

TOWN OF CENTER HARBOR  
ZONING BOARD OF ADJUSTMENT  
**Zoom Hearing**  
Monday, May 10, 2021  
7 p.m.

Due to COVID-19, this hearing was conducted via Zoom. Participants, which included the public, could join the meeting through video web or by telephone. Roll call of ZBA Members/Alternate Members performed at the beginning of the meeting; Chair requested all participants keep their microphones muted until they are called on to speak Chair also announced the meeting was being recorded. Chair provides the zoom protocol. (Copy of protocol is contained in this set of minutes).

Chair asks for all ZBA members to introduce themselves and if there is anyone in the room with you. Voting members will be determined after the introduction.

**Roll Call Attendance of the Board:**     **Bernie Volz, Chair. Alone.**  
  **Jean Meloney, Vice Chair. Alone.**  
  **George Lamprey, Member. Alone.**  
  **Karen Ponton, Member. Alone.**  
  **Stephany Marchut Lavallee, Member. Alone.**  
  **Susan Patz, Alternate Member. Alone.**  
  **Gregory Hime, Alternate Member. Alone.**

Due to the amount of public participation in this case, the Chair asked the Clerk to roll call the public for documentation purposes.

Attorney Paul Fitzgerald, Rob Ambrose, Tim Ludwick, Justin Poehler, Alison Toates, Gordon Dagnall, Patrick and Laura Curran, Elizabeth Littell, Paul Ursillo, Peter and Carolyn Crosby and Elizabeth Vazifdar.

Chair states voting members today will be myself, Jean Meloney, George Lamprey, Karen Ponton, and Stephany Marchut Lavallee.

While the agenda has other items, the Chair decides to move to item II on the agenda which is the Public Hearing for Ambrose Bros, Inc. application to amend their Special Exception approval from January 28, 2002.

**I.    MINUTES:**

Approval of the July 27, 2020 minutes. Chair asks for comments about the minutes hearing none Chair asks for a motion.

**Motion: Karen Ponton motions to approve the July 27, 2020 minutes. Seconded by Bernie Volz. Clerk provides Roll Call Vote:**

<b>Chair Bernie Volz, yes</b>	<b>Alternate Member, Susan Patz, yes</b>
<b>Vice Chair Jean Meloney, yes</b>	<b>Alternate Member, Gregory Hime, yes</b>
<b>Member, Karen Ponton, yes</b>	
<b>Member, Stephany Marchut Lavallee, yes</b>	

**Member, George Lamprey was not at the July 27<sup>th</sup> meeting he has abstained from this vote.**

Approval of the January 11, 2021 minutes. Chair asks for comments about the minutes hearing none Chair asks for a motion.

**Motion: Karen Ponton motions to approve the January 11, 2021 minutes. Seconded by Stephany Marchut Lavallee. Clerk provides Roll Call Vote:**

**Chair, Bernie Volz, yes  
Member, George Lamprey, yes  
Member, Karen Ponton, yes**

**Member, Stephany Marchut Lavallee, yes  
Alternate Member, Gregory Hime, yes**

**Vice Chair Jean Meloney and Alternate Member Susan Patz were recused from this meeting.**

## **II. PUBLIC HEARING –AMENDED SPECIAL EXCEPTION AMBROSE BROS, INC.**

**Attorney Fitzgerald of Wescott Law in Laconia presenting on behalf of the petitioner Ambrose Bros, Inc.,** The initial presentation will be brief because the written application speaks for itself. The Board members are aware this request is for a Special Exception and the criteria differs greatly from a Variance. We have three separate and distinct requests in front of the Board this evening.

The first request is to eliminate the maximum of twenty-five (25) trucks per day to and from the pit Condition 1 of the original granted approval by the ZBA on January 28, 2002. The second request is to remove the winter hour prohibition contained under Condition 3 of that same approval from 2002. The third and final is to eliminate Condition 4 which pertains to the crusher time of operation.

**Attorney Fitzgerald** continues, I was made aware of a few abutter letters that came in, two against and one in support. I don't want to go over those in great detail but will try to address those concerns as we go. The conditions set on this property were agreed to by the prior owner of this property. The twenty-five (25) trucks a day is a relatively small amount of traffic in comparison to the normal traffic on that roadway any given day with the exception of maybe Sunday. The fact that Ambrose is contributing twenty-five (25), is a very small percentage and if a traffic study was done, it would likely fall within the single digit percentage of truck traffic on that road way. In some of the letters it referred to the dust conditions, noise from the exhaust and so forth, we understand those are concerns but these are properties located on a busy highway, it is natural they are going to deal with those types of issues.

(Karen Ponton mentions she was connected and had trouble getting back into the call due to network issues. Chair states he didn't think it was a problem, Karen had all the material and deferred to Attorney Fitzgerald. Attorney Fitzgerald agreed he did not feel it was a problem he was just summarizing the application the Board has already reviewed and would like to proceed).

**Attorney Fitzgerald** continues, Condition 2, I did see some of the written comments it was assumed we were requesting to expand on the hours of operation and that is not the intent. We are just looking to spread out the operation somewhat into other parts of the year. Mr. Ambrose can address that if needed. It would be helpful over the winter months to take some of the aggregate within that time frame to stock pile it for the busier spring season.

The final condition, Condition 4, is pertaining to the use of the crusher. The goal is not to operate the crusher 52 weeks a year or anywhere near that and this is all detailed in our application. I did note a lot of comments in the letters received mentioned blasting, I suppose I can understand those comments but we have not applied for anything to do with the blasting operations at the pit. We do not anticipate any more activity than what currently occurs and is allowed in our permit.

In closing, Ambrose Bros, has been in the area for a long time and they take pride in being good citizens. We looked at the comments that came in today and we would note we have received none of these concerns in the

past over the years of operation. In fact, we have received compliments from neighbors. With your approval Mr. Chairman, I would ask if Mr. Ambrose would like to add anything at this time.

Chairman asks Rob Ambrose if there is anything he would like to add.

**Rob Ambrose, 95 Woodridge Rd.** I don't have anything to add but would like to reiterate we are not looking to expand the operation in its physical nature or do anything out of our State and Town permits other than relaxing these conditions. It's more a reconfiguration of timing not an expansion.

**Chair Bernie Volz**, would anyone like to speak in favor of the proposal and mentions that Mr. Anatole Paquette submitted a note stating he is in support of the amendments. Chair reads the letter. (This letter will be entered as part of the public record.)

**Tim Ludwick, 123 Daniel Webster Highway.** I am in support of the amendments and I am right across the street. Their operation has been fine, any concerns have been addressed. There was mention of the dust from the roadway and so they had the driveway paved.

**Rob Ambrose**, can I just add to the comment about the construction going on in the area. Chair allows the comment. Rob Ambrose, one thing you will find if there is not a local aggregate supplier in the area, there will be hauling materials from further away which would require larger vehicles to do so which is a necessity in this line of work.

**Justin Poehler, 24 Tufts Lane.** I am also in support of Ambrose running their operation there. I think what they do have for conditions is somewhat ridiculous. They are an asset to the community so I am in full support.

**Paul Ursillo, 62 Daniel Webster Highway owner of the Mug Restaurant.** I somewhat about the Ambrose pit and I find their staff and their ability to do their job at a low impact level has been fantastic for the community. I personally have used them on many occasions and I am in full support of their request. Thank you.

**Liz Littell, 120 Keyser Road.** Although I think Ambrose is great and have used them for many things it seems I am one of the few people that hears every time that rock crusher is going and my houses rocks every time there is an explosion. I had no idea when I bought this house, I would be hearing it all the time. I bought my house in the off season and I hear it all the time. I know in the summer when they start from beginning to end and I agree we need this, the area needs them running but it definitely impacts my house and my family. It is in my backyard and I don't want to be the one that says I don't want it. The trucks don't bother me I just hear the apparatus they use for their operation and if they are allowed to continue through the winter time, I am going to hear it more because the leaves on the trees will be down. I hate to be the one who says it because my family and I really like Ambrose, but it is a noise issue for me here.

**Chair Bernie Volz**, if there is no one else in favor then we can switch to opposition. Justin Poehler, asks if he can make a comment about noise. Chair allows the comment.

**Justin Poehler**, I have been in that pit and there is a rock face so the way I see it, it deflects all the noise pretty much back to route 3. I have heard the operation I really don't think it's that loud but that's just my two cents.

**Chair Bernie Volz**, we did receive two letters one from Marie and David Ludwick that is opposed to the requested amendment and also from Alison Toates who is also opposed. Those letters have been distributed to the Board Members as well as Attorney Fitzgerald. Chair confirms Attorney Fitzgerald was able to review those letters, Attorney Fitzgerald confirms. (These letters will be entered as part of the public record.)

Chair asks if there is anyone else wishing to speak in opposition.

**Alison Toates, 180 Keyser Road.** I directly abut the property in question. My husband Gordon Dagnall is here as well. We strongly oppose all three of Ambrose's petitions with multiple issues with what both the Attorney and Rob Ambrose have just said. We purchased in a rural agricultural zone aware that there was a quarry close by but with no concept of what the implications of living conditions would be like with the conditions as they stand.

In effect, to pretend they are doing a service to the community and not acknowledge this is a financial fiscal plan by Ambrose to maximize their growth. As was said by Attorney Fitzgerald, to have a more consistent operation. Without limits is to imply this operation will have a much more expansive accelerated rate. The noise and dust were issues that required, justified or prompted the town to protect the neighborhood in 2002. I have to believe Ambrose Bros, hired an Attorney and did their due diligence when they purchased the quarry and were well informed there were restrictions in place. If they are not really going to extend or do more, you don't need more than 25 trucks. The trucks are going to create more business and if you are quarrying more, you are going to have more internal construction within the operations region. I spent a couple of hours going through the files at the Town Office. There is a Phase 1, Phase 1A, Phase 2A, Phase 2B, Phase 3, all of which may require accessory roads, spill dams and watershed places and a chain link fence because it's such a deep face.

Blasting because you are going to have to excavate to create these roads these access ponds. This is not an attempt to do a little bit more and by removing these restrictions, it is allowing Ambrose, which was put in my letter which was several pages which should be made available to everyone, cart blanche to do whatever they chose. They argue both sides stating foliage protects the neighbors but also want to expand their operation into the winter when there is no foliage. As Liz Littell mentioned and as our neighbor Betsy Vazifdar mentioned to me, we hear it, we feel it, things fall off the wall. I mentioned in my letter I called the Fire Department when we first moved here because I thought something blew up in my own basement. It is egregious to think the level of noise be allowed to increase out of control. If Ambrose didn't anticipate any significant changes, there would be absolutely no reason for the town to back track on restrictions that were put in place to allow something that follows a certain level of respect to the local residential community. How many of these people that are in favor profit? Perhaps some of Ambrose employees go for lunch, maybe some of them work for Ambrose. How about the people that bought and live in this community, residential farm like properties and want to preserve the integrity of that, that's what we are asking for. Thank you.

**Gordon Dagnall, 180 Keyser Road.** When this was first proposed by Mr. Paquette, this area is zoned Light Industrial, a quarry would have never been allowed there. They received these exceptions so they could run a small quarry. It should be known that there was a huge amount of backlash from residents of Center Harbor to allow it to happen. Extending it is only going to adversely affect, certainly the people that live around it, and I would think all the people around town with the increased truck traffic. Mr. Ambrose states it will be better because we won't have big trucks now but aren't big trucks going to come to get aggregate from Ambrose Pit? If you're not going to expand the operation than why are you applying to remove these restrictions. Thank you.

**Elizabeth (Betsy) Vazifdar, 92 Keyser Road.** I have lived on this road for 52 years and I have seen changes but, I have about 165 acres on this side of the road that abuts the Ambrose family. I am often in my woods I walk with dogs we have trails in there I go in often. The serene beautiful area is beautiful until you hear what is going on at the pit. I feel like I'm in another world when I listen to that. I am asking you out of consideration for us who live on a dirt road in a rural district to not grant these exceptions, leave it the way it is. They were put there for a reason. Thank you.

**Peter Crosby, 91 Keyser Road.** I was involved when this pit was originally established and Gordon's comments are absolutely correct. This a Light Industrial Zone, these exceptions were passed to allow the pit to operate and that was the process that went through all the town meetings and this was the compromise that was decided upon which respected the land owners surrounding the property. I know the Ambrose Bros, I know they are very good business men, I know they did their due diligence when purchasing the property, I know they knew these restrictions were in place. I think we need to respect that; you need to remember this started as a Light Industrial

property then the exceptions were allowed to let it become a quarry. We hear them, the blasting has gotten better maybe since Ambrose took over because 10 years ago, some of the explosions were pretty violent. You can still tell when they happen where we are and you do hear the crusher and that was one of the biggest bones of contention when this was approved and that's why those restrictions were put in place. It was a compromise; we would have to listen to it part of the year but we would not have to listen to it all of the time. Mr. Fitzgerald is a wonderful lawyer and he makes it sound like they don't want to change anything so if they don't want to change anything, let's not change anything. Thank you.

**Patrick Curran, 88 Keyser Road.** First, I would like to say, I've done business with Ambrose before and would do it again if I needed to. Someone commented earlier, I don't want to point fingers, at potential conflicts. I'd like to say, where Tim Ludwick spoke in favor of this proposal. Tim is a wonderful guy; he has done work for me and I don't believe by any stretch of the imagination that him or anyone else is doing this for some type of financial gain. Paul with the Mug running a business and I know Justin a little bit and again I don't believe this is a monetary gain for them either. I am a direct abutter to this property, it is loud when it is going and we understand, we purchased the property knowing there was a quarry. I think some change might be acceptable but to completely lift the restrictions, going from restrictive to an unlimited situation is a big step. I have experienced what others have mentioned such as things falling off the shelf during blasting. As far as the truck traffic goes, it is not a concern from where we live but to compare a truck driving up and down rte. 3 passing from Meredith to Holderness versus a truck that is stopping or pulling out of the road from a pit is not the same, in any stretch of the imagination. One is driving north and south as opposed to one that is stopping and turning. The time frames, pros to the winter time, yes there are less leaves on the trees but windows are closed and people are inside. The big concern for us is that we hear the noise for the crusher and it is loud but it's a necessary evil in that business to an extent. Again, I think it's a big leap to go from limited to unlimited.

**Laura Curran, 88 Keyser Road.** I'm not opposed to additional truck traffic but if you are doing more stone crushing, undoubtedly there will be more trucks which means more noise. I spend a ton of time outside, especially during the summer and I can tell you, it is such a relief to me when the noise is gone at Ambrose pit and I can sit and relax. To think that would be unlimited would change my life here tremendously not to mention I think it would have a huge impact on our property values and our ability to resell our homes. I don't have a problem with Ambrose Bros, Pat's right, we have absolutely used their services so I am not opposed to them being there but I am absolutely opposed to the expansions. To have that not in writing of what is allowed and not allowed, to me that needs to be defined of what would be allowed. Thank you.

**Chair Bernie Volz,** before allowing someone that has already spoken in opposition a second chance to speak, I want to go back to the applicant and see if they would like to say anything if there are no other new people that want to speak in opposition. Hearing none, Chair turns back to the applicant for any additional input they may have.

**Attorney Fitzgerald,** as stated in my earlier comments, Ambrose Bros has a reputation as a good business and a good citizen. Despite the comments that you are hearing this evening, these comments have not come forward over the last several years while Ambrose has owned/operated the pit. There seems to be a bit of a theme here that Rob and I are being disingenuous or dishonest with the Board as to what is actually planned. There is no intention for this to be viewed as a complete change of character for the operation as Rob himself stated this evening. There is no desire from the Ambrose family to change from good corporate citizens to bad corporate citizens or to all of a sudden engage in environmentally or harmful activities. It will still be regulated; we are only talking about 3 conditions out of the multitude of conditions set not only by the Town of Center Harbor but also the State of NH. The recovery of these resources is strongly encouraged by the State under the regulations and the statutory enactments that we need to allow for the flourishing of the local economy and projects that it supports so we ask the Board to support that.

**Rob Ambrose,** I think everyone has legitimate concerns and as Paul says, I'm open and always am open for conversations. We are governed by the State of NH statutes, most of which is geared towards protecting towns. We have always followed the regulations; we have yearly compliance with the Town to be sure we are in line

with both the Town and State regulations. The blasting I know is a problem for people on Keyser Road and on Rte. 3. I have called in the past and am willing to continue calling when we are preparing to blast. We monitor our blasts we are not unregulated in that at all. We conduct seismograph tests and notify the Fire and Police Departments. The amounts of explosives we use is documented. Everything is documented, it's not the wild west out there where we are just blowing things up without any concerns for our surroundings. The things we are looking to do is not to expand the operation but allow us to provide a more strategic way, which for us, handling material less, which it may seem counterintuitive to some of the concerns raised here, but us handling material less results in less of an operation and noise happening all at once. It is completely legitimate to have the concerns but I assure you, we are not trying to trick anyone and we are not going to turn what we have now into something largely expanded. Again, I would just point out it would not increase the usage of Center Harbor roads significantly or at all. The times that material is delivered down Keyser Road or College Road is when that material is being delivered to Keyser Road and College Road. Rte. 3 has a lot of traffic on it, it's a highly trafficked state artery through the state. As an example, not too long ago, route 25B was reconstructed and the material could not be locally sourced. It did not change the fact that 25B, a state road, didn't need to be reconstructed. That material was brought in from a competitor of ours from further away which is fine to do, but it's a perfect example that it's not the pit that is constant, it's the development. The construction and maintenance of roads that need aggregate that cause the traffic. These are all needed things, us providing them locally will not change the volume that they are needed.

**Chair Bernie Volz**, is there anyone else that has any additional comments in favor and it's useful to not repeat comments that have already been made but rather any new comments. If you're in favor and have new comments let's let those people speak.

**Carolyn Crosby, 91 Keyser Road.** Ambrose Bros are good neighbors and employers in town, this is not a personal issue. I think the Attorney made a comment before about why didn't any of us complain before and I think all of us understand how law works. These restrictions were put in place and the pit was allowed to operate in that capacity and we all understood that. But now the concern to me is that I'm hearing placating comments by the Attorney and Mr. Ambrose that they really don't plan to change and yet I'm hearing they would like the removal of all three of these restrictions. I guess I would have to ask them quickly, what are they asking for? What restrictions would they propose that will now be in place instead of the ones that they want us to eliminate?

**Rob Ambrose.** We are looking to follow the construction season a little bit more accurately, we are not looking to expand. The current situation we are in right now and because of other conditions due to normal wear and tear of running a business, we were not able to get to the quarry in a timely manner so we can have material to sell out of the pit. We are trying to run a retail operation with nothing to sell for the construction season. When we can get into the quarry early and crush for the summer construction season, we will sell out the materials pretty quickly and we aren't able to put anything back into inventory. It's not so much we want to always increase; it's just we want to have times that are more strategically accurate to the construction season when we can make inventory. You do not see seasonal restaurants stockpiling their alcohol and food for the winter after the tourism season ends. They do that in the spring and buy accordingly through the tourist season. The current restrictions don't allow us to follow the season with our inventory, we are looking to adapt towards the seasons and have inventory when it's needed to sell.

**Vice Chair Jean Meloney**, what is the construction season? Give a time frame of what the construction season is that you are referring to please.

**Rob Ambrose**, it can change but the simple answer would be from end of April through November in this area. The height of the construction season, typically in this high-end residential area, you will see a big surge going into spring prior to Memorial Day or right after road postings lift and then again heading into fall around Labor Day.

**Vice Chair Jean Meloney**, am I wrong to say what was approved for Paquette's was March through October?

**Chair Bernie Volz**, it depends what you are talking about. I have the conditions up on the screen number 3 refers to times of operation 3/15 to 11/15 and then there is the crushing before May 1<sup>st</sup> or after October 1<sup>st</sup>.

**Rob Ambrose**, and that's the important thing to us, crushing is how we build our inventory, without crushing we have nothing to sell so being open is a moot point if there is nothing to sell. We are not looking to crush all the time we are just looking to be able to crush during the construction season which the current restrictions don't allow us to do,

**Carolyn Crosby**, first off you seem like a very genuine agreeable guy, but if all the restrictions are removed and you guys decide to sell the quarry tomorrow, who is to say that someone else that is a lot less community minded doesn't come in and completely take advantage. The idea of removing all the restrictions seems completely ludicrous to me. You bought the quarry knowing these restrictions existed, you must have done your math to know that you could make money out of it with those restrictions in place so I've got to ask again, what protections are you willing to offer us as local land owners that are so impacted by that crushing machine.

**Chair Bernie Volz**, if you want to offer an answer fine if not right now, it is probably something that will come up during the deliberations by the Board. That is sort of where I stand which is going from certain limits to no limits is a huge jump and while I understand your interest in doing that, I think you can hear there is a grave concern from neighbors and abutters that there is a lot of noise that goes along with this operation. For my own personal opinion, we have to find some happy medium. Depending on how this all plays out, it may be useful for you to go off and think about this to come back with a revised proposal or we can work it out in this meeting to move forward. Again, this is my personal opinion, I'm not sure how other Board Members feel.

**Karen Ponton**, I'm just wondering Rob, if you or your attorney might suggest different wording. (Unable to transcribe due to audio issues with Karen's connection.)

**Rob Ambrose**, I am absolutely open to the deliberative process, that's why we are here. We want to make sure everyone is heard, that's our goal.

**Karen Ponton** asks, are you ready to suggest different language or would you need more time? (problem transcribing audio).

**Rob Ambrose**, I'm ready to talk about it but would refer back to my attorney. I think it's more of a back-and-forth process which I'm open to doing.

**Chair Bernie Volz**, I think that is how we are going to proceed.

**Alison Toates**, I would like to make a few more comments. Chair allows the comments.

If you have a copy of my letter on page 4, our concern as abutters is that we have multiple wells. With the additional projected phases, clearly Ambrose himself has stated they want a consistent line of attack but it does look like there are several more phases to go and more extensive development intended. I'm curious to know whether there can be or should be more up to date studies done by an independently sourced contractor of the water table. We hear about fracking but I'm concerned about the environmental implications as the projections expands and encroaches towards the boundary lines of the people on Keyser Rd.

**Chair Bernie Volz** interjects, everyone needs to understand the only things we can work with are the requests submitted on the application. We cannot expand beyond that.

**Alison Toates**, my concern I guess, is the potential to disturb the current water supply that we have as residents our wells are they at risk by an accelerated pace and a more consistent pace of operation. The other concern I have is that both Mr. Ambrose and his attorney have mentioned only making changes to 3 conditions and if people are reading the conditions, they are asking for a modification of the operational conditions. I do have a question,

the area east of the gulley, on none of the blue prints, except for one plan that had a penciled in connotation, I don't see any demarcation of the gulley so I'm just a little concerned. We were not here in 2002 but had I known this was the case, I would have been vocal about it then and probably would not have purchased in Center Harbor had I known this was going to be up for re-evaluation. Who knows what will happen if they were to sell and why did they buy the property having known these conditions prior to purchase? If this was not considered to be a viable operation with the conditions that exist, then they should not have purchased it. If they purchased it and decided it was viable then you know what, caveat emptor. As the attorney stated, this is all under the state regulations and the regulations state, operations with such a use should not be more objectionable to nearby properties by reason of noise, fumes, odor or vibration that would be the operations of any permitted uses in the district which are not subject to special exception procedures. Ambrose Brothers, in C: 2:2 quotes and I quote, "it is clear to the applicant that the imposed restrictions are not effective in accomplishing their intended goal of providing mitigation of impact to surrounding properties" so to me, I read that as Ambrose Brothers actually recognizes that the limitations already standing are not protecting the neighboring community and neighboring residents so, if they are already recognizing that, how can they have the gall to say we want unlimited. It's frightening for our property values our quality of life for the community that we as residents chose to live in and pay our property taxes to.

**Gordon Dagnall**, as far as I can tell you want to eliminate these 3 conditions all together which have to do with the operation of the quarry. I would like to address the traffic. The idea we will have less trucks because we will have access to this quarry, trucks will come in from other places to the quarry. If anything, it will increase the truck traffic. The only discussion about traffic has been regarding route 3 but College and Keyser Roads will see more traffic. I have lived here six years and have seen an increase four-fold in the traffic on Keyser Road. Sure, there are signs that say 12,000 lb. gross vehicle weight is the allowable limit but a sign doesn't stop a truck from going down the road. If you have more traffic on rte. 3, more people will use College Road and Keyser Road which are not designed to handle the amount of traffic that is already on them. To Justin Poehler you seem to indicate or where you were leaning was to try and find some sort of appeasement for both parties, I very strongly again object to any adjustments to the set conditions. Once again to re-iterate, this is a light industrial area and I hope that you would look at this as if this was being done in your own backyard. Thank you.

**Laura Curran**, can stone crushing can be done during the winter months?

**Rob Ambrose** yes, but very inefficiently. On very cold days it doesn't go so well.

**Laura Curran**, are you requesting to run the crusher for the entire summer?

**Rob Ambrose**, no not at all. We can manufacture enough material in three weeks to a month throughout a couple times a year. We would like to have the opportunity to crush again when there is still the demand for material and we can crush efficiently and be able to crush again in the fall. Crushing spring, summer and fall but not consistently just a few weeks during each season. I would like to match the construction season with an inventory. When we run out of material, we would like to replenish 3 weeks to a month during the summer. I want to be clear; we will not be crushing all summer.

**Laura Curran**, the time frame given would be all summer.

Laura Curran refers to a 250' buffer and the measurement of noise. Chair provides the Section C:1:1 page 4 of the application. Laura Curran reads a portion of that section of the application aloud.

"Keeping in mind that 60 decibels is approximately the noise level of a typical voice conversation".

**Rob Ambrose**, I think the qualification of that statement is being misunderstood. As I'm talking to you right now you probably hear me as well as you hear our crusher from 250' away. I also live in the community; I've been up and down Keyser Road as much as any 39-year-old could. My family lived on Keyser Rd. I could be wrong in what you're thinking here, you're not hearing the crusher as well at 250' away as you would a conversation from 250' away, you're hearing the crusher as well as you hear me right now. Laura Curran thanks Rob for clarifying that statement. Rob adds they can do and have done decibel tests on sound from the pit.

**Gordon Dagnall**, I would like to refute Mr. Ambrose on his statement about the crusher does not make more noise than a conversation that is completely untrue. If anyone on this call wants to come by our place anytime the

crusher is working you are more than welcome. The one other thing I want to add is that Mr. Ambrose says he needs the crusher for 3-4 weeks, that is what he is allowed now during the spring and the fall so is he saying he needs to run the crusher 3-4 weeks a month so what are we talking about?

**Rob Ambrose**, I'm trying to say this as clearly as I can. We can put enough material to fill up the pit in a 3-4-week period. For us to not be able to do this 3 times a year, makes it so through the summer months, which is the peak of the construction season, we will run out of inventory. So, 3-4-week periods roughly 3 times a year that's not a consistent crushing through the construction period.

**Chair Bernie Volz**, hypothetically we could add something in that says from August 1<sup>st</sup> or from July 1<sup>st</sup> to August 28<sup>th</sup> or something like that. Add in a period of time in which they would like to use the crusher during the construction season.

**Gordon Dagnall**, so that you can significantly increase the inventory at your quarry which contradicts what you said before. You don't want to make any big changes but you will double the amount of rock crushing ability so not only do we have to put up with a lot more noise other than what was allowed, but then we are also going to hear the backup beepers the loaders and everything else because this operation is going to significantly increase if any of these conditions are adjusted or done away with.

**Attorney Fitzgerald**, I think we are getting to the point there is going to be an endless back and forth. You made a suggestion earlier that perhaps we could implement at this point. I don't think it's possible that all of the abutter's concerns can be successfully addressed to the point where they would welcome them. We have heard a lot this evening, I have taken significant notes both for the folks that spoke in favor of the project and those who spoke against it including the more recent spirited comments that came. I think at this point, if Mr. Ambrose and I can have a little more time and see if some modifications of the conditions are in order, and perhaps it might not be, we will come back if the Board would be willing to recess and let us do that.

**Chair Bernie Volz**, I think that is a very decent proposal and we can continue this to another date. Let the Board discuss and see what everyone thinks.

**Vice Chair Jean Meloney**, having been on the 2002 Board that approved the gravel pit the first time, I do know that Mr. Paquette came in and he too had specific times and agreed to things. His time frame, and I think part of it was because he did go to Florida, were set from March until October/November and that was because he was gone for the winter, that is why the Board created those hours of operation which appeased everybody. Rob, I think that's what we are looking for here, I think we need more specifics. This application seems a little too vague and if you have more specifics as opposed to leaving it open ended, I think we could have a much more concrete conversation.

**Chair Bernie Volz**, I agree. Anyone else have any more comments?

**Member Karen Ponton**, Bernie I would like to make a motion.

**Motion:**

**Karen Ponton motions to continue the hearing to the Board's next meeting in June (June 14<sup>th</sup>). Stephany Marchut Lavallee seconds that motion stating there has been too much back and forth and the Board needs something more concrete for discussion.**

**Chair Bernie Volz**, the question I guess should go to Rob and Paul as to whether they are ok with continuing the hearing to June 14<sup>th</sup> or did you want to try to schedule it sooner? If June 14<sup>th</sup>, it gives you a month to work on it and come back to us but it's also a month longer that you have to wait and get an answer.

**Attorney Fitzgerald**, it is fine with me but will defer to Rob to see if he has an operational issue with that.

**Rob Ambrose**, waiting until June 14<sup>th</sup> is fine.

Gordon Dagnall asks if he can speak. Chair Bernie Volz allows the input prior to voting on the motion.

**Gordon Dagnall**, I don't see the point in kicking the can down the road here. This is a classic maneuver for negotiations, ask for everything and hope you get something out of it. I am strongly opposed to any modifications to the conditions, this is zoned light industrial that is not the operation that is going to happen there and please consider this as if it were going to happen in your back yard. Ambrose knew of what the conditions were when they bought it. I have nothing against the Ambrose family, they seem like nice people but their request will negatively impact me.

**Vice Chair Jean Meloney**, those are all things we will consider as a Board as we bring things to a vote as to how it impacts the neighborhood and its surrounding areas as we go into our next meeting so we hear you loud and clear.

**Chair Bernie Volz**, I also think, depending on what they come back with, we may not go for it and if all they were asking for were to adjust the dates a little bit, I think we could all agree that's not as a significant issue as increasing the total time for example that the crusher may be running. That's where I stand, if it's May 1<sup>st</sup> or April 15<sup>th</sup> or May 15<sup>th</sup> is probably less of an issue for some people as opposed to if we are now going from 2, 3-week periods to 4, 3-week periods. So, I think that's where we just have to see what they come back with and I think that's the point here, give them some time to think about it after they've heard as comments and opinions as to what has been expressed.

**Alternate Member Greg Hime**, I would like for everyone, members of the Board and of the public to look at the zoning ordinances Section 4:4 General Regulations, Obnoxious Use in guidance, I think that's enough said.

**Chair Bernie Volz**, we have the motion to continue this meeting to June 14<sup>th</sup>, Aimee will provide the roll call. **Clerk clarifies the motion was made by Karen Ponton and seconded by Stephany Marchut Lavallee and provides the roll call vote:**

**Chair Bernie Volz, yes**  
**Vice Chair Jean Meloney, yes**  
**Member George Lamprey, yes**  
**Member Karen Ponton, yes**  
**Member Stephany Marchut Lavallee, yes**

Chair states hearing will be continued to June 14<sup>th</sup> and to refer to the ZBA page of the Town Website for updates. Chair mentions the meeting will move on to other items on the agenda and that people are welcome to stay but that there will be no further discussion on the Ambrose case.

### **III. OTHER:**

#### **ELECTION OF OFFICERS:**

Chair states Election of Officers is up for renewal for the year. At present myself as Chair and Jean as Vice Chair and Aimee as Clerk, Aimee will be kept as Clerk so the other two positions are certainly up for grabs. Stephany Marchut Lavallee states she thinks the Board functions very well with the current leadership. Gregory Hime concurs. George Lamprey, Bernie you're the only one that can operate Zoom so that position is solid. 😊

**Motion: Stephany Marchut Lavallee motions Bernie Volz continue as Chair and Jean Meloney continue as Co-Chair and Aimee stays with us as Clerk. Seconded as by Gregory Hime.**

**Roll Call Vote:**

**Alternate Member Gregory Hime, yes**  
**Alternate Member, Susan Patz, yes**  
**Member Stephany Marchut Lavallee, yes**  
**Member Karen Ponton, yes**  
**Member George Lamprey, yes**  
**Vice Chair Jean Meloney yes**  
**Chair Bernie Volz, yes**

**ZBA BY-LAWS UPDATE:**

Minor changes to the by-laws one was the formatting clean up the more substantive change was to add under General Rules, the minutes are the official record of the Zoning board. We did discuss this bunch at the last meeting, I don't know how other people feel but this basically came from wording the Planning Board used. I modified it a little bit because one of the problems we have that the Planning Board doesn't have is that they meet regularly and we don't. We may meet every 6 months wherefore, keeping those recordings until the minutes are approved. Perfect example we just approved minutes from July of last year. The difference between what the Planning Board had and what we had; we basically don't need to retain the recordings until the minutes are officially approved. We retain the recordings for either 30 days or until the minutes are officially approved whichever comes first. We need a motion to amend the by-laws are presented.

**Motion: Jean Meloney motions to approve the by-laws as presented. Seconded by Stephany Marchut Lavallee.**

**Roll Call Vote by Clerk:**

**Chair Bernie Volz, yes**  
**Vice Chair Jean Meloney, yes**  
**Member George Lamprey, yes**  
**Member Karen Ponton, yes**  
**Member Stephany Marchut Lavallee, yes**  
**Alternate Member Susan Patz, yes**  
**Alternate Member Gregory Hime, yes**

Jean Meloney asks if we are still down members/alternates. Chair states yes, we are down 3 alternate members. Karen asks if there could be something written on the volunteer page and ZBA page. Chair states yes and will work on posting with Clerk.

Board may discuss resuming in person meetings at their next meeting on June 14<sup>th</sup>.

**IV. ADJOURNMENT:**

No other business for the Board to discuss. Jean Meloney motioned to adjourn the meeting at 9:05 p.m. Seconded by Stephany Marchut Lavallee. All were in favor of adjourning the meeting.