at this time is not feasible. He pointed out that the Planning Board's duty is to prepare the amendments for a vote at Town Meeting. It is up to the voters to decide if the amendments pass or fail. If they fail for reasons of inadequate definition, then they can be rewritten and proposed the next year.

Peta Brennan requested to see a copy of Attorney Waugh's letter responding to the Planning Board's proposed amendments.

The Board discussed whether or not it would be prudent to make public Attorney Waugh's legal advice to the Board.

Mr. Bell pointed out that since the Board did not vote to go into executive session prior to reviewing the email, technically all information remains open for public review. Ms. Brennan was subsequently given a copy of the email to review.

Quorum

Chair O'Clair reminded the Board members that if three or more Board members convene to discuss Planning Board issues, that constitutes a Planning Board public hearing and is then subject to the legal requirements of public hearing notification.

Mr. Moen made a motion to adjourn. Mr. Hebert seconded the motion. All in favor.
Meeting adjourned at 9:30 p.m.

Next meeting: November 21, 2013 unless otherwise notified

Respectfully submitted,

Linda Plunkett
Recording Secretary