

**DOVER PLANNING BOARD  
MINUTES OF MEETING  
MAY 9, 2006**

**MEMBERS PRESENT:** John Swartzendruber, Dean Trefethen, Frank Torr, Marcia Colbath, Donald Andolina, Ron Cole, Doug Steele, Kirt Schuman, Ron Cole, Tony McManus

**MEMBERS ABSENT:** Bryan Cahoon, Perry Plummer, Ron Stock

**STAFF PRESENT:** Bruce Woodruff, City Planner and Jean Glidden recording secretary

**ITEM #1: Citizens' Forum**

Tom Fargo, 14 Cobble Hill Dr. and Chairman of the Dover Conservation Commission, stated that he is interested in giving a general view of the gravel pit applications.

Ron Cole stated that he would appreciate it if he waited for when the extraction permits come up on the agenda.

**ITEM #2: Approval of the minutes of the previous meeting.**

Donald Andolina made the motion to approve.

Frank Torr seconded.

**VOTE U/A Abstained – Dean Trefethen and Doug Steele**

**ITEM #3: ITEM #3: Consideration and acceptance of a lot line adjustment of land for George & Mary Jo Gauthier and The City of Dover, Assessor's Map D, Lots 18-4, 18A, zoned R-12, located off Alder Lane/Glenwood Avenue.\* (P06-17)**

Atty. FX Bruton represented the applicants and indicated that a small parcel of 0.12 acres will be conveyed to the Gauthiers. The conveyance of this lot was approved by the City Council with the condition that there be no further subdivision of the Gauthier Lot. The future use of this lot may become a Park n' Ride facility for the State. The State has agreed that this application would not impact their plan. This conveyance would create more of a buffer for those residential lots with respect to the Park n' Ride facility.

Bruce Woodruff stated that they are in the final design stages and are looking at construction this fall for the park 'n Ride.

Donald Andolina made the motion to accept.

Dean Trefethen seconded.

**VOTE U/A**

The public hearing was opened.  
There were no comments.  
The public hearing was closed.

Doug Steele made the motion to approve with the following conditions:

1. Add the owners' signatures to the plat.
2. The applicant shall revise the plat to add the building setback lines for Map D, Lot 18-
3. The applicant shall revise the plat to add the information for the abutter across Indian Brook Drive.
4. The applicant shall revise the plat to add a note that there will be no further subdivision of Map D, Lot 18A.

Marcia Colbath seconded.

**VOTE U/A**

Ron Cole moved Item #5 Old Business up ahead of the extraction permits.

**ITEM #5: Old Business**

Atty. Chris Wyskiel stated that at the end of February he was before the Board receiving the second phase approval of the Congregate Care facility at the Back River Road property owned by Raymond Martineau. This was a two-phase approval. The first phase was approved before the end of 2005 to construct the 150 unit, big building. The second phase, approved at the end of February, was for 48 detached condominiums units. He is requesting a 90 day extension to the approval that was granted to the second phase. They expect to have a closing before the end of the month or early June.

Marcia Colbath recused herself from the vote.

Dean Trefethen made the motion to approve the 90 day extension.

Kirt Shuman seconded.

**VOTE U/A**

**ITEM #4: Public hearing to hear requests for Extraction Permits.**

Bruce Woodruff met with all the owners with regard to plans and plan requirements. Staff did inspections in April and final inspections about 7 – 9 days ago. None of the applicants are asking for waivers. They are recommending that the applications be approved with fewer conditions than last year.

Tom Fargo, 14 Cobble Hill Drive, Conservation Commission Chair for 7 years and a hydro geologist stated he has accompanied the staff on the gravel pit inspections for the past 5 years and is obligated as chair of the Conservations Commission, by State law and City code, to advise this Board and other City officials on the proper utilization of the natural resources of the City of Dover (RSA-36:A) This is not just an issue of extraction permits but more an issue of groundwater protection. Almost all of the gravel pits fall within the secondary groundwater protection zones that surround the City's water supply

wells. The activity that happens in the pits is a concern when you talk about the recharge of precipitation going to the wells and keeping contaminants out.

The regulations are geared toward extraction and most of the gravel pits are reaching the end of their life. The pit bottoms are down pretty much as far as they can go and some of the side slopes are extended out as far as they can go. Over the past few years the use of the pits is going from primarily extraction operations to material processing and in some cases, disposal. The extraction permits don't say anything about importing material. The Board has required applicants to seek the source for every truck load of imported material and that they check with the Environmental Projects Director Dean Peschel. As we know from history, if that is not done in the proper sequence problems arise. The pits are starting to be used for disposal of materials, land filling of materials that are not really amenable to the types of uses that are out there. There are no strong regulations in State Law (RSA 155:E) that says that you can or can not do this.

There are two portions of the groundwater protection ordinance that relate to the gravel pits; one is that the gravel pit operators need to maintain a 4 ft. separation between the bottom of the pit and the highest observable water table. The purpose of this is to keep the pits in a state where they may be reused again for the future use of our properties. Last year it was discovered that a couple of the pits had problems with the 4 foot separation and by State law that has to be corrected. The pit operators are bringing in material that is very low permeability and water cannot penetrate through it. Another aspect of the Zoning Ordinance says that development can not cover with impervious surface more than 20% of lot areas within the Secondary Groundwater Protection Zone. When they are bringing in clay material and placing it in the bottom of the pits they are doing just that. We have some tenuous regulations in terms of trying to make sure that the regulations are carried out appropriately for future use of the land. It's his feeling that some operators do not understand the intent or the requirements of some of these regulations. The goal is to protect the water quantity and quality that is going into the groundwater supply wells. If the land is filled incorrectly, they might not be usable in the future.

Tony McManus arrived at 7:25 PM.

Dean Peschel, Environmental Projects Director, stated that the dirty dirt material has been cleaned up from the Dover Sand and Gravel pit by DOT. There is now a contract with an environmental firm that will be installing some monitoring wells on May 11<sup>th</sup>. There will be two on the Dover Sand and Gravel property and one on the corner of the Griffin Well. The purpose of the wells is to determine if any of the contaminants that were in that soil reached the groundwater before they start impacting the Griffin Well.

**1. Public hearing and consideration of a request for an extraction permit by Severino Trucking Co., Inc., Assessor's Map H, Lot 58, zoned I-4, located on Mast Road.**

Tom Severino represented the applicant.

Frank Torr asked if the reclamation has been only the seeding of the slopes and if there will be other vegetation there.

Tom Severino said that the entire area of phase I is some 16 odd acres or so, and represents just a portion of that original phase I that is composed of a new Public Works building, the paved areas and numerous things. Their restoration areas outside the limits of the Public Works facility are loamed and seeded areas. There will not be any trees.

Frank Torr said he raised this issue last year. If you go to the Community Services area it is like walking onto a flightline. A flightline gets the most wind and he thinks that you will get the most wind in the world there. If we don't prevent that wind from blowing and carrying wind and dust it will generate other problems for the Overlay District. Someone has to address it. His other issue is the gates. At one point in time the entrance that is serviced by all three pits had a gate. Last year the gate was there but wasn't maintained. He checked it today and part of the gate was not in serviceable condition. The cement plant has a gate that is not in use. He said if those two gates were restored that would solve the problem. He asked if the road is maintained by all the pits or by one individual company.

Ron Cole said that he recalled one of the first meetings that they had with the potential developers of that Mast Road property where the comment was made that it wasn't going to fly if they didn't have some sort of a fix because he didn't want any calls from people saying that they couldn't open their windows because of the dust coming through. It does need to be addressed.

Tom Severino said that the only area that they did talk about plantings was the property line between the City of Dover pit and Martel's pit but that berm is in the process of being created and hasn't been established yet. The only other restorations that have been completed are the back slopes to the Public Works facility. If that's something that is needed that's something they will entertain.

Ron Cole asked how high the berm will be.

Tom Severino answered that 10 feet high was an agreed height that would be adequate.

The public hearing was opened.

Tom Fargo, 14 Cobble Hill Drive, stated the general consensus regarding the Severino pit is that these guys get it and understand the concerns in terms of groundwater protection. He said with regard to the vegetation, State law says that vegetation shall be maintained or provided within the peripheral areas as required (usually 50 feet from a road). When the City started this pit the first thing the City did was put the recycling and DPW garage up on the frontage and that sort of eliminated the whole 50 ft. buffer area. Should that buffer then be transferred to behind the buildings?

The public hearing was closed.

Bruce Woodruff stated that it's staff's recommendation, and the applicant has agreed that the existing bonds remain in place for the foreseeable future. The Planning Department recommends that the extraction permit be approved with the following conditions:

1. Hours of operation shall be restricted to 7:00 AM to 5:00 PM weekdays and 7:00 AM to 2:00 PM on Saturdays, with gates to the site opening no earlier than 6:30 AM.
2. The property shall not be used for storage or introduction of any foreign materials unless the pit operator has sought and received advance permission from the City's Environmental Projects Director (Mr. Dean Peschel). A copy of said permission shall be in writing and shall be filed with both the Conservation Commission and the annual excavation permit recorded in the Planning Office. This condition must be adhered to.
3. Since the three pit operators (Severino, Proulx and Griffin) use the middle access road that is unsecured, the purpose of the locked north gate and hours of operation is defeated. There have been violations with too-early start times and issues with illegal dumping by trespassers. Planning staff recommend that the three owners cooperate to install a secure, lockable gate at the middle access within 60 days of this approval, and abide by the start times and days of operation that have long been a requirement of the permits and that the north gate be locked at other than operating hour times as well. Additionally, a stabilized entrance so a concrete or an asphalt pad be constructed at the end of the access road to help remove sand/gravel/and mud from the tires of the trucks before entering the City right-of-ways. This is standard practice and should be done at that middle access road.

Doug Steele asked Bruce Woodruff if this is the gate directly beside the PW facility.

Bruce Woodruff explained that it was and that this access road goes to all three pits. There is no sense in locking the gate to the north when you can get in to all three pits from this road. The trucks from Mr. Griffin's have been coming too soon. They have been using that gate while the steep slopes on the access road of the Proulx pit have been stabilized. The City water line is also under that steep slope.

Doug Steele said that the gate further up beside the Griffin Well and treatment plant is a concern. These three pits can be accessed from that entrance.

Bruce Woodruff said that Mr. Griffin has a license to pass over the City piece to get to his pit and has to use that gate. A lot of people have keys. The issue is that there are several pieces of private property where there is unsecured access. The owners of these gravel pits, as land owners, don't want trespassers. He said that people are now beginning to dump things more and more back there on private property when they should be going to the recycling center.

Dean Trefethen asked for clarification of hours of operation and what can and can not be done in terms of equipment.

Bruce Woodruff explained the hours stated are the hours of operation for activity within the pit. The trucks can't line up any sooner than 30 minutes prior to start time. The owners should not be there sooner than a half hour earlier than the 7:00 start time.

Donald Andolina asked if the north gate was locked all the time.

Bruce Woodruff stated that the north gate should be locked at other than the hours of operation or when the City's not using it. He said that he isn't sure what Paul Martel's hours are in Madbury, but he has a key. The point is, the gate should be locked and the people that have keys can go in for their use. The gate is not on City land but on Mr. Proulx's land, and it is in the Town of Madbury.

Donald Andolina said that the problem is that people can go in the north gate and dump their trash.

Bruce Woodruff said that the north gate should be locked and closed when the pits are not operating. He said that it has always been a condition of approval of the permits.

Donald Andolina said that he would like to add to the recommendations that the north gate be closed.

Bruce Woodruff said that the following would be added to **Condition #3, "and that the north gate be locked at other than operating hour times."**

Tony McManus made the motion to approval subject to the conditions described by the Planning Department.

Frank Torr seconded.

**VOTE U/A**

**2. Public hearing and consideration of a request of an extraction permit by Mast Road Sand and Gravel, Assessor's Map H, Lot 53, 54, zoned R-40, located on Mast Road.**

Paul Martel, owner of Dover Sand & Gravel.

The public hearing was opened.

Tom Fargo, Conservation Commission Chair, stated that some slopes had been stabilized with stumps which is standard practice, however in the area that he noted, some of the stump material has been used in the pit bottom. He said that might be a problem in the future because as more material gets placed on top, the water table can raise up higher than it is without that material there causing the stumps to be sitting in water and creating a paste. Disposing of stumps in this area is essentially creating a landfill and the land

couldn't be used for other purposes until the stumps start to rot. The problem is that we are establishing a landfill.

The public hearing was closed.

Bruce Woodruff said that there has been no significant area reclaimed per standards from the previous year, therefore it is recommended that the existing bond remain in place until next year's application. The Planning Department recommends that the extraction permit application be approved with the following conditions:

1. The reclamation and operational plan documents last submitted in 2002 shall be considered as part of this permit and the hours of operation hours are as follows: 7:00 AM to 5:00 PM weekdays with the gates open at 6:30 and 7:00 AM to 2:00 PM on Saturdays.
2. Limit excavation at the property lines of disapproving abutters to no closer than 50 feet. The letter from a disapproving abutter is on file.
3. Continue the condition from the lot line adjustment plat that states no excavation shall take place beyond Cold Springs Road (So-called)
4. The property shall not be used for the storage or introduction of any foreign materials unless the pit operator has sought and received advance permission from the City's Environmental Projects Director (Mr. Dean Peschel). A Copy of said permission shall be in writing and shall be filed with both the Conservations Commission and the annual excavation permit recorded in the Planning Office. This condition must be adhered to.
5. Cease the practice of disposing of stumpage, impervious and construction demolition materials in the pit bottom that is being used to bring the bottom elevation up to required levels. Revise the plans to demarcate the areas where these materials have been landfilled with 10 days of approval. As of the approval date of this application, begin using City-approved high permeable materials to enhance drainage flow, infiltration rates and to facilitate future appropriate reuse of the property. The basis for this condition is the Groundwater Protection Ordinance that, in part, states that an owner may not make more than 20% of their lot area impervious surface.

Bruce Woodruff asked that the Board to note that he is not asking for the materials that are there now to be removed but just to be shown on future plans and that the practice shall cease. He said that foreign material would be any material imported, unless it's high permeable gravel. If the trees originated from that site, the stumps would not be foreign material.

Frank Torr made the motion to approve subject to the Planning Department conditions of approval.

Doug Steele seconded.

**VOTE U/A**

**3. Public hearing and consideration of a request for an extraction permit by Brox Industries, Inc., Assessor's Map C, Lots 12-A, 13, 14, zoned R-40, located on Glen Hill Road.**

Dave Cluff, Plant Manager, represented the owners.

The public hearing was opened.  
There were no comments.  
The public hearing was closed.

Bruce Woodruff said that there has been no significant area reclaimed per standards from the previous year, therefore it is recommended that the existing bond remain in place until next year's permit application. The Planning Department recommends the extraction permit application be approved with the following conditions:

1. The property shall not be used for the storage or introduction of any foreign materials unless the pit operator has sought and received advance permission from the City's Environmental Projects Director (Mr. Dean Peschel). A copy of said permission shall be in writing and shall be filed with both the Conservation Commission and the annual excavation permit recorded in the Planning Office. This condition must be adhered to.
2. Safety berms and/or fencing to protect from steep slopes shall be installed within 10 days of permit approval. Applicant indicates that safety fencing has been installed since the April inspection.

Dean Trefethen asked how similar are our regulations compared to Barrington's.

Bruce Woodruff stated that if they used the State RSA 155-E they are very similar but he doesn't know if Barrington has their own regulations in place or not. If not, they use the State Statutes. He said that the quarry operation does not fall under RSA 155-E but falls under a different State Statute.

David Cluff said everything in Barrington falls under RSA 155-E. He said that they adhere to the same standards. He said that they don't currently have restrictions on hours of operations but their hours are such that they don't have any complaints from any neighbors.

Frank Torr made the motion to approve subject to the Planning Department conditions of approval stated above.

Tony McManus seconded.

**VOTE U/A**

**4. Public hearing and consideration of a request for an extraction permit by James P. Griffin and Tyra, Inc., Assessor's Map H, Lot 60, 62, zoned I-4, located off Mast Road.**

Paul Griffin represented Tyra and Griffin pit, stated that they did start filling in some low areas last fall. He said that he expects in a month or two the bottom of the pit will be dry. He said that they have reached the elevation for the pit bottom and will start the reclamation.

The public hearing was opened.

Tom Fargo, Conservation Commission Chair, read 155: E-4-A. This pit has had standing surface water. He felt that it probably occurred by excavating during the dry period and then backfilling with clay material. He understands that the applicant is anxious to have this resolved but he understands that it is a continuing problem.

The public hearing was closed.

Bruce Woodruff stated when he and the Building Inspector Tom Clark did their final inspection in May, it had been raining pretty hard and for the first time in 16 years he saw water that was leaving the pit and was heading to the Bellamy River over the access road. He has concerns with sedimentation. There has been no significant area reclaimed per standards from the previous year, therefore it is recommended that the existing bond remain in place until next year's permit application.

The Planning Department recommends approval of the extraction permit, subject to the following conditions and waivers:

1. Re-Install a fence or other suitable barricade along the areas of the pit that exceed a grade of 1:1 within 30 days of approval.
2. The property shall not be used for the storage or introduction of any foreign materials unless the pit operator has sought and received advance permission from the City's Environmental Projects Director (Mr. Dean Peschel). A copy of said permission shall be in writing and shall be filed with both the Conservation Commission and the annual excavation permit recorded in the Planning Office. This must be adhered to.
3. Since three pit operators (Severino, Proulx and Griffin) use the middle access road that is unsecured, the purpose of the locked north gate and hours of operation is defeated. There have been violations with too-early start times and issues with illegal dumping by trespassers. Planning staff recommend that the three owners cooperate to install a secure, lockable gate at the middle access within 60 days of this approval, and abide by the start times and days of operation that have long been a requirement of the permits and that the north gate be locked at other than regular operating times as well. The owner should remove two piles of refuse that have been illegally dumped by trespassers within the same timeframe.
4. The owner shall remove silt layers from the flooded pit areas and backfill with City approved high permeable materials. It is staff's understanding that this is underway,

however such material must be inspected and approved by Dean Peschel prior to emplacements.

5. The owner shall prepare within 60 days of approval and immediately thereafter institute a City approved long term drainage and surface water runoff management plan to avoid large flooding as per Hydrogeologist Jack McKenna's April 12, 2006 letter to Mr. Griffin regarding the high water conditions on site.

Doug Steele asked who owned the diamond shaped piece of land between Tyra and Griffin and also the piece below that.

Bruce Woodruff stated that it belonged to the City of Dover and Mr. Proulx owns the piece below that.

Doug Steele asked how the bond amount was set.

Bruce Woodruff said that the bond amount is set at a \$2,500.00 per acre reclamation fee, as per our excavation permit ordinance contained in the Zoning Chapter.

Doug Steele stated that he has concerns with the current condition of this pit. He said that he was there again today and did not see much of an improvement in the standing water. He said that he hopes that there are enough teeth in these recommendations to insure that this will be taken care of properly.

Tony McManus said that he remembers a year ago the problem was that there was insufficient covering above the water table because it had been dug down too far. The permit was held up because Mr. McKenna had brought in recommendations and that was going to be addressed. After 3 or 4 months the permit was approved. He asked if that problem has been resolved by dumping that material that has now caused standing water.

Jack McKenna, hydro geologist contracted by Mr. Griffin, stated that there are probably two factors going on. One is that there is material brought in to bring up the grade that probably should have been more permeable. There is an amount of natural silt coming in that is creating kind of a seal. He recommended scraping the bottom of the pit area where the standing water is to allow a quicker infiltration. They have been doing that and the standing water has gone down quite a bit. He said that they started filling in last fall and there was a lot of water out there and it kind of got pushed all around. He recommends that it would make sense to keep that very active grading going on in cleaning out the silt and allowing as much water as can be to infiltrate down. Long term would be to institute some sort of drainage plan, not to discharge off the property into the river, but have a management plan that will allow infiltrating into areas that would percolate quicker.

Doug Steele indicated that as he was driving into the pit it appears that operations have stopped in the portion on the right and the work is all to the left of the road.

Mr. Griffin said that to the right belongs to the Pruven operation and they have basically dug that out. He said they are operating on the west side of the road and that is in

Madbury. He said that they are 80% through the Dover operation. They are starting a reclamation process and are loaming and seeding.

Donald Andolina asked if condition #5 covers the remedy for the standing water.

Bruce Woodruff stated that condition #4 begins the process and #5 will finish the process. Mr. Griffin to some extent will have to hire an engineering firm and sub-consult out to Mr. McKenna to prepare a comprehensive plan on how they are going to handle the drainage out there.

Tony McManus made the motion that we approve the permit for 60 days subject to the conditions of the Planning Department. If that is not met within that time to the satisfaction of the Planning Department, the permit will no longer be in effect. That would mean that after the end of the 60 days the Board would need a report saying that the conditions have been fulfilled if the conditions have been met satisfactorily, then the annual permit may remain in force without having to come back to the Board. We have had problems with this before and he doesn't think that we should have to do this year after year.

Doug Steele seconded.

**VOTE 7 – 1**

**Opposed – Frank Torr**

**5. Public hearing and consideration of a request for an extraction permit by Pruven Aggregates, Inc., Assessor's Map H, Lot 59, 59A & 61, zoned I-4, located on Mast Road.**

Richard Proulx represented Pruven Aggregates Inc., and had photos showing various conditions in the pit. He said that his section of the pit is almost dry and will soon be down to virgin ground and the slime will be off the top so the water will be able to perk.

The public hearing was opened.

There were no comments.

The public hearing was closed.

Bruce Woodruff stated that there has been no significant area reclaimed per standards from the previous year, therefore it is recommended that the existing bond remain in place until next year's permit application. The Planning Department recommends approval of the extraction permit, subject to the following conditions:

1. The owner shall comply with Best Management Practices document submitted to the Board with the previous permit submittal.
2. The April 13, 2005 letter to the Planning Board Chair becomes a part of this permit.
3. The property shall not be used for the storage or introduction of any foreign materials unless the pit operator has sought and received advance permission from the City's Environmental Projects Director (Mr. Dean Peschel). A copy of said permission shall be in writing and shall be filed with both the Conservation Commission and the annual excavation permit recorded in the Planning Office.

4. Since three pit operators (Severino, Proulx and Griffin) use the middle access road that is unsecured, the purpose of the locked north gate and hours of operation is defeated. There have been violations with too-early start times and issues with illegal dumping by trespassers. Planning staff recommend that the three owners cooperate to install a secure, lockable gate at the middle access and within 60 days of the approval, and abide by the start times and days of operation that have long been a requirement of the permits. The owner should remove two piles of refuse that have been illegally dumped by trespassers within the same timeframe and that the north gate be locked at other that operational times as well.
5. The owner shall remove silt layers from the flooded pit areas and backfill with City approved high permeable materials. It is staff's understanding that this is underway, however such material must be inspected and approved by Dean Peschel prior to replacement.
6. The owner shall prepare within 60 days of approval and immediately thereafter institute a City approved long term drainage and surface water runoff management plan to avoid flooding as per Hydrogeologist Jack McKenna's April 4, 2006 letter to Mr. Proulx regarding the high water conditions on site.

Tony McManus asked if the City gets something in writing from the bonding company showing that it has been extended for the year.

Bruce Woodruff answered that when he makes the statement that all applications are complete it means that he has received all of the bonding statements from the pit operators and that their taxes are paid and all of the things that we require as per the regulations.

Tony McManus said that it seems to him that there has been a distinction made between this case and Griffin by saying that remediation of the silt and extraneous material problems is being addressed.

Bruce Woodruff said that Mr. Griffin is also doing his part but some of the material was brought in from somewhere else and it's obvious that some of these piles are impermeable type materials. He needs to remove those piles.

Tony McManus asked if there is a meaningful distinction between Griffin's situation and Proulx's situation in terms of the earlier motion that he made.

Bruce Woodruff stated that they are both cooperating, but that Mr. Proulx is ahead of Mr. Griffin in the process.

Tony McManus made the motion that we approve the permit for 60 days subject to the conditions of the Planning Department. If that is not met within that time to the satisfaction of the Planning Department, the permit will no longer be in effect. That would mean that after the end of the 60 days the Board would need a report saying that the conditions have been fulfilled if the conditions have been met satisfactorily, then the annual permit may remain in force without having to come back to the Board.

Donald Andolina seconded.

Dick Proulx, President of Pruven Aggregates, said that the problem that exists on his land was not caused by Pruven Aggregates, by himself or his employees, but it is the result of the pushing of water in Mr. Griffin's property as he was filling with the impermeable materials. His end is being attacked quite aggressively and in the 60 days it will be completed but to hold up his permit he doesn't believe it is fair because they are not the cause and they are attacking the problem at their own expense.

Tony McManus said that the motion doesn't hold him up as it allows the operation to continue.

Dick Proulx said that he respects where Tony is coming from but you are putting a condition on him for something that was not his cause. He didn't introduce that material. It is one of those things when you squeeze a balloon and the stuff has got to go somewhere and it ended up going somewhere. It has gone down dramatically. They brought in Mr. McKenna to discuss the situation. The fastest way would be to dig a hole and if you do that you are below four feet and that is not an option. They have been scraping the top on a regular basis and as it dries out they can remove the silt which is what they are doing. He felt that since it is not their fault, it would be harmful to their operation to have that condition on the permit.

Ron Cole asked if there were further comments on the motion to grant a 60 day approval subject to staff satisfaction. The applicant feels that he has and is doing everything he can to remedy the situation.

Bruce Woodruff said that they are getting a lot more cooperation and they have a really good relationship in trying to get these things taken care of. It's been an educational process and it has taken some time but they are getting there. He said that he doesn't have a issue with whatever way the Board wants to attack this.

Frank Torr stated that he probably should have spoken on the other pit, but he thinks that the Board should take a positive approach. Both parties are cooperating with the City and we should probably cooperate with them also. He said that we should not hold a hammer over their head if it's not necessary.

Doug Steele said that he doesn't have the same concerns with this one as he did with the other pit. He said that Mr. Proulx has made an effort and he has seen the effort.

Donald Andolina withdrew his second to the motion.

Frank Torr made the motion to approve with the conditions recommended by the Planning Department.

Marcia Colbath seconded.

**VOTE U/A**

**ITEM #6: New Business**

Ron Cole reported to the Board citizens that he has had one of the most satisfying experiences of planning career. He said that Marcia, Kirt and himself had the pleasure of interviewing 9 or 10 people who have volunteered to assist in the Master Plan update. These are people, to the best of his knowledge, have never participated in anything municipally before. He added that it's a great group of people.

**ITEM 7: Adjourn**

Dean Trefethen made the motion to adjourn.  
Donald Andolina seconded.

**VOTE U/A**

**Adjourned 8:35 PM**