

The Swanzey Conservation Commission met October 3, 2011, at 4 p.m. in Swanzey Town Hall. Present were: Robert Goodrich, Deb Crowder, Stephen Stepenuck, Gary Coburn, and Jane Johnson. The meeting opened at 4:08 p.m. with Robert Goodrich presiding. Michael Day, chairperson was detained and came later.

The first item to be addressed was the Mitchell Sand and Gravel Hot Mix Asphalt Plant near the Westport-Winchester boundary. Guests Mary E.D. Ryan, Ernie Snow and Mike Towne, representing the Ashuelot River Anti-Asphalt Campaign, were present to update the committee on the progress of the project and to appeal to the committee for financial assistance of \$3000 enabling them to retain an attorney.

The Swanzey Conservation Commission holds as one of its goals the protection and preservation of our town's natural resources. After hearing the comments of the guests and reading the letter that Ms. Ryan presented, (see letter attached) the Commission agreed unanimously that financial assistance would be appropriate, as the asphalt project does have a regional impact on our community in a negative way. The citizens in the area near the work are experiencing noise and air pollution, smelling noxious fumes and have noticed changes in the habits of local wildlife. The sand and gravel company is blasting near a large aquifer and the Ashuelot River. Blasting could cause pollutants to seep into these waters. After speaking to Beth Fox, Town Administrator, Deb Crowder made a motion to take the matter before the Board of Selectmen to ascertain the legality of our assistance and to approve the appropriation of \$3000, contingent upon the Board of Selectmen's decision. (see motion attached) Bob Goodrich seconded the motion and the vote was unanimous in favor. The next item discussed was GPS and Map/Brochure, project led by Theresa DiLuzio. After discussing the maps the group decided they would revisit the trail to insure accuracy of the maps and markings. They set a tentative date of Monday, Oct. 10, 2011 to do this work. The Ashuelot River Water quality and River Clean-up, scheduled for Oct. 1 had been postponed to October 8th due to the very high water levels. The results of the cleanup will be discussed at the November meeting. Deborah Crowder displayed the signs for the Mt. Cresson Conservation Area. The cost of the signs was \$230. Deb Crowder will treat them with linseed oil and a work date for installation and trail work will be determined. There were the following applications:

a. Demoulas Supermarkets: Modify Site Plans

(1) Deleting 13,339 sq.ft. building and adding two buildings (6,000 sq.ft. for retail, 3000 sq.ft. for a bank) and 5,781 sq.ft. to existing building for storage.

(2) Department Head review due October 5, 2011

(3) Planning Board meeting October 27

The commission members discussed this and expressed no objections.

5. Other Business included an announcement by D. Crowder of a Honey Hill Hike scheduled for October 15, 2011. There was discussion related to wetland filling at Ground Up on Rt. 12 and at Bergevin's shop on the Base Hill Rd. Steve Stepenuck moved that we compose letters to the DES again regarding these problem spots.

Jane Johnson moved we adjourn, seconded by Gary Coburn. The meeting adjourned at 5:38 p.m.

The next meeting will be November 7, 2011, at the Town Hall.


Jane B. Johnson, clerk

Date Oct. 8, 2011

Ashuelot River Anti-Asphalt Campaign
Mary Ryan, Spokesperson
129 Westport Village Road
Swanzy, NH 03446

Swanzy Conservation Commission
Swanzy Town Hall
620 Old Homestead Highway
Swanzy, NH 03446

October 3, 2011

Dear Conservation Committee Members,

I would like to introduce myself first. I am the spokesperson for the Ashuelot River Anti-Asphalt Campaign which formed in the fall of 2010 in response to threats – environmental and otherwise – from the proposal of a new asphalt plant off route 10 at the Winchester / Swanzy town line. The proposal was first presented to the town of Winchester in the summer of 2010 by Mr. Rob Mitchell. He had purchased the property in the spring of 2010. The property had been a gravel pit since the 1950's which straddled the Winchester / Swanzy town line. The property is in both towns, but it lies primarily in Winchester. Mitchell and his consultants chose to pursue a site on the Winchester side of the property to locate the plant. This site is directly over the aquifer and very near to the Ashuelot River. On the site itself is a small wetlands pond. West of the site is a large wetland bog area which abuts the Mitchell property.

inspector, The Winchester CEO Leroy Austin opposed the asphalt plant as he felt it was unsafe to build and operate over the aquifer, and that asphalt was toxic, but the Winchester ZBA overturned his decision. To make a long story short, the boards of Winchester have ushered in Mr. Mitchell, his representatives, and the asphalt plant despite extreme public opposition and multiple legal interventions. They have foolishly, and we believe illegally, allowed him to place an asphalt plant through special exception in an agricultural zone over an aquifer supplying water to multiple towns and local wildlife. They have also allowed him to turn the gravel pit into a quarry with aggressive mining taking place to acquire the raw materials to run the asphalt plant.

Mr Mitchell has installed a 43 year old asphalt plant he bought on ebay with an 18 year old used bag house and many other used and old parts and tanks. He has not had a stack test with DES yet, but he has already made and sold asphalt from the plant. He sold asphalt to the Town of Winchester to pave town roads prior to the final approval of the plant. The plant has not met numerous conditions for the final approval and may never meet these conditions, but the Winchester planning board granted Mitchell final approval anyhow about two weeks ago. We are dealing with absolute corruption that is corrupting absolutely. Mitchell's attorney has even issued "no trespass" orders to all citizens and some local and state officials who have gathered any evidence of his infractions.

The Swanzey Planning Board has also allowed the quarry and mining to develop on the Swanzey side of the property, despite significant public demand for relief and protection of the neighborhood and the environment. With the exception of a few individuals, the Town of Swanzey has done very little to oppose the asphalt plant or the quarry and the destruction taking place on the Mitchell property or the nearby area.

The Ashuelot River Anti-Asphalt Campaign formed one year ago to oppose the plant and the quarry and has consistently fought this development for the protection of the neighborhood and the environment and wildlife in the surrounding area. We have argued vehemently throughout the proceedings that the quarry, mining operations, and asphalt plant activities will without question pollute the area with fugitive dust, release known toxins into the air through the stack and fugitive emissions, and create the risk of toxic spills from storage tanks and cracks in the rock layer over the aquifer caused by the use of explosives and frequent rock crushing.

This has created noise and fumes, and more explosions, rock crushing, and dust than ever before. This is a definite threat to the air, water, soil, and vegetation in the area, not to mention the wildlife. The river and bodies of water and aquatic life are subject to potential damage by fugitive dust, which can change the chemistry of the water. The wildlife is showing signs of stress and we have witnessed a decline in the birds that live in the area. Because of the way the air flows through the area and how it settles when there is rain, fog, or humidity, the nearby neighborhoods are now plagued with dust, fumes, and air pollutants that were previously not a part of the environment, even though there was a pit there before. The Ashuelot River is a protected river, and it cannot afford the shift in pH that will likely occur if this pollution is allowed to continue. ARLAC also presented this argument at the proceedings in Winchester, but they were ignored.

The NH DES has not been especially helpful. In fact, due to the asphalt plant's meager upgrades it is noted in the DES application, "These changes are not significant enough to meet the definition of "reconstruction" under 40 CFR 60.15; therefore, the plant is not subject to new source performance standards."

Mr. Mitchell's representatives promised on record that they would upgrade their 43 year old plant with a NEW baghouse and get it to meet the pollution control standard of a brand new plant. This has not occurred, and they have no intentions of doing it.

We have tracked and gathered evidence of multiple infractions of the law throughout this process on the part of Mitchell and the town boards of Winchester, and we are continuing to fight this development at the legal level. At this critical time in our efforts, we implore you to assist us in any way possible to protect the affected environment. We are requesting support in the form of letters and emergency funding from the Swanzey Conservation Commission to protect these threats to the local environment.

Sincerely,

Mary Ryan

June 20, 2011

Town of Winchester Code Enforcement Officer
And To Whom it may concern,

This document was prepared in response to request by a number of constituents of the Town of Winchester and the Town of Swanzy (as requested by their State Representative) for an update on the status of the Permit for Excavation of Land issued to Rob Mitchell of Mitchell Sand & Gravel, LLC as issued on 9/9/10 by the Town of Winchester Planning Board and signed by the Planning Board Chairperson.

Four of the conditions stated in the permit were found not to be in compliance.

1—Condition 1: concerning a buffer between the Beckman & Mitchell boundary has not been constructed as required. An interview with Mr. Beckman revealed that as of June 2011 no conversations about the boundary had occurred.

2—Conditions 3 & 6: both dealing with construction materials and debris permitted to be stored. Construction debris and materials not permitted are being stored in an open area of the site not associated with any current work. Permit requires removal by 10/1/10. (Photos 5, 6, & 7 attached)

3—Condition 4: concerning the maintainence of the fencing on the ledge, fencing is missing and in disrepair along the ledge, it has not been in place for several months. (Photo 8 attached)

4—Condition 7: concerning the reclamation of the Northwest corner, there has been no appreciable grading (pits, gullies, raw banks and pools of water with vegetation growing in the pools remain) and no noticable plantings. Permit requires work completed by 10/1/10. (Phtoos 1, 2, 3, & 4 attached)

Thank you for your efforts to resolve these issues. Please let me know what resolutions are enacted.

Sincerely,

Representative Daniel Carr, Cheshire 4
Winchester, Hinsdale, Chesterfield

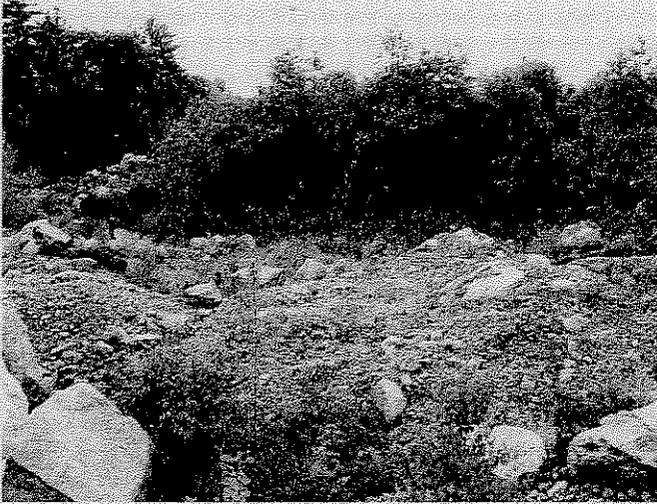


Photo 1, Northwest corner



Photo 2, Northwest corner

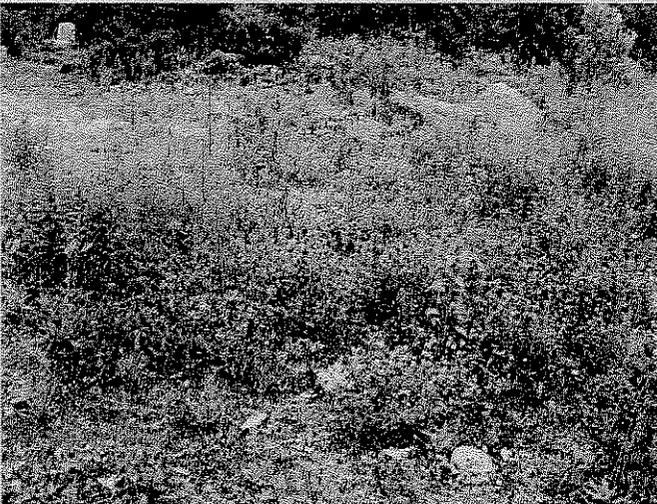


Photo 3, Northwest corner



Photo 4, Northwest corner

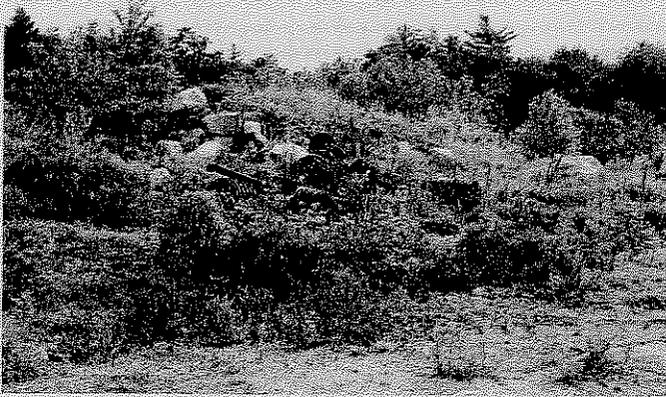


Photo 5, Plastic culvert debris in scrap pile

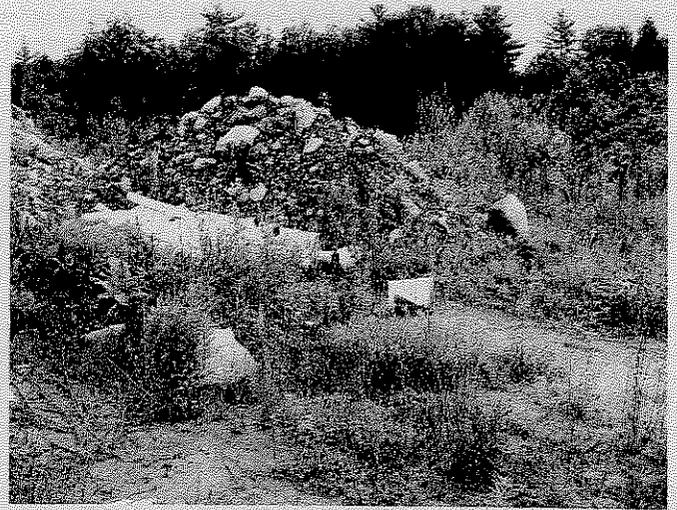


Photo 6, Plastic pipe, materials? and bucket



Photo 7, Steel culvert down embankment, crushed



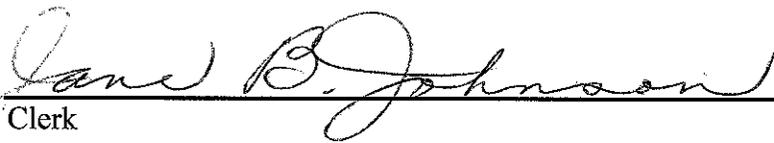
Photo 8, Missing and tangled fence on ledge

Motion made by D. Crowder, 2nd, R. Goodrich

Our motion is driven by the Swanze Conservation Commission's duty to protect the natural resources of the town, and by our concerns about the environmental impacts occurring in the Westport Village area of Swanze. Therefore, the Swanze Conservation Commission votes to approve the request from the Ashuelot Anti-Asphalt Campaign representatives for an appropriation of \$3,000 from the Swanze Conservation Commission account.

We submit our request for the dispensation of our funds as a donation to support the ARAAC's efforts to protect the environment in their area of Swanze, based on the condition that this appropriation is an allowable use of town funds from the SCC account, in the view of the Swanze Board of Selectmen.

Vote by the SCC, October 3, 2011: All in Favor.


Clerk

