

VALLEY MOTORSPORTS PARK PUBLIC HEARING

Kenneth A. Brett School

881 Tamworth Road

Tamworth, NH

Wednesday, October 6, 2004

7:00 p.m.

PANEL: Lieutenant Colonel Andrew Nelson,  
US Army Corps of Engineers  
Michael Hicks, US Army Corps of Engineers  
Permit Project Manager  
Paul Courier, New Hampshire  
Department of Environmental Services  
Watershed Bureau  
Frank Delgiudice,  
Chief, Regulatory Branch  
Craig Lizotte, Professional Engineer,  
ESS Group, Inc.

MODERATOR: Larry Rosenberg

1 THE MODERATOR: Thank you. Thank you.  
2 Good evening and welcome to this public hearing  
3 regarding the permit application submitted by  
4 Motorsports Holdings, LLC on the proposed  
5 construction of a motorsports country club.

6 My name is Larry Rosenberg, and I'm the  
7 chief of public affairs for the United States Army  
8 Corps of Engineers in New England. I will be your  
9 moderator and facilitator this evening.

10 Our hearing officer tonight is  
11 Lieutenant Colonel Andrew Nelson, the deputy  
12 commander and deputy district engineer of the United  
13 States Army Corps of Engineers in New England.

14 As this is a joint hearing with the  
15 State of New Hampshire, Paul Currier, the  
16 administrator for the New Hampshire Department of  
17 Environmental Services Watershed Bureau, joins us  
18 here as well.

19 Should you need copies of the public  
20 notice, the hearing procedures or other pertinent  
21 information, it is available at the registration area  
22 as you walked in.

23 I should point out that the United  
24 States Army Corps of Engineers has made no decision  
25 regarding this permit application.

1           The agenda for this evening is the  
2 following: Following this introduction, Colonel  
3 Nelson, followed by Mr. Currier will address the  
4 hearing. Then the permit applicant will discuss the  
5 permit application. I will then come back to the  
6 podium and review the Corps of Engineers'  
7 responsibilities in this process and explain the  
8 hearing procedures.

9           Following that, I will open the floor  
10 to public comment utilizing the hearing protocol. A  
11 reminder of those protocols are also available, and  
12 they are the orange-colored paper.

13           Before we begin, I'd like to remind you  
14 of the importance of filling out these cards that  
15 were available at the door. These cards serve two  
16 purposes. First, they let us know that you're  
17 interested in this permit, so we can keep you  
18 informed.

19           Second, they provide me a list of those  
20 who wish to speak this evening. If you did not  
21 complete a card, but wish to speak or receive future  
22 information regarding this permit, one will be  
23 provided at the registration.

24           Now, for your convenience and since  
25 there will be a time limit set, an additional

1 stenographer is also available outside the hallway to  
2 the left should you wish to provide comment on the  
3 record without the imposed time restriction rather  
4 than make the formal presentation. These statements  
5 along with any written statement submitted -- you can  
6 put them in the box up front -- will receive equal  
7 consideration with those presented here this evening.

8           One additional comment, very important.  
9 We are here to receive your comments, not to enter  
10 into any discussion of those comments or to reach any  
11 conclusions. Any questions you have should be  
12 directed to the record and not to the individuals on  
13 this panel. Thank you.

14           Ladies and gentlemen, Colonel Nelson.

15           MR. NELSON: Thank you, Larry. Good  
16 evening.

17           I'd like to welcome you tonight to this  
18 public hearing on a request for a permit from  
19 Motorsports Holdings to develop a motorsports country  
20 club. The club will consist of a 3.1-mile road  
21 course, access road, parking and facilities for the  
22 repair, garaging and servicing of high-quality  
23 vehicles as well as accommodations and dining  
24 facilities for club members, guests and visitors to  
25 New Hampshire.

1           I would also like to thank you for  
2 involving yourselves in this environmental review  
3 process. Please feel free to bring up any and all  
4 topics that you feel need to be discussed on the  
5 record. I assure you that all of your comments will  
6 be addressed during this process.

7           I'm Lieutenant Colonel Andrew Nelson,  
8 deputy district engineer for the New England district  
9 of the United States Army Corps of Engineers. Our  
10 headquarters is in Concord, Massachusetts. Other  
11 Corps of Engineers' representatives with me tonight  
12 include Frank Delgiudice, chief of our regulatory  
13 branch for the State of New Hampshire, Vermont and  
14 Maine; Michael Hicks, our permit project manager; and  
15 Larry Rosenberg, our chief of public affairs, as you  
16 heard who will facilitate today's hearing.

17           Tonight's hearing is being conducted as  
18 part of the Corps of Engineers' regulatory program  
19 solely to listen to your comments.

20           I would like to briefly review the  
21 Corps of Engineers' responsibilities in this process.  
22 First, the Corps' jurisdiction in this case is  
23 Section 404 of the Clean Water Act that regulates the  
24 discharge of dredged or fill material in the waters  
25 of the United States to include wetlands.

1           A Section 401 certification is required  
2 from the State of New Hampshire because the project  
3 requires a federal permit for activities such as  
4 construction or operation of the project that may  
5 result in a discharge to surface water. Paul Currier  
6 of DES will discuss this in more detail in a few  
7 moments.

8           Second, the detailed regulation that  
9 explains the procedures for evaluating permit  
10 applications and unauthorized work is Title 33 of the  
11 Code of Federal Regulations, parts 320 through 330.

12           And, third, the Corps' decision rests  
13 upon several important factors to include: In  
14 accordance with the Federal Clean Water Act, the  
15 project must comply with the 404 Section (b)(1)  
16 guidelines, which are the federal environmental  
17 regulations governing the filling of waters and  
18 wetlands.

19           In accordance with those aforementioned  
20 regulatory and statutory authorities, our decision to  
21 issue a permit will be based on an evaluation of the  
22 probable impacts of the proposed activity on the  
23 public interest. Our decision will reflect the  
24 national concern for both the protection and  
25 utilization of important resources. That the

1 benefits that may reasonably accrue from the proposal  
2 must be balanced against its reasonably foreseen  
3 detriments and all factors which may be relevant to  
4 the proposal will be considered during our public  
5 interest review prior to making our decision.

6           Lastly, federal law requires that the  
7 Corps may only permit the least environmentally  
8 damaging practicable alternative. The Corps must  
9 evaluate alternatives to avoid or minimize impacts on  
10 waters and wetlands.

11           There are two basic parts to the final  
12 selection process: First, an analysis is conducted  
13 of all available alternatives to determine  
14 practicability; and, second, the final alternative  
15 must be the least damaging to the environment.

16           In determining practicability, the  
17 Corps considers such factors as cost, safety,  
18 technical feasibility and community impacts. If  
19 these types of effects are severe, the Corps may rule  
20 out alternatives, even if they are less  
21 environmentally damaging.

22           However, once all the practicable  
23 alternatives are determined, the Corps is required to  
24 permit only the least environmentally damaging on  
25 waters and wetlands.

1           After the least environmentally  
2   damaging practicable alternative has been determined,  
3   the Corps will evaluate measures to further minimize  
4   and mitigate impact; and in accordance with the  
5   President's policy of no net loss of wetlands, we  
6   strive to mitigate in kind for all unavoidable  
7   impacts.

8           Subsequent to any determination of the  
9   least environmentally damaging practicable  
10  alternative, the Corps conducts a broad-based public  
11  interest review. This hearing is part of that  
12  review. All factors affecting the public will be  
13  included in our evaluation. Your comments help us in  
14  reaching a decision.

15          The record of this hearing will remain  
16  open, and written comments may be submitted tonight  
17  or by mail until 5 p.m. on October 16th, 2004. All  
18  comments will receive equal consideration.

19          Lastly, to date, no decision has been  
20  made by the Corps of Engineers with regard to this  
21  permit. It is my responsibility to evaluate both the  
22  environmental and socioeconomic impacts prior to our  
23  decision; and in order to accomplish that, we need  
24  your input.

25          Yes. It is indeed crucial to this

1 public process that your voice is heard, and I thank  
2 you all for your involvement.

3 THE MODERATOR: Thank you, sir. Ladies  
4 and gentlemen, Mr. Currier.

5 MR. CURRIER: Thank you, Larry. As  
6 mentioned, my name's Paul Currier. I'm the  
7 administrator of the Watershed Management Bureau at  
8 the New Hampshire Department of Environmental  
9 Services. Joining me tonight from the department are  
10 Paul Piszczek, who's in charge of the department's  
11 401 water quality certification program, and his  
12 supervisor, Greg Comstock, there on your right over  
13 next to the wall.

14 First, I'd like to thank the Corps of  
15 Engineers for making arrangements for tonight's  
16 hearing and for allowing us to combine our Section  
17 401 public hearing with the Corps' Section 404  
18 hearing. We sincerely appreciate it and we hope that  
19 everyone finds this to be an effective process and an  
20 efficient use of everyone's time.

21 I'd also like to thank the Kenneth A.  
22 Brett School for providing the space for tonight's  
23 hearing. And, finally, thank all of you for taking  
24 the time from your schedules to voice your opinions  
25 and concerns. We encourage your comments, we

1 appreciate them; and let me assure you that all  
2 comments will be considered during our decision  
3 making process on the 401 certification.

4 I would now like to briefly review the  
5 Section 401 water quality certification process, and  
6 there's a handout also describing this process that's  
7 available at the registration desk.

8 DES jurisdiction in this case is  
9 Section 401 of the Federal Clean Water Act. Section  
10 401 requires that any applicant for a federal license  
11 or permit to conduct any activities including, but  
12 not limited to, construction or operation of any  
13 facilities which may result in a discharge to  
14 navigable waters to provide the licensing or  
15 permitting agency with a certification from the state  
16 where the discharge originates, that the discharge  
17 will not violate state surface water quality  
18 standards.

19 Under state laws surface waters -- and  
20 federal law -- surface waters include rivers,  
21 streams, lakes, ponds, wetlands and tidal waters.

22 In this case the applicant, Motorsports  
23 Holdings, LLC, needs a federal Section 404 permit  
24 from the Corps. Before the Corps can issue their  
25 permit, DES must issue a Section 401 water quality

1 certification which certifies that construction or  
2 operation of the project will not result in  
3 violations of state surface water quality standards.

4           When DES issues a Section 401  
5 certification, it often includes specific conditions  
6 relative to construction or operation as well as for  
7 periodic water quality monitoring to ensure that  
8 water quality standards are being met.

9           In general, the geographic extent of  
10 the 401 review includes all surface waters that could  
11 be significantly impacted by the project. In this  
12 case, the water bodies to be certified include all  
13 surface waters within the project boundaries as well  
14 as surface waters immediately downstream from the  
15 project boundaries, including the Bearcamp River just  
16 downstream of the project.

17           And there's a map here, and there's  
18 another one outside, which show the area that -- the  
19 focus area for the 401 certificates.

20           Water quality issues associated with  
21 construction are typically addressed through a DES  
22 wetlands permit and a site specific or alteration of  
23 terrain permit. Those permits have been issued by  
24 the State of New Hampshire.

25           On March 23rd, 2004 we received an

1 application for Section 401 water quality  
2 certification from the applicant; and on July 28th,  
3 2004 DES received a request from the law firm of  
4 Rath, Young and Pignatelli on behalf of Focus  
5 Tamworth to hold a public meeting on the Section 401  
6 application. This public meeting and public hearing  
7 is being held on response to that request.

8           As Colonel Nelson mentioned, the record  
9 for this joint hearing will remain open; and written  
10 comments may be submitted tonight or by mail until 5  
11 p.m. on October 16th, 2000. All comments will  
12 receive equal consideration. To simplify the process  
13 for you, please submit all comments to the Corps of  
14 Engineers.

15           After the October 16th deadline, DES  
16 and the Corps will review all comments and determine  
17 which are pertinent to each program. DES will then  
18 make -- review the comments and make a decision  
19 regarding the 401 water quality certification and  
20 will post the results of our decision and our  
21 response to public comments related to the Section  
22 401 certification on our website.

23           Anyone who is agrieved by this decision  
24 when we issue it may file an appeal with the DES  
25 water council in accordance with our rules, ENVWC

1 200.

2 Thank you.

3 THE MODERATOR: Thank you, sir.

4 Ladies and gentlemen, representing the  
5 applicant for the permit before the Corps of  
6 Engineers in the State of New Hampshire, Mr. Craig  
7 Lizotte.

8 MR. LIZOTTE: Good evening. My name is  
9 Craig Lizotte; and I work with ESS Group, Inc. We're  
10 the engineers and permitting consultant that's  
11 working for Club Motorsports.

12 I'm going to give a brief summary of  
13 the project, the status, and some of the work that we  
14 have completed to date. Before I give that, Stefan  
15 Condometraky, the president of Club Motorsports,  
16 wanted to make a brief statement.

17 MR. CONDOMETRAKY: Ladies and  
18 gentlemen, for those of you that don't know me, I'm  
19 Stefan Condometraky. Thank you very much to the Army  
20 Corps of Engineers and to DES for holding this  
21 hearing.

22 As I've said at other public hearings  
23 in the past, I think it's very important as Americans  
24 to be part of this process. It's very important for  
25 our project, as well as meeting all the regulations

1 and requirements.

2 I just wanted to make a brief  
3 statement, very brief. We have worked extremely  
4 hard, as I'm sure you've seen our application, to  
5 meet and exceed all of the requirements that would be  
6 necessary for the issuance of permits. As you know,  
7 the State of New Hampshire has seen fit to issue us  
8 two permits already. We will continue to abide by  
9 any and all regulations required and go above and  
10 beyond what is required to meet those permit  
11 requirements.

12 In addition to that, both myself, as  
13 well as the investor group involved with Club  
14 Motorsports, has the financial wherewithal to build  
15 50 of these facilities, if we chose to do it over the  
16 United States.

17 Just wanted to say that, and have a  
18 good evening. Thank you so much.

19 MR. LIZOTTE: Okay. I was going to  
20 start out with a very brief project summary because  
21 this is a permit -- a hearing regarding a wetlands  
22 permit, I was going to focus on the wetlands and the  
23 site itself.

24 I'm sure most of you are familiar with  
25 the project and are familiar with the site, but it's

1 a 251-acre parcel on Route 25 in Tamworth. There's  
2 approximately 14 acres of wetlands on the parcel.  
3 Our project design has 16 impact areas to these  
4 wetlands. The total impact area is 0.73 acres.  
5 We're proposing to mitigate for those impacts with a  
6 107-acre parcel of land that's in Sandwich. We're  
7 proposing to conserve this land.

8 I do want to make it clear that we are  
9 currently working with a subcommittee, with the  
10 Tamworth Conservation Commission, to try to identify  
11 and mitigate some site in Sandwich. If we can find a  
12 site in Sandwich that's suitable -- Tamworth. Excuse  
13 me. If we can find a site in Tamworth that's  
14 suitable for the project and acceptable by the Army  
15 Corps and the State of New Hampshire, that site will  
16 be substituted for the Sandwich site.

17 I wanted to give also a quick status of  
18 where the project is. We began working on the  
19 project in August of 2003. Wetlands were delineated  
20 on the project site in the fall of 2003 and the  
21 spring of 2004. We filed a request for  
22 jurisdictional determination with the Army Corps in  
23 November of 2003. We filed a joint wetland permit  
24 application with the State of New Hampshire and the  
25 Army Corps of Engineers in March of 2004. We filed

1 an application with the New Hampshire DES for our  
2 site specific permit in March of 2000. New Hampshire  
3 DES issued comments on the wetland permit in May of  
4 2004. We responded to those comments in two phases,  
5 in June -- in June and July; and the wetland permit  
6 was issued on July 29th. That permit was appealed  
7 and was upheld on appeal.

8           We filed, as the representative from  
9 DES indicated, a request for our 401 permit in May of  
10 2004. We worked with DES to develop a sampling plan.  
11 We're currently doing baseline sampling on the site  
12 and in the Bearcamp River. That baseline sampling is  
13 anticipated to be completed this fall, and then we  
14 will file those results with the state; and they can  
15 finish their decision.

16           With regard to the site specific  
17 permit, New Hampshire DES issued comments the summer,  
18 we responded to those comments; and that permit was  
19 issued in September.

20           Just the last thing I wanted to say was  
21 just to go through a quick list of some of the  
22 studies and technical information that we've looked  
23 at, developed and evaluated.

24           When we first started on the project,  
25 we went through a pretty significant site selection

1 alternative analysis to make sure this was the right  
2 site for this project. We then have worked for  
3 almost a year looking at design alternatives, ways to  
4 minimize impact to wetlands.

5           When we first started working on the  
6 project, the impacts were well over five acres;  
7 they're now below one acre. We've done site  
8 hydrologic analysis and stormwater modeling to design  
9 and develop a stormwater management system that  
10 controls stormwater, treats it, and makes sure that  
11 there are no impact to the water bodies.

12           We've done rare species evaluations on  
13 the site and shown that there are no rare species  
14 habitats. We've done habitat fragmentation analyses  
15 and submitted that to both the Army Corps and New  
16 Hampshire DES.

17           Our consultants have done sound  
18 studies, and we've also been doing archaeological  
19 investigations on the site as required by the Section  
20 404 process.

21           Phase one of the archaeological  
22 investigation has been completed and accepted by the  
23 New Hampshire State Historical Preservation Office,  
24 and the phase two is about to begin.

25           And that's it.

1 I'd like to introduce Susan Duprey.  
2 She's the attorney that represents Club Motorsports.

3 MS. DUPREY: Good evening. And thank  
4 you for being here tonight. My name is Susan Duprey,  
5 and I'm a lawyer with Devine, Millimet & Branch, a  
6 regional law firm based in Manchester; and I'm here  
7 this evening representing Club Motorsports.

8 I wanted to point out that from the  
9 earliest stages of the engineering of this project,  
10 we've sought to reduce our wetlands impact as much as  
11 we possibly can and have had a great deal of success  
12 related to that, reducing it by several acres, and  
13 also to have the highest impartial authorities review  
14 our engineers' work because we knew of the concerns  
15 that have been expressed in writing by many in this  
16 room tonight.

17 To that end we've had numerous meetings  
18 with both the Corps and DES before, during and after  
19 putting our plans together in an effort to  
20 incorporate your knowledge and advice and requests.  
21 We made every change that has been asked of us in an  
22 effort to show that we've made every possible effort  
23 to put forth the best plan that we can, a plan that  
24 respects the site, that respects the environment and  
25 also importantly a plan that will stand up to

1 engineering critique.

2           The sound science that is the  
3 foundation of our efforts and our plans has resulted  
4 in New Hampshire's Department of Environmental  
5 Services granting two very significant permits for  
6 this project. Both our wetlands permit and our  
7 terrain alteration permit, which go to the heart of  
8 the work that we seek to do on this site have been  
9 issued. Obviously, this means that engineering  
10 answers that we have provided have been found by DES  
11 to address the issues raised by DES, as well as those  
12 raised by the Tamworth Conservation Commission and  
13 our opponents.

14           Furthermore, an appeal filed by our  
15 opponents has been denied by DES at this first stage.

16           You've heard, and I'm sure you will  
17 hear tonight again, that our site is surrounded by  
18 thousands of acres of protected land, which it is.  
19 But the other half of the story is that it is also  
20 surrounded by many industrial uses. There are  
21 timbering, gravel chipping businesses and an oil  
22 business as well as a transfer station in the  
23 immediate vicinity of our project. In fact, the  
24 master plan for the town calls for commercial and  
25 industrial work on our site in this area.

1           Our site is not in the middle of an  
2 untouched piece of wilderness. Many of the  
3 surrounding sites have been logged and continue to be  
4 logged. Our own site has been logged on several  
5 occasions prior to our purchasing it. I'm confident  
6 in saying that there's not a single use in the  
7 surrounding area that has been as thoroughly and  
8 carefully engineered as this project has been.

9           Much concern has been raised about the  
10 possible contamination of the Ossipee aquifer as a  
11 result of this project. Our project does sit on the  
12 site of this aquifer in an area of lower  
13 transmissivity of the soil. The heart of the aquifer  
14 is actually under Route 16, which is a very busy New  
15 Hampshire highway. The heart of it is also in an  
16 area that is the main business district for the  
17 region.

18           There are several gas stations,  
19 hundreds of underground and aboveground tanks and  
20 other hazardous uses, as well as the very busy  
21 highway that are located right on top of this  
22 aquifer. Yet these businesses and uses were all  
23 allowed and continued to be allowed to locate without  
24 significant objection.

25           What currently sits on the top of the

1 most sensitive part of the aquifer dwarfs our plans  
2 for a less sensitive area. And I believe that we  
3 have a pictorial, which is out in the hallway, that  
4 shows the location of these various other uses and  
5 where they are in reference to our site and the  
6 aquifer.

7           As I'm sure you know, development  
8 frequently occurs on aquifers, and there are  
9 engineering answers to protect aquifers, and we have  
10 incorporated those in our plans.

11           Our opponents have made many claims  
12 which are simply not borne out by the facts or  
13 science; and in respect to the time constraints this  
14 evening, I'd like to just name a few. One has been  
15 criticism of our engineering and endangerment of  
16 wetlands, which I've already discussed; and, as you  
17 know, the permits relating to those by the state have  
18 already been issued.

19           Endangered species. Claims continue to  
20 be made that there are endangered species on the  
21 site. However, these claims have been rejected by  
22 DES as having no supporting evidence.

23           On wildlife. Claims have been made  
24 that we will irreparably harm wildlife. These were  
25 found to be unsubstantiated by true wildlife experts

1 and have been rejected by DES. On historic resources  
2 claims that our site is the location of huge amounts  
3 of historically important materials also appear to be  
4 untrue.

5           While we're further investigating three  
6 sites on our land, we've done a canvassing of the  
7 entire site, and while we'll follow all necessary  
8 protocol related to historic resources, we're not  
9 aware of anything at this point that would prevent  
10 our project from being built.

11           On the question of sound, which has  
12 been a question that has been discussed with some  
13 frequency here, the opposition's expert tells you  
14 that in order to protect the region, a 25-foot-high  
15 100-foot-wide at the base earth berm is required; and  
16 even that won't be enough.

17           We've hired Tech Environmental, a very  
18 highly sought after sound engineering firm; and their  
19 response to this is as follows, and I quote: The  
20 consequence of using an extreme and discredited noise  
21 criterion of 35 dBA is that HMMH propose an  
22 unreasonable and unenforceable property line sound  
23 limit of 69 dBA one second maximum that would be  
24 violated by a single street automobile driving by.

25           The application of such a sound limit

1 would prohibit any development of the property,  
2 including residential use; and the application of  
3 this limit uniformly in the Town of Tamworth would  
4 effectively prohibit any and all human activity in  
5 the town.

6 In closing, I would simply like to  
7 state, as I can see that I'm about to be given the  
8 hook, is that there are many people who support this  
9 project, hundreds of them, hundreds who have applied  
10 for a job, hundreds who've told us it will help their  
11 business. Many look forward to the taxes that it  
12 will bring which will help keep their own taxes down.  
13 Others hope that this town will gain a good corporate  
14 neighbor.

15 And in that vein, we would like you to  
16 also note that we have approached the selectmen to  
17 make some proposals to address operational issues so  
18 that we can continue to work to allay concerns about  
19 issues such as noise, lighting, hours, et cetera.

20 In closing, we thank the Corps and DES  
21 for holding this hearing and for coming up to  
22 Tamworth to do it. We appreciate the many hours of  
23 review assistance you've given to make the plan a  
24 better plan; and in the end this project will be a  
25 world-class facility that will add to some of the

1 unique experiences that the State of New Hampshire  
2 has to offer and will be a credit to the region.

3 Thank you.

4 THE MODERATOR: Thank you.

5 Ladies and gentlemen, just a reminder,  
6 what you heard was a permit overview, an overview of  
7 the permit that is being considered by the Army Corps  
8 of Engineers, and their conclusions are their  
9 conclusions. We are here to listen to you this  
10 evening also.

11 Ladies and gentlemen, it is crucial to  
12 this public process that your voice is heard; and we  
13 are here to listen. We're here to listen to your  
14 comments, to understand your concerns and provide you  
15 an opportunity to put your thoughts on the record  
16 should you care to do so.

17 The hearing this evening will be  
18 conducted in a manner that all who desire to express  
19 their views will be given the opportunity to do so.  
20 To preserve the right of all to express their views,  
21 I ask that there be no interruptions.

22 Furthermore, in order to make any  
23 decisions regarding this permit application, we, the  
24 Corps of Engineers, need to have you involve  
25 yourselves in this environmental permit review, not

1 just tonight but throughout the entire process.

2           When you came in, copies of the public  
3 notice and the procedures to be followed at this  
4 hearing were available. If you did not receive  
5 these, both are available at the registration desk at  
6 the entrance to this hall. I will not read either  
7 the procedures or the public notice, but they will  
8 indeed be entered into the record.

9 (Prepared material inserted at this time)

10       Public notice. The Motorsports  
11       Holdings, LLC, One North Main Street,  
12       Derry, New Hampshire, 03038, has  
13       requested a Corps of Engineers' permit  
14       under Section 404 of the Clean Water Act  
15       to place fill in wetlands and streams  
16       for the construction of a motorsports  
17       country club with an associated road  
18       course and support facilities. The  
19       project would be located on a 251-acre  
20       site immediately off Route 25 in  
21       Tamworth, New Hampshire.

22       The applicant has also requested a  
23       Section 401 water quality certification  
24       from the New Hampshire Department of  
25       Environmental Services for the

1 above-described activity.

2 The applicant requires a Section  
3 404 permit because their proposed work  
4 occurs within jurisdictional waters of  
5 the United States. A Section 401  
6 certification is required because the  
7 project requires a federal permit for  
8 activities such as construction or  
9 operation of the project that may result  
10 in a discharge to surface water.

11 Issuance of a 401 certification  
12 certifies that the project is expected  
13 to meet water quality standards. The  
14 proposed work will occur in Tamworth,  
15 New Hampshire; and the site is located  
16 on USGS, Tamworth and Ossipee Lake  
17 quadrangle sheets at UTM zone 19  
18 coordinates 485420 N and 031950 E. The  
19 work is depicted on the enclosed plans  
20 entitled Valley Motorsports Park  
21 project, Tamworth, New Hampshire,  
22 consisting of four sheets, dated  
23 5/21/04.

24 The motorsports project to be  
25 constructed by Motorsports Holdings, LLC

1 will include the construction of a  
2 motorsports country club with an  
3 associated 3.1 mile road course, access  
4 road, parking and facilities for the  
5 repair, garaging and servicing of  
6 high-quality vehicles and accommodations  
7 and dining facilities for club members,  
8 guests and visitors to New Hampshire.

9 Approximately 0.73 acres of  
10 wetlands/streams will be filled by site  
11 development activities, which will  
12 include the filling of 14,759 square  
13 feet of wetlands and an impact of  
14 16,0952 square feet to intermittent  
15 streams.

16 General information.

17 The project purpose is to develop a  
18 motorsport country club, unique to New  
19 Hampshire, which has a European-style  
20 road course and associated professional  
21 support services for repair, garaging  
22 and servicing of high-performance  
23 vehicles, as well as providing  
24 first-class accommodations and dining  
25 for club members, guests and visitors to

1 other travel destinations in New  
2 Hampshire.

3 The site contains vegetated  
4 wetlands consisting of forested swamps,  
5 including red maple swamps, and  
6 low-lying hemlock stands, and wet  
7 meadows, and the site contains  
8 intermittent streams that consist of  
9 first and second order mountain streams  
10 that range from 1 to 15 feet wide.

11 Observed wildlife species on the  
12 site include: Toads, tree frogs,  
13 Eastern garter snake, wild turkey,  
14 woodpecker, Eastern wood pewee, Blue  
15 Jay, Eastern chipmunk, black bear, deer  
16 and moose.

17 The northern tip of the site is  
18 located over the secondary recharge area  
19 of the Ossipee Lake aquifer, and an  
20 archeological study of the site is  
21 ongoing.

22 Proposed mitigation for the  
23 project includes the preservation of a  
24 107-acre parcel of land within the  
25 Bearcamp River watershed in Sandwich,

1 New Hampshire and a restoration of 450  
2 square feet of onsite stream channel.

3 In order to properly evaluate the  
4 proposal, we are seeking public  
5 commitment. Anyone wishing to comment  
6 is encouraged to do so. Comments should  
7 be submitted in writing by the date in  
8 the title block above. If you have any  
9 questions, please contact Michael Hicks  
10 at (978) 318-8157 or use the Corps'  
11 toll-free number (800) 343-4789.

12 In addition to or in lieu of  
13 sending written comments, we invite you  
14 to attend the public hearing listed  
15 below to be hosted jointly by the State  
16 of New Hampshire and the Corps. The  
17 Department of Environmental Services  
18 specifically seeks comments regarding  
19 surface water resources within the  
20 project area.

21 By attending this public hearing,  
22 the Department of Environmental Services  
23 and the Corps of Engineers seek to  
24 fulfill their regulatory requirements to  
25 solicit public comments and input about

1 the proposal. These comments will be  
2 considered in evaluating whether the  
3 application should be issued or denied.

4 (Conclusion of prepared material)

5 A transcript of the hearing is being  
6 prepared, and the record will remain open, and  
7 written comments may be submitted tonight in the box  
8 in front or by mail until 5 p.m. on October 16th,  
9 2004. All comments will receive equal consideration.  
10 Anyone who cannot attend but wishes to send written  
11 comments should forward those comments to our  
12 headquarters in Concord, Massachusetts. So please  
13 tell your friends.

14 Lastly, I'd like to reemphasize that  
15 the Corps of Engineers has made no decision regarding  
16 this permit. It is our responsibility to fully  
17 evaluate Motorsports Holdings' proposed activity and  
18 its impact prior to our decision; and in order to  
19 accomplish that, we need you.

20 Once again, we are here to receive your  
21 comments and not to enter into any discussion of  
22 those comments or to reach any conclusion. Any  
23 questions you have should be directed to the record  
24 and not to the individuals on this panel.

25 Sir, if there is no objection from the

1 hearing officers, I will now dispense with the  
2 reading of the public notice of this hearing and have  
3 it entered into the record.

4 THE PANEL: Yes.

5 THE MODERATOR: Thank you, sir.

6 A transcript of this hearing is being  
7 made to assure a detailed review of all comments. A  
8 copy of that transcript will be available at our  
9 Concord, Massachusetts headquarters for your review.  
10 We will also get it onto our website for your use, or  
11 you may make arrangements with the stenographer for  
12 a copy at your own expense.

13 Individuals speaking today will be  
14 called to the microphone in the order that they  
15 signed in and as provided for by our hearing protocol  
16 that was distributed at the reception area. There  
17 are two microphones. I'll try to call two  
18 individuals at each time, so you can kind of come up;  
19 and we can move as quickly as possible.

20 When making a statement, please come  
21 forward to one of the microphones, state your name  
22 and any interest you may represent, speak clearly for  
23 the stenographer; and, as there are many here -- many  
24 here -- that wish to provide comments, you'll be  
25 provided three minutes to speak, no more.

1           The traffic signal will indicate the  
2 following: The green light will come on indicating  
3 two minutes remaining, the amber light comes on  
4 indicating one minute, and the red light indicates  
5 that the time has expired. There are no blinking red  
6 lights here.

7           Please identify if you're speaking for  
8 or representing a position of an organization. You  
9 speak for yourself, let us know.

10           I want to emphasize that all who wish  
11 to speak will have an opportunity to do so. Should  
12 we run out of time this evening, we do have to have  
13 everything closed up at one a.m.

14           Well, should we run out of time this  
15 evening, those who have signed up to speak will be  
16 contacted individually by the Corps of Engineers in  
17 the very near future; and we'll make further  
18 arrangements for you to provide us comment at your  
19 convenience, not at ours.

20           Once again, we have an additional  
21 stenographer located outside the hearing room should  
22 you wish to dictate an individual statement for our  
23 record. There are no time limits on these individual  
24 statements.

25           We'll now begin to receive comments

1 according to our hearing protocol. Again, oral and  
2 written statements will receive equal consideration  
3 in making our decision; therefore, lengthy written  
4 statements should be summarized to fit the  
5 three-minute window and the entire statement  
6 submitted for the record.

7 First individual, Representative  
8 McConkey, representing District 6, Carroll County.

9 MR. MCCONKEY: Thank you, sir.

10 Mark McConkey, state representative  
11 residing in West Ossipee.

12 I didn't expect to jump up here first,  
13 but I will say it's awful nice to have the Corps  
14 here. My understanding is that this has gone beyond  
15 normal protocol. It's awful nice for you to extend  
16 that to our community.

17 My only question was brought to me by a  
18 constituent who had asked the question that the  
19 wetlands area has been reduced down from the five  
20 acres to a much smaller area, and the person  
21 questioned whether that runoff from that area will be  
22 sufficiently contained so that it doesn't cause  
23 problems down at their property near the Bearcamp.

24 That's my question for your  
25 consideration. I'm sure that will be taken care of.

1 THE MODERATOR: Thank you, sir. And  
2 thank you for joining us this evening.

3 Next speaker, Mr. Bruce Gordon, Silver  
4 Lake Association, Madison. Mr. Gordon will be  
5 followed by Anne Garland.

6 MR. GORDON: Good evening. I'm Bruce  
7 Gordon, president of the --

8 THE MODERATOR: Sir, could you please  
9 come forward to the microphone.

10 MR. GORDON: I'm the president of the  
11 Silver Lake Association of Madison. We are an  
12 organization whose charter calls for the promotion of  
13 the general welfare of our lake and its environment.  
14 We have over 300 members who are property owners  
15 around the lake and non-lake residents of Madison who  
16 want to protect the major recreational facility of  
17 our town.

18 Our pristine lake is approximately five  
19 miles from the site selected; and although we are  
20 concerned about pollution of the aquifer due to fuel  
21 spillage caused by possible accidents on one of the  
22 17 wetlands crossing, I'd like to spend my time on  
23 noise.

24 Your organization is the last approval  
25 organization that concerns itself about noise since

1 the state passed SB 458 that took the Tamworth  
2 racetrack ordinance out of consideration. There are  
3 two noise studies of the racetrack: One sponsored by  
4 the people proposing this and the other by Focus  
5 Tamworth. Neither of these looked at problems with  
6 residents having line of sight visibility to the  
7 site. They also did not cover motorcycles which have  
8 been said would be on the course.

9 Both studies assume the noise source  
10 will be shielded by trees and used a formula that  
11 assumed coniferous forest attenuation. That is at a  
12 rate of five dB every time the distance is doubled.  
13 With line of sight visibility, you have to use air  
14 attenuation, which is three dBs attenuation or  
15 decrease with a doubling of distance. Many houses on  
16 Silver Lake have line of sight visibility to the  
17 proposed racetrack site due to its elevation on the  
18 side of the mountain.

19 The study sponsored by CMI states that  
20 the Automobile Club of America max noise level is a  
21 hundred dBs. On the scale of -- on the A scale.

22 Operation of these cars will result in  
23 noise level of 73 dBs at the homes on the east side  
24 of Silver Lake. The CMI-sponsored study equates this  
25 level of noise to between someone shouting at one

1 meter from their ear or a vacuum cleaner at three  
2 feet. If it were a motorcycle with a typical  
3 straight exhaust, this would be a level of 83  
4 decibels on the east side of the lake.

5           This is slightly higher than a kitchen  
6 food blender at one meter from the ear. This is for  
7 one vehicle, not the 15 CMI assumes will be the  
8 average on the course at any one time. It also  
9 doesn't impact -- doesn't affect the wind that can  
10 impact noise.

11           This level of noise will certainly  
12 disrupt the lives of residents and visitors to our  
13 tranquil community. It will have a negative impact  
14 on property values and the resultant tax base of our  
15 towns and on tourism, a major source of employment in  
16 the area.

17           Therefore, I believe that the US Army  
18 Corps of Engineers should reject this permit.

19           Thank you.

20           THE MODERATOR: Thank you, sir.

21           Our next speaker is Ms. Anne Garland  
22 from the Saco River Corridor Commission, who will be  
23 followed by John Mersfelder.

24           MS. GARLAND: Hello. I'm Anne Garland  
25 from Jackson, New Hampshire. My roots to the Saco

1 River go back to 1783 when my great, great, great  
2 grandparents settled in Bartlett on the river.

3 THE AUDIENCE: Louder.

4 MS. GARLAND: My roots go back to 1783  
5 when my great, great, great grandparents settled next  
6 to the Saco River in Bartlett, New Hampshire.

7 My father was raised in Bartlett, and  
8 with him I came to know the upper Saco at its source  
9 in Saco Pond through Crawford Notch and downstream  
10 into Conway. Throughout my life I've also come to  
11 know this river as a canoer from Bartlett to Hiram,  
12 Maine.

13 My parents lived in Fryeburg for 25  
14 years. Again, within sight and walking distance to  
15 the Saco. This gave me the opportunity to  
16 extensively explore that section of the river and its  
17 numerous tributaries.

18 As a child, I went to summer camp for  
19 seven years on Ossipee Lake, swimming and boating  
20 and, again, camping down the Saco River. For many  
21 years I've lived near and worked in Buxton, Maine,  
22 close to the Saco; and before that I worked in the  
23 towns of Saco and Biddeford, Maine; and that's where  
24 it empties into the ocean.

25 So my personal history with this river

1 is long and ongoing and does not stop at political  
2 boundaries separating Maine and New Hampshire. For  
3 this reason I am attentive to and question the  
4 activity that may threaten its waters. This project  
5 could have regional impact beyond the New Hampshire  
6 border.

7 I'm here tonight to read a letter  
8 submitted by Dennis Finn, executive director of the  
9 Saco River Corridor Commission, and a letter from the  
10 Maine Department of Environmental Protection.

11 Dear Mr. Hicks, I'm writing to you  
12 concerning your review of the application for special  
13 use permit, Wetlands Conservation District Ordinance,  
14 also known as the Valley Motorsports Project on Route  
15 25 in Tamworth, New Hampshire. This letter  
16 represents the perspective of the Saco River Corridor  
17 Commission, a State of Maine legislatively mandated  
18 regional land use regulatory agency working in the  
19 Saco River watershed. Our land and water use  
20 oversight covers 20 communities from Fryeburg, Maine  
21 to the ocean along the Saco, Ossipee and Little  
22 Ossipee Rivers.

23 We have been aware of the racetrack  
24 proposal for some time and have watched its  
25 progression with interest.

1 (Prepared material inserted at this time)

2 My purpose in writing is to  
3 acquaint the Army Corps of Engineers  
4 with our mission and to voice our  
5 concern over the potential issues that  
6 could arise due to the development  
7 activities with perceived potential  
8 regional impact.

9 The SRCC was created following the  
10 establishment of the importance of water  
11 interchange between the aquifers,  
12 wetlands and surface waters and the  
13 demonstration of how very vulnerable  
14 those resources can be when  
15 inappropriate development occurs.

16 First, let me state from the onset  
17 that we are not writing in opposition to  
18 the racetrack. I have had the  
19 opportunity to examine the racetrack  
20 proposal now before you; and in the  
21 final analysis, the chosen location may  
22 be perfectly suited to this development.  
23 However, the sensitive resources on this  
24 site as identified by the ESS Group,  
25 Inc. report and the potential for

1 problems and impacts to affect the  
2 quality of life in many communities add  
3 heightened importance to your review.

4 (Conclusion of prepared material)

5 As the aquifer interacts with the  
6 Bearcamp River in Tamworth, it supplements the water  
7 that eventually flows across the border and into the  
8 Saco River here in Maine.

9 Under Section 214, the report clearly  
10 identifies the regional groundwater as northerly to  
11 northeasterly towards the Bearcamp River. Depth to  
12 groundwater and site is also cited as ranging between  
13 two and ten feet. As you are aware, much of the  
14 region is composed of sand and gravel with varying  
15 transmissive rates that overlie an enormous aquifer  
16 recharge area. These soils may offer little margin  
17 for error with respect to water quality issues.

18 Looking at the proposal, Table (b)(1)  
19 Wetland Conservation District Impact Summary Table,  
20 the principal function identified for 13 of the 17  
21 wetlands that will experience some impact is  
22 groundwater recharge and discharge. Considering  
23 times of travel and the direction of groundwater. . .

24

25

1 (Prepared material inserted at this time)

2           In the area, a fuel spill adjacent  
3           to these wetlands areas could pose a  
4           significant problem for an aquifer that  
5           serves many hundreds of residents in New  
6           Hampshire and Maine. There is little  
7           discussion in the ESS report about how  
8           the wetlands and aquifer will be  
9           protected, and virtually no discussion  
10          of best management practices.

11          Also absent from the report was  
12          any discussion concerning protocols or  
13          management of spills or hazardous  
14          materials problems should they arise.

15          With the difficult economic times  
16          our region is experiencing, it is  
17          tempting to view projects for what they  
18          can do for a town or region in the  
19          short-term. However tempting the  
20          short-term view may look, the long-term  
21          view should place the focus squarely on  
22          the importance of the aquifer, our  
23          region's water supply and related  
24          resources.

25          A town's or region's water needs

1 can no longer be measured in terms of  
2 five or even ten years. This becomes  
3 obvious when you look at the  
4 international water withdrawal companies  
5 actively reconnoitering the area and  
6 their stated business outlook that often  
7 spans a century.

8 Water quality and quantity is too  
9 difficult to recover once lost, and the  
10 recovery is always costly. Any review  
11 that includes water quality and  
12 aquifer-related issues must by design  
13 look far into the future.

14 The residents of the Saco River  
15 basin in Maine are connected to New  
16 Hampshire by virtue of our shared  
17 concern for our natural resources. Here  
18 in Maine, however, we have no direct  
19 representation in New Hampshire because  
20 of a political boundary drawn on a map.  
21 The federal status of the Army Corps  
22 helps to bring our concerns to light.

23 At the southern reaches of the  
24 Saco, over 100,000 people rely on the  
25 river as their primary drinking water

1 source. These numbers add strength to  
2 wetlands, aquifer and surface water  
3 issues. It is our hope that the Army  
4 Corps' oversight for this project looks  
5 at the issues raised in this letter.

6 Thank you for your time and  
7 consideration.

8 (Conclusion of prepared material)

9 THE MODERATOR: Thank you, ma'am.  
10 Please make sure both letters are submitted for the  
11 record in the box.

12 Our next speaker, John Mersfelder, from  
13 the Tamworth Conservation Commission will be followed  
14 by Debora Maille, who will be reading a letter from  
15 the school board.

16 Sir. . .

17 MR. MERSFELDER: John Mersfelder,  
18 chairman Tamworth Conservation Commission.

19 Thank you for the opportunity to  
20 address the Army Corps of Engineers.

21 In August the New Hampshire Department  
22 of Environmental Services issued a dredge and fill  
23 permit for the proposed motorsports park. The DES  
24 gave careful attention to the comments and  
25 recommendations made to them by the Commission.

1           However, there were a number of issues  
2 on which the Commission had commented that were  
3 considered by DES to be outside its purview or which  
4 were apparently resolved to the satisfaction of the  
5 DES. One of these issues, and that which continues  
6 to be of the greatest concern to most, is noise that  
7 will be generated by vehicles traveling at high  
8 speeds, accelerating and decelerating on the  
9 racetrack of the proposed motorsports park.

10           While indicating its lack of  
11 jurisdictional authority over noise issues, DES  
12 apparently felt obliged to note that the applicant,  
13 CMI, did provide a noise study to address local  
14 concerns. However, the DES in so noting overlooked  
15 another noise study which had been done earlier under  
16 the auspices of the Tamworth Foundation which helped  
17 to establish the decibel levels which were inserted  
18 into the Tamworth Race Track Ordinance.

19           CMI has discredited this noise study;  
20 but, until now, CMI declined to present their own  
21 study in a public forum on the grounds that it would  
22 not be productive. Any scientific study, before  
23 being given legitimacy, requires peer examination and  
24 critique.

25           Since there are conflicting noise

1 studies, it would seem appropriate, before adopting  
2 the conclusions of either study and their inherent  
3 long-term consequences, to conduct an independent  
4 review and analysis of the two studies and to  
5 complete further tests as needed.

6 (Prepared material inserted at this time)

7           Such tests should include site  
8 noise projection studies and computer  
9 modeling based on the multiple number of  
10 cars expected on the track at any one  
11 time, varying atmospheric conditions and  
12 elevations of the noise generation site  
13 and potential receptor sites such as the  
14 Sandwich Range Wilderness area, White  
15 Lake State Park and the peak of  
16 Mount Chocorua, in addition to impacts  
17 on residential areas, schools, and  
18 churches.

19           Such a study should also consider  
20 the impacts on nocturnal and crepuscular  
21 wildlife. Even though the applicant has  
22 stated that there will be no evening  
23 racing, there are no such required  
24 limitations since the proposed project  
25 was exempted from the Tamworth racetrack

1 ordinance by legislation supported by  
2 the applicant.

3 (Conclusion of prepared material)

4 The Commission respectfully requested  
5 the Corps to require an independent analysis of  
6 potential impacts of noise on the surrounding  
7 environment, including the Sandwich range and the  
8 peak of Mount Chocorua, as well as the community and  
9 strongly recommends that such a process involve  
10 stakeholders from all perspectives to ensure  
11 agreement on the methods, data and their  
12 interpretations.

13 The DES dredge and fill permit issued  
14 to CMI also stated in response to concerns raised by  
15 the Commission that noise, view-shed, aesthetic  
16 interests, and existing non-motorized recreation  
17 tourism will not be affected.

18 (Prepared material inserted at this time)

19 These conclusions were derived by DES  
20 based on statements made by CMI in its  
21 application. The evidence on which  
22 these conclusions were based is not  
23 clear.

24 (Conclusion of prepared material)

25 For instance, what impact will a

1 five-story hotel at 1,000 feet suggested as a  
2 possibility by the engineering firm of CMI have on  
3 the view-shed of the aesthetics of the area?

4           If noise projects to the Sandwich range  
5 and Mount Chocorua, will hikers experience aesthetic  
6 changes? The Commission requests the Corps take a  
7 closer look at these matters and require mitigation  
8 methods as appropriate.

9           Finally, both the dredge and fill  
10 permit and the site specific permit of the DES  
11 stipulates other state and federal and local permits  
12 may be required for this project. In addition the  
13 Corps, in its public noticing has indicated that no  
14 authorization from the local government agency has  
15 been applied for.

16           However, CMI withdrew its application  
17 after submitting it. And a Commission having passed  
18 specifically is required.

19           CMI withdrew this application  
20 immediately prior to the hearing. However, the  
21 Commission fully expects CMI to be in compliance with  
22 the ordinance prior to impacting any wetlands.

23           The Commission requests also the Corps  
24 to use its authority to require the applicant, CMI,  
25 to post a bond in the amount sufficient to provide

1 for a sufficient stabilization of the site to avoid  
2 excessive environmental damage caused by the  
3 abandonment of the project or any other circumstances  
4 which might cause stopping of construction for an  
5 extended period of time.

6 THE MODERATOR: Thank you, sir. If I  
7 can get a copy of that, we can make sure we have it  
8 all in the record. Thank you, sir.

9 Our next speaker is Debora Maille, who  
10 will be reading a letter from the Tamworth school  
11 board. She will be followed by Marcia McKenna.

12 MS. MAILLE: My name is Debora Maille  
13 and I'm a parent of a student here at the Brett  
14 School. I would like to read the -- I don't know if  
15 it's minutes from the school board.

16 In the interests of the education,  
17 health and welfare of the students and faculty at the  
18 KA Brett School, the school board requests that the  
19 board of selectmen, when adopting the racetrack  
20 ordinance and any other future noise ordinance for  
21 the town, ensure that the sound levels at the KA  
22 Brett School are in compliance with EPA standards.  
23 Information on levels of environmental noise  
24 requisite to protect the health and welfare to allow  
25 as few distractions to the students while in the

1 learning environment.

2 This motion was approved by the school  
3 board on September 10th, 2003.

4 And I'd just like to comment as a  
5 parent. It would be a shame to have the noise impact  
6 children in the classroom as well as when they're out  
7 in the play yard. They may not be able to hear each  
8 other or the teachers that are trying to get their  
9 attention.

10 THE MODERATOR: Thank you, ma'am. If  
11 we can get a copy of that letter. Thank you.

12 Our next speaker is Marcia McKenna from  
13 Madison Conservation Commission. She'll be followed  
14 by JoAnne Rainville.

15 MS. MCKENNA: Thank you. My name is  
16 Marcia McKenna. I'm here representing the  
17 Conservation Commission from Madison, a town that  
18 abuts Tamworth to the east and a town that is also  
19 within the Ossipee aquifer watershed.

20 The Madison Conservation Commission  
21 believes that this is a regional issue because of the  
22 impact your decision on these permits will reach far  
23 beyond the Tamworth town line. We have concerns  
24 about the general degradation of the landscape, the  
25 impact on wildlife habitat, the increased levels of

1 noise and air pollution and most importantly the  
2 threat of irreparable damage to the Ossipee aquifer  
3 that supplies water to towns from here to Maine.

4           Thousands of people depend on the  
5 Ossipee aquifer for their water supplies, and these  
6 same thousands of people rely upon you to protect and  
7 preserve this irreplaceable resource. Please  
8 carefully consider the long-term impact of your  
9 decision to the environment and clean water supply  
10 for generations to come. We urge you in the  
11 strongest possible terms to deny this application.

12           Thank you.

13           THE MODERATOR: Thank you, ma'am.

14           Next speaker JoAnne Rainville, will be  
15 followed by Heidi Frantz-Dale.

16           MS. RAINVILLE: Thank you for allowing  
17 me to speak tonight. My name is JoAnne Rainville,  
18 and I'm honored to be the director of the Tamworth  
19 Community Nurse Association, an organization that  
20 serves as this community's first line of defense in  
21 matters affecting public health. I'm pleased to note  
22 the Army Corps of Engineers has solicited public  
23 opinion and concern regarding the proposed racetrack  
24 and its effect on the health, safety and well-being  
25 of the general public.

1           Some of the issues facing us are clean  
2 air. The air is clean here now, but CMI doesn't  
3 think that a little more air pollution could matter  
4 from this racetrack. I think a little air  
5 pollution's too much.

6           Everyone needs unpolluted water to  
7 drink, and CMI can't predict how this project will  
8 affect our water quality. There will be accidents.  
9 There will be fuel spills. How will this hazardous  
10 waste in the track be disposed of? And what about  
11 the runoff that will occur before the clean-up crews  
12 arrive?

13           I don't think that I need to tell you  
14 folks, as Army Corps representatives, the toxic  
15 effects of gas, anti-freeze, transmission and brake  
16 fluids on the human body. For the rest of you here,  
17 these substances have been proven to cause leukemias,  
18 kidney and liver failure in adults, children and the  
19 unborn. Are we willing to take this risk with the  
20 largest freshwater aquifer in the State of New  
21 Hampshire?

22           CMI says over the long-term noise  
23 impacts will be negative, but they don't have a plan  
24 to limit the noise. Folks have talked about that  
25 from an esthetic point of view, but noise is an

1 actual health problem as well. It raises stress  
2 levels and it makes it hard for people -- including  
3 the children at the Brett School and Bearcamp Valley  
4 School, just about a mile away from the racetrack --  
5 to concentrate -- it makes it hard for them to  
6 concentrate effectively. Increased noise levels have  
7 been proven to increase agitation and aggression  
8 levels in all people but more so in pre-adolescent  
9 and adolescent children.

10           There are serious questions about  
11 safety on the track itself. I'm sure CMI will design  
12 a safe track, but the track will be steep. It's  
13 built on a lot with 16-degree slopes. The 3-mile  
14 track has 18 off-camber turns, meaning they bank the  
15 wrong way, presumably to make the drive more  
16 challenging.

17           CMI's Dan Croteau promises amateur  
18 drivers they can drive 120 mile per hour. Because of  
19 this, CMI's planning for accidents. There will be  
20 onsite fire, extrication and ambulance services.  
21 These precautions show this isn't a safe activity,  
22 and this track is seeking these permits under the  
23 guise of being a driving school.

24           Lives and well-being should be  
25 protected in our society, not needlessly put at risk

1 for the sake of a joy ride. I find my practice in  
2 Tamworth is quite busy enough without adding trauma  
3 patients to my caseload.

4           My last point is to the people of  
5 Tamworth; but I want you, the Army Corps, to  
6 understand this as well. This project has brought a  
7 lot of stress to our town, and it hasn't even been  
8 built yet. This isn't good for our public  
9 well-being. As your community nurse and now a  
10 resident of this town, I have the pleasure of knowing  
11 many of you. You're my friends, my neighbors, my  
12 patients.

13           I'm saddened to see life-long  
14 relationships deteriorate over something as  
15 materialistic as a private club. You've watched each  
16 other's children grow, your families have known each  
17 other for generations; but now some of you won't  
18 speak to each other.

19 (Prepared material inserted at this time)

20           Let's face it. We are all here because  
21 we care. We might have different points  
22 of view but we care. The spirit of this  
23 community is a natural resource none of  
24 us should be willing to jeopardize, and  
25 it is up to each and every one of us to

1 protect that spirit.

2 No matter what the outcome of this  
3 track, I appeal to you as my patients,  
4 friends and neighbors to remember what  
5 really matters in life; and shake hands  
6 with your neighbors that have the honor  
7 of sharing this very special place on  
8 earth with you.

9 That being said, I urge the Army  
10 Corps of Engineers not to approve this  
11 permit until CMI has made changes to  
12 protect the health, safety and  
13 well-being of the general public.

14 (Conclusion of prepared material)

15 THE MODERATOR: Thank you very much.  
16 Thank you, ma'am.

17 MS. RAINVILLE: Thank you.

18 THE MODERATOR: Our next speaker is  
19 Heidi Frantz-Dale, who will be followed by Anne --

20 AUDIENCE MEMBER: Batchelder.

21 THE MODERATOR: Thank you very much.

22 MS. FRANTZ-DALE: I'm the Reverend  
23 Heidi Frantz-Dale. I'm a resident of Madison, but I  
24 come tonight to speak as the rector of  
25 St. Andrews-in-the-Valley, the Episcopal church on

1 Whittier Road in Tamworth. I speak on behalf of the  
2 vestry and the people of St. Andrews. We are  
3 immediate neighbors of the CMI project. Our property  
4 runs from Whittier Road through to Route 25, directly  
5 across from the proposed CMI site. Our buildings are  
6 less than a third of a mile from the site.

7           We are deeply concerned about the noise  
8 impacts of this project, both during construction and  
9 during regular operation of the track. Based on what  
10 I've learned about similar projects, the noise levels  
11 from the track will be profoundly intrusive and would  
12 have a serious negative impact on our life and work.

13           We believe that our parish should be  
14 assured of being able to conduct our two Sunday  
15 morning services in quiet and peace, and we have  
16 serious concerns about the lack of limits on proposed  
17 hours of operation.

18           But Sunday mornings are not the only  
19 issue. Our office and parish hall windows open  
20 toward Mount Whittier. Intrusive sound would be  
21 profoundly disruptive for all of us who work at  
22 St. Andrew's. This is equally true for the many  
23 individuals and community organizations that use our  
24 space both during the days and in the evenings.  
25 Their work is dependent on being able to hear

1 comfortably and easily.

2           In addition to our building, we have  
3 three outside meditation areas, a memorial garden, a  
4 newly refurbished outdoor chapel in the woods and a  
5 walking labyrinth. All three of these spaces are  
6 used by church members and the broader community.  
7 Intrusive sound at the levels that are predicted from  
8 the CMI project would make these areas effectively  
9 unusable during the hours of track operation.

10           In short, the relative quiet of our  
11 location is in many instances a requirement for us to  
12 be able to carry out our work.

13 (Prepared material inserted at this time)

14           If a rock band were to set up shop  
15 in a barn across the street from us, I  
16 would expect that I could go and talk to  
17 the folks in the band and negotiate a  
18 mutually agreeable schedule that would  
19 honor both their needs and mine. If  
20 their sound became unreasonably  
21 disruptive at other times, I would have  
22 the resource of the town, the police  
23 and, if necessary, the selectmen, to  
24 intervene and assure the peace and  
25 reasonable quiet. We have no such

1           assurance with regard to CMI, and that  
2           is not right.

3 (Conclusion of prepared material)

4           In the current situation with CMI, we  
5 are talking about the needs of many in the community,  
6 particularly the Whittier neighborhood. Sound levels  
7 of the anticipated levels may not be damaging to  
8 hearing at a distance of 2000 feet; but over time  
9 such levels are seriously detrimental to people's  
10 mental health, emotional stability and their ability  
11 to conduct work, conversation and worship in  
12 reasonable quiet.

13           As long as CMI proposes to move forward  
14 without adequate sound mitigation to meet the  
15 standards that the town has established in the  
16 racetrack ordinance, I implore you to deny their  
17 permitting request.

18           Thank you very much.

19           THE MODERATOR: Thank you, ma'am.

20           Ladies and gentlemen, if we can hold  
21 the applause. We want to get through as many as  
22 possible.

23           Anne Batchelder will be followed by  
24 Rick Van de Poll.

25           MS. BATCHELDER: My name is Anne

1 Batchelder. I'm a resident of Tamworth, and I grew  
2 up here.

3 I would like to make some comments  
4 about racetrack noise and what happened at Lime Rock  
5 Park. Lime Rock, Connecticut is the closest road  
6 racing course to Tamworth. It is the facility CMI  
7 compares themselves to in their business plan.

8 Lime Rock Park started racing in the  
9 spring of 1957. By August 1958 it was sued because  
10 of noise by a group of 25 neighbors, a cemetery  
11 association and an Episcopal church across the  
12 street. The litigation spanned almost 30 years. The  
13 court decision found that noise from the racetrack  
14 was a public nuisance. The court decided against the  
15 racetrack and put the following limits on their  
16 operations: Banned racing on Sunday, set limits on  
17 hours of operation, banned unmuffled vehicles and  
18 banned motorcycles. The court-ordered limits were  
19 modified five times over the next 30 years with  
20 increasing restrictions.

21 The court stated, quote: The noise and  
22 roar of car engines can be heard for a considerable  
23 distance away. The track is constructed with a  
24 number of sharp curves, and the squealing of brakes,  
25 screeching of tires and other noises emanating from

1 the operation of the cars on the track can be heard  
2 throughout the Village of Lime Rock.

3           During racing events or speed tests the  
4 noise and sound, particularly when the vehicles are  
5 unmuffled, reach such intensity that they can  
6 sometimes be heard for some distance beyond the  
7 village.

8           Today Lime Rock Park operates with  
9 strict noise restrictions, limits on the types of  
10 vehicles allowed, limits on the number of racing days  
11 per year and limits on hours of operation; and yet a  
12 friend of mine who lives near Lime Rock tells me that  
13 the noise from the track can be heard clearly five  
14 miles away.

15           The Village of Lime Rock is similar to  
16 Tamworth. It is a mainly rural/residential area in  
17 northwestern Connecticut to which visitors and  
18 residents were drawn because of the peace and  
19 tranquility.

20           Tamworth has good reason to be  
21 concerned about noise from racetracks. The racetrack  
22 ordinance would have put some operational limits on  
23 CMI. Not nearly as restrictive as the court-ordered  
24 limits at Lime Rock. But SB 458 took away Tamworth's  
25 ability to have any control.

1 I ask the Army Corps to investigate the  
2 noise issue before issuing a permit. The courts in  
3 Connecticut found that racetrack noise created a  
4 nuisance and was a threat to public health. We will  
5 be subjected to unregulated noise every day of the  
6 year by the type of vehicles banned from racing at  
7 Lime Rock.

8 Thank you.

9 THE MODERATOR: Thank you, ma'am.

10 Next speaker Rick Van de Poll, followed  
11 by Stephen Gaal.

12 MR. VAN DE POLL: Thank you for the  
13 opportunity to speak tonight. My name's Rick Van de  
14 Poll. I'm a private consultant from Sandwich, New  
15 Hampshire representing Focus Tamworth Group.

16 My comments, admittedly brief here, are  
17 contained in writing, and I've submitted them for  
18 your consideration later.

19 Basically, there are three points I'd  
20 like to make. First, that the proposed racetrack  
21 facility will significantly impact the physical,  
22 chemical and biological integrity of the aquatic  
23 ecosystems in this portion of the Bearcamp River  
24 drainage. Hydrologic modification will reduce the  
25 amount of surface flow in the toe slope drainageways

1 and will, therefore, cause great harm to six acres of  
2 wetlands that will theoretically be unaffected by the  
3 130 acres of impact that has already registered to  
4 the site. Ten detention basins, seven miles of  
5 drainage swales, 1200 feet of rip-rap and steel-arch  
6 culverts and other erosion control structures will  
7 have a direct impact on both water quality and water  
8 quality of the majority of the wetland systems on the  
9 site. Dewatering of toe slope wetlands will  
10 significantly compromise their ability to serve  
11 groundwater recharge, nutrient attenuation and  
12 wildlife functions.

13           Most critically affected will be the  
14 aquatic invertebrate populations that provide  
15 essential food web and biological filtering support  
16 to downstream fisheries. A reduction in peak flow  
17 will stagnate pools, increase BOD and revegetate  
18 stream channels. Increased nitrate and phosphate  
19 inputs from forest canopy removal will exacerbate  
20 this conversion and further reduce aquatic ecosystem  
21 viability downstream.

22 (Prepared material inserted at this time)

23           Not only will the entire toe slope  
24 wetland system be affected, but the  
25 Bearcamp River, a national marine

1 fisheries designated essential fishery  
2 for Atlantic salmon and a potential  
3 fishery for brook, rainbow, and brown  
4 trout will suffer from significant  
5 anoxia and chemical releases during  
6 periodic storm events that do discharge  
7 to the river.

8 (Conclusion of prepared material)

9 Both wetland dependent and upland  
10 wildlife populations will be greatly altered, both on  
11 the racetrack site and in the surrounding  
12 conservation areas.

13 A 2.4 mile perimeter fence will exclude  
14 medium to large vertebrate wildlife on the majority  
15 of the property and will force them away from  
16 critical habitat areas. This fence will not prevent  
17 track-related mortality of small vertebrate and  
18 invertebrate wildlife, especially those species that  
19 use riparian corridors that the track will cross in  
20 11 places.

21 The construction of eight steel arch  
22 spans over these stream crossings will not ensure  
23 free wildlife movement. Loss of forest canopy,  
24 direct shading and placement of rip-rap will prevent  
25 unimpeded use of this riparian habitat.

1 (Prepared material inserted at this time)

2 This isolation of vernal pool in the  
3 central wetland area will also eliminate  
4 the functionality of this metapopulation  
5 source site for the remainder of the  
6 wetlands in the area.

7 The identification of a 300-foot  
8 wildlife corridor near the proposed  
9 hotel site will not mitigate the loss of  
10 wildlife movement, especially in regards  
11 to sensitive species that require large  
12 tracts of unbroken land. This  
13 particularly applies to bobcat, bear and  
14 mountain lion, all of which have been  
15 recorded for the immediate area.

16 The mountain lion, a federally  
17 endangered species that was extirpated  
18 from the area over 100 years ago, has  
19 been recorded less than two miles away  
20 in the Ossipees and was seen in Tamworth  
21 as recently as last March.

22 I would like to note that none of  
23 the above wildlife functional values  
24 have been adequately compensated for by  
25 the proposed mitigation plan, which

1           considers a wetland complex of a very  
2           different nature than that contained  
3           within the racetrack area.

4 (Conclusion of prepared material)

5           The fragmentation of habitat by the  
6 introduction of blasting, earth-moving, pavement and  
7 concrete will irreparably mar the wildlife-based  
8 conservation initiatives that have protected nearly  
9 one half of the Ossipee Mountains.

10           20,000 acres approximately were  
11 protected to date in the Ossipees, and this project  
12 goes in direct contrast to the protection efforts  
13 that have spanned several decades and have cost over  
14 \$10 million in public and private funding.

15 (Prepared material inserted at this time)

16           The effects of this racetrack will  
17 be felt not just by the wildlife species  
18 that are excluded from the area because  
19 of noise, light and air pollution, they  
20 will be felt by the region's citizens  
21 that actively use this area in the  
22 pursuit of wild, unfragmented land,  
23 whether for hunting, fishing, hiking or  
24 general nature appreciation.

25           This development is not in the

1 public's best benefits to the regional  
2 economy, and the largest population of  
3 citizens in the region will not be  
4 served by this type of disruption to the  
5 natural ecosystems of the Ossipee  
6 mountains.

7 (Conclusion of prepared material)

8 In sum, I encourage you to realize that  
9 this racetrack will have an unprecedented impact on  
10 the fabric of the region's natural economy and will  
11 be in direct contrast to the carefully scaled pace of  
12 balanced development this region has enjoyed for over  
13 50 years.

14 Thank you very much.

15 THE MODERATOR: Thank you, sir.

16 Next speaker Stephen Gaal, will be  
17 followed by Bob Schrader.

18 MR. GAAL: My name is Stephen Gaal.  
19 I'm a resident of Tamworth. Thank you for holding  
20 this hearing tonight and for considering public input  
21 on this very important project.

22 I'm concerned about the financial  
23 viability of the developer and the potential  
24 consequences and cost to this community if this  
25 project goes forward without some sort of financial

1 protections. We'll hear later from Haley & Aldrich,  
2 a nationally based civil engineering firm, that the  
3 estimated cost of building this project is roughly  
4 \$50 million.

5           The proposed track is the size and  
6 scope of a major municipal project. If this were  
7 being done in virtually any other city or town in New  
8 Hampshire, the developer would be required to post a  
9 performance or surety bond. A performance bond or  
10 irrevocable letter of credit in an amount determined  
11 by the planning board was part of Tamworth's  
12 racetrack ordinance. The purpose of this bond was  
13 abandonment security. We apparently no longer have  
14 that protection since the passage of Senate Bill 458.  
15 Both the US Corps of Engineers and New Hampshire DES  
16 do have that power.

17           Due to the very steep nature of this  
18 site and its location on and above a wetland and  
19 aquifer, rapid and costly stabilization of the site  
20 would be potentially required in the event of a  
21 default by the developer.

22           CMI is not a major company with great  
23 resources for whom this development is merely one of  
24 many. This is a tiny, start-up company, thinly  
25 financed, highly mortgaged and primarily held in

1 control by Stefan Condodemetraky, personally.

2           For readily available documents of  
3 reasonable estimates, I believe that CMI has raised  
4 three and a half to \$4 million to date. I believe  
5 also that they have expended that amount or more to  
6 purchase the land for legal and engineering, for  
7 track design and redesign and for marketing, sales  
8 and executive salaries. To date CMI has offered no  
9 proof that they have the financial resources to  
10 complete this project.

11           As a 20-year veteran of the venture  
12 capital business, I am aware of what is normally  
13 required to raise capital in the amounts Haley &  
14 Aldrich has estimated for this project: A very good  
15 business model and a track record of success in the  
16 business you're trying to finance. I believe CMI has  
17 neither.

18           Mr. Condodemetraky and his management  
19 team, with the possible exception with the track  
20 design consultants, have no prior experience in  
21 building or operating similar businesses. And people  
22 knowledgeable in the racing business have  
23 consistently told me that the only chance of making  
24 money on a project like this is as a spectator venue  
25 but not even then at the level of construction

1 expense associated with this project.

2 I am concerned that they will start to  
3 build it, run out of money and leave us with the  
4 problem of stabilizing the site.

5 In summary, my opinion -- in my  
6 opinion, CMI can't afford this project and neither  
7 can Tamworth. I urge you to consider performance  
8 bonds sufficient to restore the parcel to an  
9 appropriate condition in the event of a default by  
10 the developer.

11 Thank you.

12 THE MODERATOR: Thank you, sir.

13 Next speaker Bob Schrader, who will be  
14 followed by Jim Boothby.

15 MR. SCHRADER: I'm Bob Schrader. My  
16 wife and I own the Tamworth Inn. I also serve as  
17 vice president and general counsel for Scotia Prince  
18 Cruises and have extensive knowledge of the tourism  
19 and hospitality industry, not only in Tamworth but in  
20 other areas.

21 The Tamworth Inn has been a cornerstone  
22 of the Tamworth Village for over 170 years. Our  
23 guests come to the Inn in Tamworth to enjoy the  
24 tranquil setting that we offer. People come here to  
25 escape the hectic noise, pollution of the city and

1 the stress of that lifestyle.

2           We have been written up  
3 internationally, nationally, Country Living Magazine,  
4 Elle magazine, Wall Street Journal. All of the  
5 reviews we get, everything focuses on the pristine  
6 environment of Tamworth. It's quiet, it's beautiful,  
7 it's tranquil; that's why people come here.

8           The first aspect of this -- of the  
9 negative economic impact is that the noise, the  
10 traffic, the crowds that will be generated for the  
11 proposed site would impact and basically destroy the  
12 environment and the whole reason people come here to  
13 visit, not only for our business, but for the other  
14 lodging properties around here.

15           The second aspect is that there just is  
16 not a market to support the number of hotel rooms and  
17 restaurant seats they propose. We have a 16-room  
18 inn; we operate at about a 30-percent occupancy.  
19 During our peak season during the summer we hit maybe  
20 50 percent, if we are lucky.

21           I work full-time as an attorney to  
22 support the inn because, quite frankly, the business  
23 is not strong enough to support itself. There's not  
24 enough people visiting here to hit above the  
25 30-percent occupancy.

1           Through our hospitality associations  
2 that we belong to, that's an average occupancy for  
3 this entire area, and it doesn't get above that.  
4 We're not an ocean-front community where there's 100  
5 percent occupancy during the summer.

6           There are 75 rooms and a total of 525  
7 seats of dining they offer will not at a 30-percent  
8 occupancy -- even above that will not support their  
9 business based on the numbers they provide. That's  
10 one aspect.

11           The second aspect is because this is  
12 such a small market, that that influx of additional  
13 hotel rooms and restaurant seats will negatively  
14 impact our business, all the other lodging properties  
15 and all the other restaurant properties. All of us  
16 struggle to get by. We barely make it. The impact  
17 of that additional 525 seats and 75 hotel rooms will  
18 just pretty much ensure at least one or more of these  
19 businesses will go bankrupt.

20 (Prepared material inserted at this time)

21           We operate year-round and barely  
22 survive with our outstanding reputation.

23           It is not possible for a facility of the  
24 size proposed to survive by operating  
25 only during the limited proposed season.

1       The business just does not exist, nor  
2       would their operations generate the  
3       level of room/restaurant guests to  
4       support such an operation.

5             The one thing that is clear is  
6       that the creation of a glut of hotel  
7       rooms and restaurant seats will almost  
8       certainly result in such a significant  
9       loss of business to our inn and our  
10      small independent hotels and  
11      restaurants, that we and most likely  
12      several other long-established, small  
13      businesses will cease to exist.

14            Initially we were approached by  
15      CMI and told that there would be no  
16      noise -- our primary concern -- and that  
17      their members/guests would love to stay  
18      at our inn and dine in our restaurant.  
19      Their siren song was tempting when our  
20      business was slow, but our doubts began  
21      almost instantly. We could not  
22      understand how the level of proposed  
23      activity would not create a noise  
24      nuisance.

25            The information we have received

1 since their initial introduction  
2 confirms our concerns. Also, it is now  
3 clear from their proposal that the  
4 facility would generate absolutely no  
5 positive economic impact for our  
6 business or Tamworth Village.

7 In fact, it is abundantly clear  
8 that it will create a huge negative  
9 economic impact, both directly to our  
10 business most likely causing our  
11 bankruptcy, and indirectly through the  
12 destruction of the tranquil beauty that  
13 has made Tamworth a destination for  
14 those seeking a simpler and quieter  
15 escape to nature.

16 We urge you to deny CMI's  
17 application because the alleged economic  
18 benefits are specious taken in the best  
19 light, and under critical exam are  
20 simply misleading and false.

21 Please protect the uniqueness of  
22 Tamworth and all it has to offer those  
23 seeking a tranquil respite from the  
24 stresses of urban environments. There  
25 really are so few places remaining like

1 Tamworth. Don't let a pipe dream that  
2 is destined to fail based on its  
3 promoter's own projections destroy the  
4 village our residents and guests  
5 treasure.

6 Thank you.

7 (Conclusion of prepared material)

8 THE MODERATOR: Thank you, sir.

9 Next speaker Jim Boothby, followed by  
10 Martha Carlson.

11 But just a reminder. We have an  
12 additional stenographer -- if you have someplace to  
13 go this evening -- she's out in the hallway, and  
14 she's ready to take any testimony you may have.

15 Sir.

16 MR. BOOTHBY: Good evening, gentlemen.  
17 I believe I'm in the minority. My name's Jim  
18 Boothby. But I'm going to speak for all the guys  
19 that can't come here, which get up at four or five  
20 o'clock in the morning and are not lawyers and so  
21 forth.

22 I'm a resident and a small business  
23 owner of Tamworth directly across the street from the  
24 proposed racetrack. I support the project because I  
25 believe it will bring good jobs and much needed tax

1 relief to our town. Currently one of the highest tax  
2 towns in Carroll County. I also think it will  
3 positively impact our tourism economy in this region,  
4 unlike what the previous speaker said.

5 I don't believe the project will cause  
6 the negative impact that the opponents at Focus  
7 Tamworth say. In fact, many of their claims thus far  
8 about wetlands, endangered species and wildlife have  
9 been proven wrong already.

10 As for sound, I don't see how this  
11 facility is going to cause any more sound than is  
12 already being generated by Route 125, a major  
13 east-west highway that is already here. More than  
14 5000 logging trucks, 18-wheelers, motorcycles and  
15 cars pass by every day. If you don't believe it,  
16 come to my shop.

17 Not to mention the other industries in  
18 town that make quite a bit of noise already; the  
19 crusher, logging yards. And I've been all over the  
20 site, and I've yet to see Silver Lake from the site.

21 My message to you tonight is that  
22 despite the number of local opponents here tonight,  
23 you should know there is a silent majority of people  
24 in Tamworth and around the region who want this  
25 project to proceed. These people voted against the

1 opponent's attempt to pass the emergency temporary  
2 zoning to stop CMI.

3 I'll skip some of this because I'm  
4 running short on time I can see.

5 (Prepared material inserted at this time)

6 They are the people who have  
7 decided to make a judgment on facts, not  
8 emotions and hysteria from the project  
9 opponents. These individuals understand  
10 that this location is not pristine  
11 forest land, but rather that this land  
12 is surrounded by commercial and  
13 industrial uses already, logging yards,  
14 fuel depots and the town's own transfer  
15 station. To name a few.

16 (Conclusion of prepared material)

17 I would like to submit a copy of an  
18 informal petition from people, including entire  
19 families who support this project and want it to  
20 proceed, mostly people in Tamworth. This petition  
21 has a total of 265 names, 119 which are from Tamworth  
22 and was originally presented to the Tamworth planning  
23 board. The Tamworth residents was presented to that.  
24 I thought you should see a copy of it as well.

25 There's a lot of people in the area

1 that support CMI, too, and I've also written some  
2 more in here; but I can see I'm out of time.

3 THE MODERATOR: Thank you, sir.

4 Our next speaker Martha Carlson will be  
5 followed by Lois Merrithew.

6 MS. CARLSON: My name is Martha  
7 Carlson. I live in Sandwich. I work in Tamworth. I  
8 operate a small private high school on the Bearcamp  
9 River. I happen to live next to the 107 acres in  
10 Tamworth -- in Sandwich, which CMI generously thinks  
11 will mitigate the losses of these wetlands.

12 I have set before you a GIS map of the  
13 conservational lands on the Ossipee Mountain aquifer.  
14 Not the aquifer. The ring dike.

15 Now, the attorney for CMI says that  
16 this conservation land on the ring dike is of no  
17 consequence. 30,000 acres, \$10 million and 25 years  
18 of work by private citizens, by towns all around the  
19 ring dike, by the State of New Hampshire, 1.4 million  
20 in state funds.

21 Now, part of this is because there are  
22 a lot of tree huggers around here; and they think  
23 there are valuable conservation resources in the  
24 Ossipees. The ring dike itself is a world renowned  
25 geological artifact. There are only 30 ring dikes in

1 the whole world.

2           But the second reason so many people,  
3 including the state, have saved the Ossipees is  
4 because, as the Tamworth Inn says, this is our  
5 economy. We need to look up there on a mountain site  
6 and see trees and a beautiful view.

7           The third reason is because many of us,  
8 including all those people that Mr. Boothby brings to  
9 you, have a lot of common sense. We don't like  
10 zoning maybe in Tamworth, but we know those  
11 mountains, we know those steep slopes; and every  
12 spring when 110 inches of snow comes rolling down the  
13 mountains, the wetlands that bring the ring dike are  
14 vital at catching and holding that torrent, that  
15 cascade of water.

16           If you pave over or constrict in --  
17 what's the map say here -- 13 places, that water,  
18 it's going to go somewhere. You cannot mitigate  
19 those wetlands. It looks to me from CMI's map here  
20 that if you constrict in 13 places those wetlands,  
21 even if it's only less than an acre, that water's  
22 going to go someplace. It's going to go right out  
23 onto the racetrack itself, and it's going to go  
24 shooting down the mountains onto the highway across  
25 the highway onto St. Andrews' land.

1           One of the biggest reasons the  
2 conservation people have worked so hard to keep  
3 development off the mountains is because they know  
4 development on these mountains is impracticable,  
5 dangerous, not good for the taxpayers who have to  
6 clean up the mess.

7           I live in East Sandwich. A few years  
8 ago we did allow a development on the Ossipees, and  
9 in the first spring snowmelt the road leading to the  
10 six houses brought that road onto your state highway.

11           THE MODERATOR: Thank you, ma'am.

12           MS. CARLSON: Thank you.

13           THE MODERATOR: Next speaker is Lois  
14 Merrithew.

15           MS. MERRITHEW: Merrithew.

16           THE MODERATOR: Will be followed by  
17 William Farnum.

18           MS. MERRITHEW: My name is Lois  
19 Merrithew and I live about maybe a half a mile from  
20 the site of the proposed racetrack, and my house is  
21 sited so that it faces that mountain. We enjoy the  
22 view as it is now.

23           Around the country there have been many  
24 attempts to establish racetracks similar to the one  
25 CMI is proposing. Some have been voted out by the

1 local citizenry, and some have become backed. Some  
2 of those that have been built have failed  
3 financially. This application does not adequately  
4 address wetlands and sound engineering issues to  
5 ensure a well-built racetrack. Does Tamworth want to  
6 take the chance that this assault on our environment  
7 will fail?

8           There are several ways that Tamworth  
9 and nearby towns might be affected financially if  
10 this track is allowed to happen. As a local Realtor  
11 and co-owner of Lloyd & Day Real Estate, I will as a  
12 property owner -- as well as a property owner whose  
13 house faces Mount Whittier, I can see where this  
14 could become a financial disaster for the town as  
15 well as the affected homeowners.

16           Army Corps of Engineers and DES must  
17 address the question of whether there is a need for  
18 this project. Quite the contrary. Property values  
19 within sight and sound of the development will  
20 decrease.

21           For an example, in the County of  
22 Lawrence in Pennsylvania after the building of  
23 Beaverun Motorsports Park, properties near the track  
24 experienced an average decrease in values of 25  
25 percent for the nine properties that we have figures

1 on for a total of \$248,800 in tax revenue. The  
2 finished track only generated taxes of \$92,500 with  
3 the total loss to the local tax structure of  
4 \$156,300.

5           In the town of Lloyd in New York state  
6 a similar type track was voted down after a series of  
7 meetings such as have been held here. One opponent,  
8 Shirley Johnson-Lans, a Vassar economics professor  
9 who has assisted in billions of dollars of economic  
10 development projects, came out against the idea of a  
11 track of this type. She said a project like this  
12 will drastically reduce nearby property values,  
13 perhaps as high as 40 percent.

14           Other property owners will have to make  
15 up for that deficit. Noise in the area will make  
16 weekend homes unsalable.

17           Who would want to move from the city if  
18 they have to listen to a racetrack? Has anyone done  
19 any research as to how many vacation homes there are  
20 in Tamworth? More than most of you imagine, I'm  
21 sure. What would happen to our economy if these  
22 people did not come anymore? Most of them are  
23 regular supporters of local businesses and charities.

24

25

1 (Prepared material inserted at this time)

2           In a study done by Dr. Richard W.  
3           English of the Center for Business and  
4           Economic Research for the University of  
5           New Hampshire, we find that employment  
6           effects, if they rise at all, are likely  
7           to be geographically broad.

8           Therefore, who gains and who loses  
9           from these facilities is an important  
10          question. Most often the only ones  
11          gaining are the people who sell the land  
12          to be developed and the developer who  
13          reaps the profit.

14          In this time of oil shortages, we  
15          should be thinking of conservation, not  
16          building tracks for people to be going  
17          around in circles for the thrill of it.

18          In the case of CMI, my personal  
19          opinion is that the Town of Tamworth,  
20          the local area and the state will be the  
21          ultimate loser when we are left with 3.1  
22          miles of track and many acres of  
23          pavement where CMI began to build a  
24          racetrack country club and the financial  
25          bottom fell out and they went bankrupt.

1       What would happen then? The upheaval of  
2       at least 400,000 cubic yards of ledge  
3       and the moving around of thousands of  
4       yards of gravel could become a complete  
5       environmental disaster.

6             The State of New Hampshire of all  
7       places should recognize this  
8       possibility. Several years ago  
9       environmentalists fought and lost the  
10      battle against the upgrading of Route 3  
11      through Franconia Notch. Just over a  
12      year ago their worst fears were realized  
13      when the Old Man of the Mountains came  
14      tumbling down.

15            Most of the people who fought to  
16      protect him were probably not still here  
17      to witness his demise, but I'm sure they  
18      would say I told you so if they were  
19      here today. Don't let future  
20      generations of Tamworth look back and  
21      say the same about you.

22            I would ask the Army Corps of  
23      Engineers not to approve the permit  
24      requested by CMI because they have not  
25      shown where the track would be of any

1 financial benefit to the Town of  
2 Tamworth or to the State of New  
3 Hampshire. They have already exhibited  
4 their cunning ways by hoodwinking the  
5 state government into passing SB 458.

6 Please don't let this fiasco  
7 become a reality.

8 (Conclusion of prepared material)

9 THE MODERATOR: Thank you, ma'am.  
10 Please submit the entire statement for the record.

11 MS. MERRITHEW: I will.

12 THE MODERATOR: Next speaker William  
13 Farnum, followed by Peggy Johnson.

14 MR. FARNUM: Good evening. Thank you.  
15 I'd like to thank the Army Corps and DES for coming  
16 here tonight to listen to the input of the public.

17 I'm a lifelong resident of Tamworth.  
18 I'm really concerned about this project. We've had a  
19 lot of our ability to regulate this project be taken  
20 away from us. We no longer have the control that we  
21 need. This town decided not to have zoning. It does  
22 not mean that we do not care about our land or our  
23 land uses. We have many and you will see them. I'm  
24 sure they've been submitted. I know I've submitted  
25 some in the past -- lists of our regulations -- that

1 we do care about in this town.

2           We have a more stringent regulation on  
3 setbacks and wetlands. I think it's really important  
4 that some of those issues be looked at when people  
5 say, well, they don't have zoning; they deserve what  
6 they get. Well, we don't deserve to get anything  
7 that ruins our community.

8           A couple other concerns I have are our  
9 water resources. Over the world -- or the state's  
10 largest stratified drift aquifer. We better take  
11 care of it. Water is our most valuable resource.  
12 I'll repeat that. Water is our most valuable  
13 resource.

14           I'm concerned when you start blasting  
15 ledge on the side of a ring dike, will they fracture  
16 a water vein? If so, how will that change the  
17 dynamics of the water flow that goes into the Ossipee  
18 aquifer? I think that the blasting of ledge on the  
19 side of a mountain on the side of a ring dike is a  
20 dangerous proposition. Not only costly but  
21 environmentally dangerous.

22           One potential risk we've heard from the  
23 attorney. We have all these risks that are already  
24 there. The camel's back was broken with the extra  
25 straw. We don't need more risks.

1           Jobs. I hear jobs being brought up.  
2 I've looked in the Conway Daily Sun all summer long,  
3 and you can check this, there's been 50 to a hundred  
4 jobs listed in there all summer long. Everything  
5 from carpenters to nurses. All kinds of jobs. So,  
6 the job factor.

7           Tax relief. I just don't believe it's  
8 going to be a tax relief for the Town of Tamworth. I  
9 think others will probably speak on that.

10          And I just spoke on the land use  
11 regulations. I'm also very concerned that this  
12 project by Tamworth cannot be bonded. I think that  
13 is something that is desperately needed. With this  
14 project going forward as such a large project, that  
15 we need to make sure that if they fail, we can secure  
16 the property so that it does not erode, does not wind  
17 up in the Bearcamp River.

18          Noise is a major issue. I still  
19 believe the noise will be intolerable. It will  
20 cause, as you've heard tonight, health concerns for  
21 people.

22          We need to pay attention to this  
23 project real close, and I ask you because Tamworth  
24 had been taken away by the Senate Bill 458 that was  
25 passed through the legislature our right to regulate

1 our own destiny and our own future. We no longer  
2 have control of it. I'm asking for your help.

3 Thank you.

4 THE MODERATOR: Thank you, sir.

5 Next speaker Peggy Johnson, followed by  
6 Christopher Menge.

7 MS. JOHNSON: I'm Peggy Johnson. I  
8 want to talk about the special use permit that CMI  
9 needs under the Tamworth wetlands ordinance. I'm  
10 speaking to both Sections 401 and 404 in the  
11 permitting.

12 The Army Corps' public notice says:  
13 The following authorizations have been applied for or  
14 will be obtained, permit from local wetland agency or  
15 Conservation Commission. I find it very alarming  
16 that CMI has applied for a required local permit but  
17 has withdrew their application. Yet they expect to  
18 be and demand that they be considered in compliance  
19 with this requirement.

20 You probably know -- you do know --  
21 that Tamworth has a separate and distinct wetlands  
22 ordinance, which is more stringent than the state's.

23 In January 2004 our planning board  
24 noted publicly that the town wetlands ordinance,  
25 which has been in effect for 13 and a half years, is

1 more restrictive than the state regulations.

2           On April 16th, 2004 in Cherry versus  
3 Town of Hampton Falls, New Hampshire the New  
4 Hampshire Supreme Court held that even if DES issues  
5 a state wetlands permit for a project, the town may  
6 enforce its more stringent wetlands and deny a  
7 permit.

8           There is no doubt that CMI knows about  
9 the requirements of the Tamworth wetlands ordinance.  
10 Attorney Susan Duprey has been given this document.

11           In February of 2003 a document from  
12 Arete Capital clearly stated that CMI would require a  
13 special use permit. On March 4th, 2004 Attorney  
14 Duprey wrote the planning board saying, quote: CMI  
15 anticipates filing a wetlands application with the  
16 planning board sometime in the next several weeks.  
17 Eventually they did in June of 2004. A week later  
18 the planning board met and accepted their application  
19 and scheduled a hearing in July that would  
20 accommodate Ms. Duprey's vacation schedule.

21           In the second week of July CMI and ESS  
22 conducted a site visit for the planning board and  
23 Tamworth Conservation Commission.

24           On July 21st a public hearing was held.  
25 The planning board voted unanimously that the

1 racetrack could reasonably be expected to have  
2 regional impact. CMI argued that the hearing should  
3 continue with only those present before noticing the  
4 neighboring towns. The meeting was continued until  
5 August.

6           On July 28th CMI sued Tom Cleveland and  
7 Herb Cooper for signing a zoning petition and a card  
8 saying Tamworth values honesty, unquote. CMI claimed  
9 irreparable harm if these two citizens were allowed  
10 to sit on the planning board at CMI's hearing. Both  
11 men did voluntarily recuse themselves.

12           Then in August, two days before the  
13 continued hearing, CMI announced they were  
14 withdrawing their application saying the application  
15 exceeds our permitting needs.

16           CMI has known about the Tamworth  
17 wetlands ordinance for two years. The state Supreme  
18 Court says the town may have to enforce wetlands that  
19 are more stringent than those of the state. CMI  
20 properly applied for our town permit, and a hearing  
21 was scheduled. They then decided peremptorily that  
22 our town's wetlands ordinance exceeds their  
23 permitting needs.

24           THE MODERATOR: Thank you, ma'am.

25           Our next speaker Christopher Menge,

1 followed by James Barrett.

2 MR. MENGE: Hello. I'm Christopher  
3 Menge representing Focus Tamworth. I'm with the  
4 noise consulting firm of Harris, Miller, Miller &  
5 Hanson, Inc. I'm an expert in the field of community  
6 noise analysis with over 30 year's of experience. I  
7 was hired by the Tamworth Foundation last year to do  
8 an independent study of the effects of the proposed  
9 project.

10 First, I want to explain why noise is  
11 such an important issue for the Army Corps to  
12 consider. Our analysis, which was based on widely  
13 accepted methods, determined that new racetrack noise  
14 introduced into the Tamworth community is very likely  
15 to generate widespread complaints and possibly legal  
16 threats without the noise measures that we've  
17 recommended. It will be, in fact, loud enough to be  
18 audible most of the time over a wide area on busy  
19 days.

20 We believe the residents will see noise  
21 as very disruptive to the peace and quiet that they  
22 have come to enjoy in the town. My study was  
23 designed specifically to be a neutral, impartial  
24 study of the noise effects of the proposed racetrack  
25 since town residents were -- some were in favor of

1 the track, some were opposed; but most were undecided  
2 at that time. Our report has been submitted for you.

3           Because no existing regulation or  
4 ordinances apply, we took an approach that evaluated  
5 a respected community response to the noise from the  
6 proposed racetrack rather than making variance to  
7 existing regulations. We and others have used this  
8 method on many other studies of newly introduced  
9 noise ordinances because it's the best method to  
10 determine how new noise will fit into a community as  
11 a whole. It predicts whether people are likely to  
12 find the noise generally acceptable or whether they  
13 will find it objectionable; and, if so, by how much.  
14 The method is based on an EPA report on many surveys  
15 of community reaction to noise sources, including  
16 some racetracks.

17           Two major problems with the proponent's  
18 noise study are that it used the wrong criteria,  
19 which don't address the public interest and the wrong  
20 noise model. The model was designed for computing  
21 noise near highways. That does not account for  
22 atmospheric conditions that are very important for  
23 the long distance that they used it for. I know this  
24 because I designed that model for the Federal Highway  
25 Administration.

1           Also, the model hasn't been validated  
2 for distances greater than 800 feet according to a  
3 report that just came out this July. In our study we  
4 used a widely accepted international standard model  
5 that was specifically designed for computing  
6 long-term average sound levels on long distances.

7           The conclusion from our study was that  
8 both noise barriers near the track and vehicle noise  
9 limits are needed for the racetrack to be acceptable  
10 in Tamworth. We propose appropriate limits for an  
11 ordinance that was adopted by the town last year, but  
12 this project has proposed none.

13           Other similar racing facilities such as  
14 Lime Rock Park in Connecticut had to adopt noise  
15 limits to avoid litigation from their residential  
16 neighbors. However, that park has been operating for  
17 years under these restrictions. So we see a certain  
18 extent possible for the CMI facility to operate with  
19 such restrictions as well.

20           The proponent has said that noise of  
21 racing cars is comparable to trucks and motorcycles  
22 driving by on Route 25; and, therefore, federal and  
23 state traffic noise criteria aren't appropriate. The  
24 proposed facility is very different from a highway.  
25 Instead of passing by and then disappearing, it

1 allows vehicles confined to one area; they go around  
2 and around for 20 minutes at a time. Much like  
3 Jet Skis on a lake as compared with motorboats that  
4 would pass by.

5 THE MODERATOR: Thank you, sir. Thank  
6 you.

7 Next speaker James Barrett, who will be  
8 followed by Muriel Robinette.

9 MR. BARRETT: Good evening. My name is  
10 Jim Barrett. I'm a licensed professional engineer  
11 and a project manager for Haley & Aldrich in the  
12 Manchester office. I've had nearly 35 years of  
13 experience performing engineering services, including  
14 working for the Army Corps of Engineers' Sacramento  
15 district office.

16 I've been retained by Focus Tamworth to  
17 evaluate two estimates: One, the estimate of  
18 construction costs of the proposed project; the other  
19 an estimate of the cost to mitigate the project  
20 should it be abandoned in the middle of construction.

21 First, I think I should mention a few  
22 aspects about the project in terms of its size. This  
23 is a large project by any account. Over 130 acres of  
24 the 250-acre site is going to be impacted by the  
25 proposed development, 112,000 square feet of the

1 proposed -- nearly one mile of diversion berms, 1.4  
2 miles of culvert construction, nearly seven miles of  
3 drainage swales, 300 to 500,000 yards of bedrock  
4 excavation, nearly a million yards of soil being  
5 moved to meet the cut-and-fill demands. In fact, the  
6 road cuts in bedrock to accommodate the track are  
7 nearly one mile long and up to 55 feet deep and 200  
8 feet wide.

9           These cuts are more similar to I93 or  
10 other highways in mountains. These are not just a  
11 slender thread through the woods.

12           I don't have to remind you that cuts  
13 and fills in construction of this size are going to  
14 be very, very difficult to mitigate and avoid  
15 erosion.

16           My estimate to do this work totals \$50  
17 million. That does not include costs related to  
18 contract mobilization and demobilization for the  
19 construction, QA/QC, engineering administration or  
20 contingency amounts.

21           For the remediation costs I evaluated  
22 primarily regrading the soil, erosion control and  
23 maintenance. I did not include the cost of  
24 performing groundwater remediation, which would  
25 easily total \$10,000 per private well. Also, \$1,000

1 a year of annual maintenance.

2 I also did not include in my cost to  
3 mitigate the site in case it was abandoned the cost  
4 to deal with the blasting of bedrock slopes, the  
5 oversteepened cuts that would be proposed and left  
6 behind.

7 My assumption was that the project  
8 would have been completely graded and cut, but only  
9 subject to temporary erosion control. My estimate  
10 for the mitigation should the project be abandoned is  
11 \$11 million. That involves slope regrading, erosion  
12 control and ten years' operation and maintenance.

13 Thank you.

14 THE MODERATOR: Thank you, sir.

15 Colonel Nelson, our stenographer  
16 indicated that she wants to take a break. So I  
17 request that after the next speaker we recess for 20  
18 minutes.

19 Thank you, sir.

20 Ma'am. . .

21 MS. ROBINETTE: Thank you. My name is  
22 Muriel Robinette. I work for Haley & Aldrich, an  
23 environmental consulting firm, and I'm retained by  
24 Focus Tamworth. I'm going to be addressing comments  
25 with respect to water quality impact as a result of

1 the construction operation project. My comments  
2 focus on four main areas.

3           First of all, it has been discussed for  
4 this particular project there's a plan to have  
5 multiple facilities constructed throughout the site  
6 in order to accommodate the individuals who will be  
7 making use of the facility. These individuals need  
8 the use of septic systems, and the estimate from the  
9 applicant is that approximately 50 to 70,000 gallons  
10 a day of waste water needs to be disposed of in  
11 septic systems on site. The primary build-out for  
12 this track project is on the north end of the site.  
13 Less than a thousand feet from Bearcamp River.

14           Now, the Bearcamp River is a river of  
15 exceptional water quality. You'll hear a speaker  
16 later talk about the water quality tests that have  
17 been done. The reality is is that the quality will  
18 likely be impacted by discharges from this project,  
19 not only because of the septic issue that they'll  
20 probably design, but as well as the fact that canopy  
21 and trees will be removed because of it.

22           I go on to the question of operations  
23 and how those could potentially impact surface water  
24 quality.

25           The applicant has a spill prevention

1 control measure in its plan, and it talks about the  
2 material likely to be used for garages and halls in  
3 order to repair and address the high performance cars  
4 at the site: Antifreeze, gear lube, motor oil,  
5 hydraulic oil, solvents as well as petroleum  
6 products. And the SPCC plan -- this plan that talks  
7 about it -- says that everything is going to be  
8 contained and run through an oil and grease  
9 separator.

10 Well, as we know, if it's a dissolved  
11 contaminant, ordinary separators don't do anything to  
12 hold back contaminants; and it discharges it directly  
13 to surface water.

14 In addition, the question of motor  
15 fuels, high-octane racing fuels contain MTBE, an  
16 additive that the state is very concerned about up to  
17 maybe 14 percent. Some initial modeling that we had  
18 done using the Princeton model and using  
19 characteristics of this aquifer that you've been  
20 hearing about would suggest that MtBE concentration,  
21 even if only one gallon reaches groundwater, will  
22 cause exceedances of surface water quality within the  
23 Bearcamp River of about 160 milligrams per litre and  
24 could yield a groundwater plume impacting water  
25 quality for drinking water almost up to two miles.

1 So we urge you to consider very carefully the issue  
2 of high octane motor fuels to be used at the site.

3           Lastly, the question of drainage  
4 swales. There are approximately seven miles of  
5 drainage swales planned, and the question is: Can  
6 they handle the flows?

7           THE MODERATOR: Thank you, ma'am.

8           Ladies and gentlemen, we will be taking  
9 a short break at this time. A reminder that the  
10 stenographer is not taking a break; if you need to  
11 give your testimony, please.

12           We will recess now until 8:55. Thank  
13 you.

14           (Recess taken)

15           THE MODERATOR: I'm going to keep  
16 reminding you that we do have another stenographer;  
17 and, if you need to get home, please utilize that.  
18 All comments, whether here at the microphone, in  
19 writing or at the stenographer, will receive equal  
20 consideration in the record and as we go through for  
21 our analysis.

22           Our first speaker will be Christine  
23 Fillmore, who will be followed by Sherry Young.

24           MS. FILLMORE: My name is Christine  
25 Fillmore. I'm an attorney from Rath, Young and

1 Pignatelli in Concord. Along with my colleague,  
2 Sherry Young, we represent members of Focus Tamworth.  
3 Tonight I will be addressing a topic relating to the  
4 Section 401, water quality certification.

5 Under the regulations of the Department  
6 of Environmental Services, a Section 401 certificate  
7 may only be issued when certain criteria are met. In  
8 particular, those regulations require that all state  
9 and federal permits necessary for the construction  
10 and operation of the project have been obtained or  
11 shall be issued upon approval of the Section 401  
12 certificate by the department.

13 This project will clearly require a  
14 permit under EPA's National Pollutant Discharge  
15 Elimination System or NPDES permit.

16 Under the Federal Clean Water Act an  
17 NPDES permit is required for any construction or  
18 operation of a facility that may result in the  
19 discharge of pollutants from any point source into  
20 waters of the United States.

21 While construction activities covered  
22 by a Section 404 permit from the Army Corps -- which  
23 is the other subject of this hearing -- would be  
24 exempt from the NPDES permit requirements, the  
25 operation of this facility will clearly require one.

1           It will, by design, involve the  
2 collection of stormwater runoff from the racetrack,  
3 paddocks and other impervious surfaces into a system  
4 of swales, culverts and other channels which fall  
5 under the definition of point sources. Runoff from  
6 this facility will contain racing fuel, which  
7 includes unregulated levels of MTBE, as well as a  
8 variety of other hazardous materials routinely used  
9 in the use, maintenance and repair of racing cars and  
10 motorcycles. Those clearly are considered pollutants  
11 for NPDES purposes.

12           Finally, runoff will be channeled into  
13 detention ponds at lower elevations on the site and  
14 then released into contact with surface waters,  
15 including wetlands, which clearly constitutes a  
16 discharge. There is no question that jurisdictional  
17 waters of the United States are present on the site  
18 and that discharges and pollutants may reach them.

19           Since the applicant proposes to operate  
20 a facility that may result in the discharge from a  
21 point source into the waters of the United States, it  
22 must obtain coverage under an NPDES permit. To our  
23 knowledge, the applicant has not applied for this  
24 permit and has not indicated that it plans to do so.

25           By rule, a Section 401 certificate

1 cannot be issued by the department until the  
2 applicant has obtained all necessary state and  
3 federal permits for the construction and operation of  
4 the project. Since the applicant in this case has  
5 neither applied for nor obtained all required  
6 permits, it does not qualify for the Section 401  
7 certificate and cannot qualify until it does so.

8 Thank you.

9 THE MODERATOR: Thank you, ma'am.

10 Next speaker is Sherry Young, who will  
11 be followed by Blair Folts. Folts. I'm sorry.

12 MS. YOUNG: Good evening. My name is  
13 Sherry Young. I'm an attorney with Rath, Young and  
14 Pignatelli; and I'm here tonight on behalf of the  
15 citizens group Focus Tamworth.

16 You've heard the testimony about what  
17 this racetrack will bring to the Tamworth Ossipee  
18 region: Noise, wetland impacts, wildlife impacts,  
19 severe wildlife fragmentation, surface water  
20 contamination, contamination of the Ossipee aquifer.

21 The Army Corps has ample reason to deny  
22 this permit. The cumulative and secondary impact to  
23 the public far outweigh the limited benefit to those  
24 privileged few who can afford to use this facility.

25 However, in the unfortunate event the

1 applicant could demonstrate that it is entitled to a  
2 permit, any such permit must be conditioned upon two  
3 important aspects: A requirement for a performance  
4 bond and conditions on noise restrictions. You've  
5 heard a lot about that this evening, and it is  
6 critical to the public interest.

7           The Corps has the authority to impose  
8 these conditions. In fact, federal regulations state  
9 that the Corps will add special conditions to satisfy  
10 the public interest requirement. If the Corps has  
11 reason to believe that the applicant may not be able  
12 to complete the work necessary in accordance with the  
13 permit, it can require a performance bond to protect  
14 against any losses that might ensue.

15           Given the testimony tonight, the Corps  
16 has ample reason to consider that the applicant may  
17 abandon this project part way through because it may  
18 fail to raise the \$50 million necessary to construct  
19 this project. If this site is abandoned, it would  
20 pose significant environmental and health risks to  
21 the community. It would cause significant moneys to  
22 restore the site to a safe condition.

23           In this case there are no local  
24 controls that can adequately protect the public  
25 against these risks. The town's racetrack ordinance

1 imposed local controls. It included the following  
2 provisions and it included noise restrictions. But,  
3 as you've heard from earlier testimony tonight, the  
4 applicant has obtained a legislative exemption, so  
5 the ordinance no longer applies to this project.

6           Given the serious risks that this  
7 project poses to the town, we strongly urge the Corps  
8 to deny the permit for this project. However, if a  
9 permit is issued, it is imperative that the posting  
10 of the performance bond and protective noise  
11 restrictions, such as those in the racetrack  
12 ordinance, be included as conditions in any such  
13 permit.

14           My written materials that I'll submit  
15 amplify my comments here tonight, and I thank you for  
16 your time.

17           THE MODERATOR: Thank you, ma'am.

18           Next speaker Blair Folts, will be  
19 followed by Robert Newton.

20           MR. FOLTS: Thank you and thank you for  
21 coming from Concord and for coming from Concord.

22           I'm here on behalf of the Green  
23 Mountain Conservation Group. We are a six-town  
24 watershed organization located in the Ossipee  
25 watershed. We include the towns of Effingham,

1 Freedom, Madison, Ossipee, Sandwich and Tamworth.  
2 The Ossipee Mountain range of New Hampshire is one of  
3 the most unusual configurations of geology in the  
4 world and home to some of the most important drinking  
5 water and wildlife habitats in the state.

6 We urge the Army Corps of Engineers and  
7 New Hampshire DES to carefully consider the permanent  
8 impact that this development may have on Tamworth and  
9 the surrounding towns in the Ossipee watershed.

10 The proposed racetrack is not an  
11 appropriate land use in this area for many reasons.  
12 Speaking to you from the perspective of a watershed  
13 organization, I will address three concerns about the  
14 potential impact to wetlands, water and the aquifer.

15 My first point is the aquifer. As you  
16 can see in the map that Jennifer is holding, it's a  
17 USTS map of the State of New Hampshire. You can see  
18 all the aquifers in the state. And if you note  
19 running from Bartlett, New Hampshire to our north --  
20 to our north -- all the way to Saco-Biddeford, Maine,  
21 this aquifer extends from the White Mountains to the  
22 Atlantic Ocean. It also has points in Wakefield to  
23 our south and runs into Ossipee Lake; and, again,  
24 exits into Maine.

25 We don't have a cross-border map

1 because, you know, it's got that political boundary  
2 thing, which is kind of too bad; but you can see from  
3 that map. It's a USTS map that you have access to,  
4 I'm sure.

5           The second map I have here is the map  
6 of the Ossipee watershed that shows very dark orange  
7 in the center and then a lighter orange and then a  
8 kind of light. The two orangey-yellow colors --  
9 Dr. Robert Newton will talk about next -- show the  
10 recharge to this aquifer. And, as you're well aware,  
11 this is a very large, sensitive aquifer, very  
12 productive soil; and this site is located over  
13 primary recharge.

14           I also want to note on the map is the  
15 dots on the map represent our water quality  
16 monitoring site. So you can see the sites that we've  
17 been testing.

18           My second point I wanted to make was  
19 natural resource protection if this project falls  
20 through. Who will be responsible to guarantee that  
21 the water will not be negatively impacted by the  
22 blasting and excavating should the project not go  
23 through? Clearly once you review the full proposal,  
24 you will understand that this is not just a dirt path  
25 through the woods. The proposal involves hundreds of

1 thousands of cubic yards of blasting and soil  
2 construction in order to actually construct the  
3 facility.

4           The wetlands on the site are not just  
5 cozy areas of cattails but are recharged areas  
6 directly to this aquifer.

7           In 1997 the Green Mountain Conservation  
8 Group was faced with a similar proposal in the Town  
9 of Effingham, and I've included some photographs of  
10 that site which still have permits and violations  
11 that have not been cleaned up.

12           The Tamworth proposal is much more  
13 extensive and more intrusive. Who will be  
14 responsible for cleaning that site up should the  
15 current landowners leave town?

16           My third point is about the water  
17 quality monitoring. In 2001 the Green Mountain  
18 Conservation Group established a watershed-wide water  
19 quality monitoring program with our neighbors  
20 downstream, the Saco River Corridor Commission in  
21 Maine.

22           We have been testing upstream and  
23 downstream of this site but not for chemicals such as  
24 MTBE. Will the Army Corps or DES require testing for  
25 benzene or other petroleum-based solvents? How

1 often? Who will be testing the groundwater to make  
2 sure that none of the spills are getting through this  
3 recharge area into the drinking water? There are  
4 very few municipal wells in this region, and most  
5 folks get their drinking water from their own private  
6 wells.

7 (Prepared material inserted at this time)

8 Who will help provide individuals with  
9 funding to make sure that their own  
10 wells are not getting contaminated? Who  
11 will monitor the groundwater as well as  
12 the surficial waters?

13 If the permits are granted, will  
14 both DES and the Army Corps make  
15 stipulation for a fund to be established  
16 for ongoing water testing and for VOC's  
17 and MtBE?

18 These are hard questions to ask.  
19 No one wants to turn away business.  
20 However, if the business proposed has  
21 the potential to harm the economy, the  
22 resources and the quality of life of the  
23 entire community, the permits should not  
24 be granted.

25 Thank you for your time in

1           carefully making your decisions. Thank  
2 you very much.

3 (Conclusion of prepared material)

4           THE MODERATOR: Thank you. Please  
5 ensure that you submit all this for the record; and  
6 if you can get copies of the maps, that would be  
7 fine, too.

8           Next speaker Robert Newton, who will be  
9 followed by Michelle Daley.

10           MR. NEWTON: My name is Bob Newton.  
11 I'm a professor of geology, chair of the Department  
12 of Geology at Smith College in Northampton,  
13 Massachusetts. I've worked in this area for about 30  
14 years. I've mapped the surficial geology of the  
15 Ossipee Lake quadrangle published by the State of New  
16 Hampshire. I've mapped the extent of the recharge  
17 areas of the Ossipee aquifer. My areas of research  
18 are groundwater geology, aqueous geochemistry, clay  
19 mineralogy; and I get research funding from the  
20 National Science Foundation and from the EPA.

21           It's hard for me to summarize 30 years  
22 of work in three minutes, but I'm going to make an  
23 attempt.

24           Number one, the racetrack parcel is  
25 located on an important recharge area. We heard the

1 attorney from the developers talk about recharge and  
2 transmissivity effects. This shows a complete  
3 ignorance about how recharge operates in an aquifer  
4 system. The high areas of recharge that margin the  
5 aquifer are particularly important for recharge.  
6 That's where this site occurs.

7           Any chemical contamination that enters  
8 the aquifer will move -- from the racetrack will  
9 enter the aquifer and can contaminate large areas, as  
10 we've heard others say. Just one gallon of  
11 gasoline -- this hot -- this racing fuel -- and I  
12 have the chemistry of a typical racing fuel -- with  
13 as much as 15 percent MtBE, 30 percent toluene, one  
14 gallon can contaminate 30 million gallons of  
15 groundwater. That's something to keep in mind.

16           As Blair just said, there's no  
17 municipal water systems in the local area.  
18 Residential wells are unmonitored. How will we know  
19 when contamination has occurred, if it does occur?

20           Finally, of more importance in terms of  
21 sediment yield from the site. This site is located  
22 in an area of unusual geologic materials. It is  
23 underlain by a particular glacial till that is old.  
24 It's Pre-Woodfordian in age. It's made up of 50  
25 percent sand, 30 percent silt and 20 percent clay.

1 Right now it's preconsolidated by the weight of  
2 overriding ice from later glaciations. It was  
3 compacted under about 2700 pounds per square inch  
4 pressure. So it's stable because it's  
5 preconsolidated. If you excavate that, it will no  
6 longer be stable.

7           It includes -- it was weathered during  
8 an interglacial period, and the weather produced a  
9 mixed layer illite/vermiculite clay, which is capable  
10 of swelling under certain conditions. It will make  
11 the slopes unstable.

12           So this is just a terrible spot to try  
13 to do this kind of work, and I'm going to submit for  
14 the record these issues together with a lot of the  
15 data that supports these conclusions.

16           THE MODERATOR: Thank you, sir.

17           Our next speaker Michelle Daley, who  
18 will be followed by Jennifer Smith.

19           MS. DALEY: Hello. My name is Michelle  
20 Daley, and I have my master's of science degree in  
21 water resource management; and I work at the New  
22 Hampshire Water Resources Research Center, which is  
23 located at the University of New Hampshire.

24           I've just given the Army Corps of  
25 Engineers a copy of what I had prepared for a

1 PowerPoint presentation, but I'll read through these  
2 handouts, maybe skip a few slides for the constraints  
3 of time.

4           So, first of all, I'm going to present  
5 the water quality data that was collected by the  
6 Green Mountain Conservation Group and the Ossipee  
7 watershed. The fourth slide of the first page of my  
8 handout shows all the locations of the Green Mountain  
9 Conservation Group, the GMCG, water sampling site.  
10 At each site a variety of parameters were analyzed,  
11 both in the lab and in the field.

12           Now, these sites were selected to  
13 develop a long-term baseline water quality monitoring  
14 program for the whole watershed. So sites were  
15 selected to serve as long-term water quality  
16 monitoring stations to bracket areas of development  
17 around Route 16 and also areas of potential  
18 development.

19           Some of these sites on the sixth slot  
20 of this first page bracket are where the proposed  
21 racetrack is going to be located. It's the circle in  
22 the middle of that slide. And the two sites that are  
23 a few miles upstream from that location are GS1 and  
24 GT1. The two sites that are downstream from that  
25 location are GO5 and GO4.

1           So to quickly summarize a couple of the  
2 field parameters, just very briefly is the oxygen in  
3 all the sites in the Ossipee watershed is very high.  
4 Turbidity is relatively low and especially low at the  
5 site on the Bearcamp River -- that bracket -- the  
6 proposed racetrack site. Turbidity is the measure of  
7 suspended matter in the water.

8           Nutrients. Some of the lab work that  
9 we did analyzed both phosphorus and nitrogen. For  
10 phosphorus, this is a limiting nutrient in fresh  
11 water, so elevated phosphorus levels to the  
12 freshwater systems in lakes of the Ossipee watershed  
13 could cause algal blooms.

14           Also, phosphorous tends to be very  
15 sticky, so it's transported with sediment. Nitrogen  
16 is a limiting nutrient in most estuary systems and  
17 marine systems; but its nitrate, nitrite ammonia, are  
18 all very mobile.

19           I'm running out of time here. I'll  
20 quickly go through. . .

21           Phosphorus is very low in all of the  
22 sites in this watershed. What we want to pay more  
23 attention to is the nitrogen. Overall, I would say  
24 the sites are very low in nitrogen; and none of the  
25 totals get above 0.25 milligrams per litre. In

1 southeastern New Hampshire, the Lamprey watershed, we  
2 see nitrogen levels over 1 milligram per litre.

3           So, if this proposed racetrack goes  
4 through, I would say that some of the potential  
5 impacts could be increased nitrogen in the form of  
6 nitrate based on deforestation due to construction  
7 and also the increase in people that will be using  
8 this facility.

9           At the resort there will be septic  
10 systems, probably fertilizers associated with those  
11 resorts. Those could all impact water quality.  
12 Other potential contamination sources could be the  
13 gasoline products.

14           And I guess I will stop there.

15           THE MODERATOR: Thank you, ma'am. When  
16 you have an opportunity, please make sure you get  
17 Mr. Hicks' E-mail address so you can E-mail him your  
18 presentation. Thank you.

19           Our next speaker Jennifer Smith to be  
20 followed by -- this is a test -- D. Catherine  
21 Arseneault-Shea.

22           MS. SMITH: Hi. My name is Jennifer  
23 Smith, and I'm the water quality monitoring program  
24 coordinator for the Green Mountain Conservation  
25 Group. I'd like to speak with you about the water

1 quality monitoring program in the Ossipee watershed  
2 and concerns about the potential impacts of the  
3 racetrack upstream of Tamworth may have on Ossipee  
4 Lake and the tributaries of the lake.

5           As you know, Ossipee Lake is the center  
6 of the Ossipee watershed. Water flows north from  
7 Wakefield, as you can see from our map there, and  
8 south from the White Mountains into the lake and then  
9 exits the Ossipee River to east into Maine.

10           As one of New Hampshire's largest and  
11 most important lakes, it is a major economic  
12 contributor to the towns of Freedom and Ossipee.  
13 It's a primary destination for vacationers, boaters  
14 and wildlife enthusiasts. Its attractiveness has  
15 placed it under development, developments of pressure  
16 and environmental stress.

17           In 1995 the Environmental Protection  
18 Agency listed Ossipee Lake as one of the top five  
19 areas in New Hampshire to protect. In 2003 the Green  
20 Mountain Conservation Group received funding from the  
21 New Hampshire Department of Environmental Services  
22 and the New Hampshire Charitable Foundation to  
23 establish the Ossipee Lake Tributary Program.

24           And also on that map you can see the  
25 sites that we tested the tributary program, which are

1 marked with stickers.

2           This is an expansion of the existing  
3 water quality monitoring program that GMCG  
4 established in 2001 across the entire Ossipee  
5 watershed. GMCG has worked with New Hampshire DES,  
6 the Maine Department of Environmental Protection, New  
7 England Environmental Protection Agency, University  
8 of New Hampshire and Saco River Corridor Commission  
9 in Cornish, Maine and other nonprofit organizations  
10 to establish a watershed-wide water quality  
11 monitoring program that includes one watershed, two  
12 states, 26 towns.

13           We have a shared QAPP between the  
14 states of Maine and New Hampshire. We also share our  
15 water quality data with the Saco River Corridor  
16 Commission and Maine and New Hampshire DES.

17           The sampling for the OLT program is  
18 conducted by campers and counselors from the lake's  
19 children's summer camps, including Camp Robinhood,  
20 YMCA, Camp Huckins, Camp Calumet, Camp Marist and  
21 Camp Cody. Working with the camps on the lake and  
22 volunteers, water quality samples of each of the  
23 lake's 14 tributaries are collected every other week  
24 throughout the summer; and those 14 tributaries again  
25 are marked on that map.

1           These camps have stressed concern over  
2 the impact this racetrack may have. All of these  
3 camps rely on the scenic beauty and peacefulness of  
4 the lake to attract campers from around the world to  
5 their facilities.

6           Camp Huckins has been on the lake since  
7 1928; and, as a business, they host approximately  
8 1500 campers each summer. Camp Cody has brought  
9 campers to the lake since 1926; and, as a business,  
10 they host approximately 600 to 700 campers each  
11 summer. Camp Marist, founded in 1947 hosts  
12 approximately 500 campers each summer.

13           Finally, Camp Calumet, founded as a  
14 boy's camp in 1902 and converted to a Lutheran camp  
15 in 1960 hosts over 15,000 people, both children and  
16 adults, annually. If you review the attached photos,  
17 you'll see that Camp Calumet is in direct line of  
18 sound of this project.

19 (Prepared material inserted at this time)

20           Recently GMCG learned that New  
21 Hampshire Department of Environmental  
22 Services has requested that the  
23 applicant establish baseline water  
24 quality data on the Bearcamp River and  
25 also conduct biomonitoring.

1           Were field studies done before the  
2 logging began last winter? Has baseline  
3 data about MtBE been collected yet? Has  
4 there been any biomonitoring of the site  
5 before the logging began, or will it at  
6 least be done before the blasting and  
7 excavating starts? And who is  
8 responsible for the testing? Will an  
9 outside company be contracted? And who  
10 will be monitoring the groundwater on  
11 this site?

12           GMCG has been testing the Bearcamp  
13 River as well as sites upstream that  
14 flow into the Bearcamp.

15           In 2003, GMCG hosted "Bug Day" and  
16 sampled for macroinvertebrates. To date  
17 there has not been enough baseline data  
18 collected. The sites upstream have  
19 shown that the water is unusually clean  
20 and unimpacted by human activity. The  
21 Ossipee watershed is fortunate in that  
22 there has not been adverse development  
23 to date. This watershed is also unique  
24 because it is also home to a very large  
25 and productive aquifer.

1 GMCG is confident that both DES  
2 and the Army Corps of Engineers will  
3 make sure that these important water  
4 resources, as well as businesses that  
5 rely on the important natural resources  
6 in the region, will not be negatively  
7 impacted by the current proposal.

8 Please take the time you need to  
9 review this proposal. This proposal has  
10 the potential to negatively impact  
11 important natural resources and  
12 businesses in the Ossipee watershed.

13 Thank you.

14 (Conclusion of prepared material)

15 THE MODERATOR: Thank you, ma'am.

16 MS. ARSENEAULT-SHEA: Good evening. My  
17 name's Catherine Arseneault-Shea, and I am one of the  
18 women of this town who's chosen to stay, listen and  
19 speak about this crucial issue facing the town I love  
20 and I've worked in for 21 years, even though I have  
21 to get up at five o'clock in the morning, just like  
22 other working people.

23 I'm going to speak about the need for  
24 this project. Is there a need for this project? Is  
25 there a need for this project in this location? Is

1 there a need for this project to be built in these  
2 wetlands? I don't think so.

3           The developers of Club Motorsports say  
4 they have identified a need for a road-racing track  
5 within two hours of Boston. They also say  
6 repeatedly, quote-unquote, this isn't a racetrack.  
7 It's a country club. And so it is. A members-only  
8 country club for those who own expensive, fast cars  
9 like Porsches, BMWs and Audis and who want to drive  
10 them at speeds of up to 120 miles per hour.

11           This country club would be a luxury for  
12 people with luxury cars. That isn't a need. That's  
13 a business proposition.

14           Carroll County has a population of  
15 44,000 with a median household income of just under  
16 \$40,000. The initiation fee for this club will run  
17 between \$15,000 and \$50,000. That's a luxury, not a  
18 need, in a town where our per capita income is  
19 \$17,981.

20           How many Porsches and Jaguars are there  
21 in this parking lot?

22           There was an obvious need for the  
23 Tamworth transfer station for this new addition to  
24 the Brett School in which we stand and sit and for  
25 the new, larger town office building.

1           There is no need for a racetrack in  
2 this town. The only compelling need for this  
3 racetrack to be in our little town for them was  
4 because it has little to do with the site and  
5 everything to do with the fact that Tamworth has no  
6 zoning.

7           A racetrack doesn't need to be built in  
8 a wetland to still be a racetrack. An example of a  
9 necessary building project is the replacement bridge  
10 on Route 25 in West Ossipee. That had to be built in  
11 a wetland or it wasn't going to be a bridge over the  
12 Bearcamp River.

13           As we saw when the state's construction  
14 equipment was repeatedly flooded in last summer's  
15 rains, even a legitimate need can get tricky when  
16 built in wetlands. We should avoid those risks for  
17 luxury developments like this racetrack.

18           The law in 40 CFR 230.10 (a)(3) is  
19 clear. If the activity is not, quote-unquote, water  
20 dependent, like a marina, practicable alternatives  
21 that do not involve wetland sites are presumed to be  
22 available. This racetrack isn't water dependent, so  
23 a site that would not impact wetlands would obviously  
24 be a better choice in the eyes of this law.

25           This proposed facility is a luxury that

1 benefits a few hundred members. It's a lot of  
2 permanent impact for this piece of land, for this  
3 town and for area residents. There is no need to  
4 build this project in this location, in these  
5 wetlands.

6 Please deny this permit.

7 Thank you.

8 THE MODERATOR: Thank, you ma'am.

9 Next speaker Tom Vachon, followed by  
10 Ellen Hamilton.

11 MR. VACHON: Thank you, gentlemen, for  
12 coming and staying.

13 I want to talk about jobs. There's no  
14 question that we need jobs here in Tamworth. I'm the  
15 president of a little software company. We're just  
16 launching a major expansion program. We're going to  
17 be adding 15 to 20 new jobs over the next few years.  
18 These are jobs that pay 25 to \$30,000 a year. They  
19 come with fully paid health insurance and no special  
20 requirements.

21 We can fill all these jobs with the  
22 folks that are right here in town, but I've got to  
23 ask myself: Is this really the place I want to do  
24 this expansion if I'm faced, and if my employees and  
25 my investors are faced, with the threat of a public

1 nuisance noise generator spoiling our environment,  
2 the very environment that makes this a great place to  
3 do software development?

4           And I have to conclude that it probably  
5 isn't worth the risk. If we don't get a resolution,  
6 either some controls or the denial of this permit,  
7 much as I regret it, we're going to have to take the  
8 company elsewhere and give those jobs to some other  
9 town. We don't have a choice. Thank you.

10           THE MODERATOR: Thank you, sir.

11           Next speaker Ellen Hamilton, followed  
12 by Claes Thelemarck.

13           MS. HAMILTON: Thank you very much for  
14 coming to hear us all. I'm Ellen Hamilton from  
15 Center Sandwich, and I'd like to speak about the  
16 mitigation proposal.

17           They're currently offering an offsite  
18 mitigation, and I'm very strongly against what has  
19 been proposed. According to Army Corps guidelines,  
20 avoidance and minimization are the first options.  
21 Those alternatives haven't been seriously pursued.

22           Restoration of existing degraded  
23 wetlands or creation of man-made wetlands should be  
24 the next options considered. According to the  
25 guidelines, purchase or preservation of existing

1 wetland resources may only be accepted as  
2 compensatory mitigation in exceptional circumstances.

3           What are the exceptional circumstances  
4 here? If you saw the site in Sandwich, south of  
5 Vivid Hill Road on Route 25 and then looked at the  
6 site for the racetrack, it is obvious, even to an  
7 untrained eye, that these are completely different  
8 types of wetlands. They don't have the same  
9 functional values. They don't make the same kind of  
10 difference to the Bearcamp watershed. Why would you  
11 accept out-of-kind mitigation?

12           CMI made a serious mistake. They  
13 didn't contact any local officials before the site  
14 was chosen. If they had, they would have learned  
15 that the spot at Vivid Hill has already been  
16 designated a prime wetland by Sandwich under RSA 482  
17 (a)(15). So it is already protected from  
18 development. Where is the public benefit in  
19 protecting something that is already under  
20 protection?

21           The racetrack would be in Tamworth, but  
22 the proposed mitigation site is in Sandwich. As a  
23 resident of Sandwich, I find this arrangement  
24 offensive. I believe that CMI should have worked  
25 with Tamworth officials to find a site in Tamworth.

1 If my own town benefits from this mitigation, I think  
2 it will cause unnecessary conflict between friends  
3 and neighbors.

4           And last, but by no means least, what  
5 is the legal means of preservation for this  
6 mitigation site? I ask because no conservation  
7 easement holder has been identified.

8           The Tamworth Conservation Commission  
9 said they won't hold an easement in Sandwich. I  
10 think that was wise. The Sandwich Conservation  
11 Commission has said they won't accept a conservation  
12 easement on this parcel.

13           At the Sandwich selectmen meeting on  
14 September 27, they said that they have never voted on  
15 anything relative to this issue because they never  
16 received any proposal to vote on. So who is the  
17 easement holder?

18           If you were going to approve this  
19 permit, I still think avoidance and minimization  
20 could be taken further. There certainly are options  
21 for restoration that should be considered. If you're  
22 going to accept a preservation alternative, there are  
23 opportunities in Tamworth.

24           THE MODERATOR: Thank you, ma'am.

25           Next speaker Claes Thelemarck -- I know

1 I'm way off -- followed by David Little.

2 MR. THELEMARCK: My name is Claes  
3 Thelemarck. I'm a resident of Tamworth and a teacher  
4 of science and math at the community school in  
5 Tamworth. I was a member of the committee that  
6 produced the racetrack ordinance in the summer of  
7 2003.

8 About a year and a half ago, when I  
9 first learned of this project, I wrote a letter to  
10 the editor of the Conway Daily Sun stating: The  
11 northern slopes of the Ossipee Mountains in Tamworth  
12 is the wrong place to develop a racetrack or  
13 motorsports park of any kind. I would like to  
14 emphasize tonight that if one wanted to pick the  
15 worst possible location, it would be this site here  
16 in Tamworth.

17 The proposed site is adjacent to more  
18 than 20,000 acres of protected conservation lands; it  
19 is on the north slope of the only intact ring dike in  
20 America. It sits on top of the largest stratified  
21 drift aquifer in New Hampshire that provides pristine  
22 drinking water for thousands of residents in six New  
23 Hampshire towns. It sits along the headwaters of the  
24 Saco River, which provides water and recreation  
25 opportunities to residents of 20 Maine towns. And it

1 will rise up 650 feet above the valley floor so that  
2 its few hundred members can get wonderful vistas of  
3 unspoiled mountains while everyone else who lives  
4 here will look at a hotel and racetrack and get to  
5 listen to unregulated noise. It provides virtually  
6 no public benefit and offers only great potential  
7 damage.

8           There's only one reason CMI chose this  
9 site. Tamworth has no zoning; and when we put in  
10 place a racetrack ordinance, as allowed by New  
11 Hampshire RSA 31:41 (a) to regulate this operation,  
12 the operation of this track, the developer arrogantly  
13 had the law changed to exempt them from the will of  
14 this community.

15           I urge you to consider your  
16 responsibilities in the broadest sense and deny the  
17 permit for that wholly inappropriate development. It  
18 is simply a wrong place to develop a racetrack.

19           THE MODERATOR: Thank you, sir.

20           Next speaker David Little, followed by  
21 Kate Thompson.

22           MR. LITTLE: My name's David Little.  
23 I'm from Chocorua. I'd like to read a letter from  
24 Kate Lanou of the Chocoura Mountain Club.

25           The Chocorua Mountain Club has been in

1 existence for 85 years and was once closely  
2 affiliated with the Wonalancdt Outdoor Club.

3           While the club does not have paid  
4 memberships, there are 65 regulars at our annual  
5 meeting, about 35 members who do trail work  
6 maintaining trails they've adopted from the White  
7 Mountain National Forest.

8           The White Mountain National Forest has  
9 six million visitors per year. We maintain trails on  
10 Mount Paugus and Mount Chocorua in the Sandwich range  
11 of the White Mountains. All the Paugus trails are in  
12 designated wilderness areas. Mount Chocorua is one  
13 of the most climbed and most photographed mountains  
14 in this part of the White Mountains with thousands of  
15 visitors each year. The mountain is accessible from  
16 the Kancamangus Highway from Route 16 and from  
17 Fowler's Mill Road on the western side of Chocorua  
18 Lake making it a popular and accessible hike.

19           These trails have been maintained for  
20 the enjoyment of hikers and walkers by our club since  
21 the club's founding in the early 1900's. The club is  
22 dedicated to the conservation and protection of Mount  
23 Chocorua and Paugus as well as the maintenance of  
24 hiking trails on both these mountains and in the  
25 lands surrounding Chocorua Lake.

1           We valued the beauty, wildlife and  
2 vistas and peacefulness of this section of the White  
3 Mountains and have tried to maintain this opportunity  
4 to enjoy these aspects of hiking and outdoor life in  
5 its most pristine forms.

6           Paugus feels as though people have not  
7 been there for hundreds of years. One hears only the  
8 natural world. Hearing race cars would do undeniable  
9 damage to the experience of visitors both human and  
10 animal.

11           We are concerned that the peaceful  
12 retreat from the modern world would be seriously  
13 disturbed by the CMI development. Primarily, we are  
14 concerned about the noise level projecting upwards  
15 and outwards into the wilderness and other hiking  
16 areas, including the summits of Chocorua and Paugus  
17 where hikers stop to rest, eat and soak up the  
18 gorgeous views.

19           The project will also be visible from  
20 trails and summits, taking away significantly from  
21 the views enjoyed by so many people.

22           Please consider the long-reaching  
23 effects of the CMI development and help to preserve  
24 what has been thoughtfully and carefully preserved  
25 thus far of the Chocorua/Paugus area. Please also

1 consider how many visitors we have each year to these  
2 areas whose enjoyment of the mountains, and then the  
3 local businesses will be significantly reduced.

4           Thank you for your thoughtful  
5 consideration.

6           THE MODERATOR: Thank you, sir.

7           Next speaker Kate Tamworth, followed by  
8 Dominic Bergen.

9           MS. THOMPSON: My name is Kate  
10 Thompson. I have lived in the Ossipee Mountains in  
11 Tamworth since 1970. My family has been here for  
12 almost a hundred years. The Ossipee Mountain ring  
13 dike was formed 120 million years ago in the Jurassic  
14 era. It is one of 28 such structures in the world,  
15 maybe 30, and is the only one still fully intact.  
16 Its nine-mile diameter circle is remarkably clear  
17 topographically.

18           While the Conway granite and Moat  
19 volcanics of the center cauldron appear elsewhere in  
20 the White Mountain physiographic region, the  
21 andesites and basalts of the ring dike itself are  
22 unique to the Ossipees. The unique geomorphology of  
23 this range is visited and studied by geologists from  
24 all over the world.

25           The Ossipees have been identified as

1 worthy for consideration by the National Park Service  
2 for listing as a National Natural landmark. The  
3 reasons are detailed in a 1982 study by Thomas  
4 Siccama and four others entitled: Potential  
5 ecological and geological natural landmarks of the  
6 New England and Adirondack region.

7           Before approving CMI's dredge and fill  
8 permit, DES was required to consider, quote, the  
9 impact upon the value of sites included in the latest  
10 published edition of the National Register of  
11 National Natural landmarks or sites eligible for such  
12 publication. We see no evidence it did so. Perhaps  
13 the Army Corps will.

14           CMI's racetrack design will require  
15 blasting 400,000 cubic yards of ledge out of the side  
16 of Mount Whittier in an area likely to contain these  
17 unusual rock types.

18           Would we tolerate blasting chunks off  
19 the Madison boulder or paving Heath Pond Bog or the  
20 White Lake Pitch Pine Forest? Of course not. Those  
21 nearby National Natural landmarks are all owned by  
22 the state, so we don't need to worry about their  
23 destruction; but the Ossipees lack this protection to  
24 date.

25           When word first came to Tamworth a year

1 and a half ago of Club Motorsports' plans, one native  
2 lifelong resident of South Tamworth, now in her 90's,  
3 remarked: We've had these mountains the way they are  
4 a long time; it seems too bad to cut them up.

5 She speaks for most of us here tonight,  
6 thousands more who value this unique mountain range  
7 and for generations before us and after us. I ask  
8 the Army Corps to listen.

9 THE MODERATOR: Thank you, ma'am.

10 Next speaker Dominic Bergen, followed  
11 by Alexander Moot.

12 MR. BERGEN: My name is Dominic Bergen.  
13 I have lived in Tamworth all my adult life. I fell  
14 in love with the area when I was just a city kid in  
15 my teens working a summer job as a counselor at Camp  
16 Marist giving horseback riding lessons. I decided  
17 this would be a wonderful place to raise a family.

18 While our three boys were in school,  
19 Jeanne, my wife, was an active member of PTO and  
20 served on the school board for eight years. I was a  
21 member of our volunteer rescue squad, responding to  
22 all types of calls every hour of the day and night.

23 These are normal things to do in  
24 Tamworth. A town of country ways where the norm is  
25 people helping others, volunteers serving

1 Meals-On-Wheels, the firemen's auxiliary, church  
2 groups, the community nurse association giving free  
3 medical care for everyone in town, the Tamworth  
4 Foundation, with a local board of directors  
5 shepherding the donations to benefit the people of  
6 Tamworth in many ways, both cultural and very  
7 practical.

8           As many items as I could add to this  
9 list, each one of us who live here would add others.  
10 The town becomes a community through many acts of  
11 kindness, both personal and institutional. All of  
12 this forms our values.

13           Club Motorsports didn't come to this  
14 town because they shared our values. They didn't  
15 come here because they loved us or our town. They  
16 don't even want to live here.

17           When the folks from CMI invited us  
18 under a rented tent to inform us about their project  
19 and all its supposed benefits, I don't think they  
20 were quite prepared for the depth of objection they  
21 received from many of the citizens.

22           Here is where cultural values come in.  
23 Once they were faced with objections, CMI was not  
24 happy just defending their project on its merits.  
25 They felt it necessary to challenge our values and

1 the character of anyone who didn't support them.

2           They threatened to sue the town. They  
3 did sue two members of the planning board. They  
4 promised \$10,000 to the Tamworth Foundation for the  
5 noise study and then refused it.

6           The people who just want to see  
7 existing regulations enforced are constantly referred  
8 to as a small band of elitist opportunists trying to  
9 tell the people of Tamworth what to do. Oppose CMI  
10 and you will have your integrity questioned or your  
11 tax bill published in a letter to the editor.

12 (Prepared material inserted at this time)

13           According to CMI press releases,  
14 just about any study of the project  
15 commissioned by anyone else is  
16 automatically tainted and false. A  
17 local man, originally contacted by CMI  
18 as a prospective investor, has been  
19 repeatedly maligned because he has  
20 publicly questioned the viability of the  
21 financial stability of the project.

22           Try to gather signatures on  
23 opinion for or against the project at a  
24 town voting and get accused of  
25 assaulting people. Try to show a video

1 of a similar track with all the noise it  
2 generates at a town voting and see how  
3 fast the CMI lawyers cry foul and shut  
4 it down.

5 (Conclusion of prepared material)

6 During the summer of 2003 our selectmen  
7 asked citizens on both sides of the racetrack  
8 question to come together with representatives of CMI  
9 and frame a racetrack ordinance that would be  
10 acceptable to all parties. There were a lot of hot  
11 meetings, both because of the weather and our  
12 differing opinions.

13 Compromises and concessions were made  
14 on both sides. An ordinance was drafted that was  
15 ratified at one of the most well-attended, longest  
16 ever town meetings by 84 percent of the people  
17 present. It was an open democratic process.

18 I'm going to run out of time.

19 CMI was omni present at the meetings,  
20 equipped with their video camera. They were present  
21 at the town meeting. They publicly said they  
22 approved and supported the racetrack ordinance.

23 After agreeing publicly with these  
24 guidelines and saying they were good for the town,  
25 CMI saw fit to circumvent them. They went to Concord

1 and got SB 458 slipped through the legislature,  
2 effectively exempting their racetrack from Tamworth's  
3 racetrack ordinance and from any local control.

4 (Prepared material inserted at this time)

5 They negated all of the town's  
6 efforts that went into solving this  
7 problem.

8 This is a small country town,  
9 trying to work out our difficulties out  
10 in the open, citizen to citizen. Now  
11 that CMI is in the picture, we have  
12 behind the scenes clever mud slinging,  
13 spinning of facts analysis. We have  
14 their contempt for our town government  
15 and democratic process. And all this is  
16 before they have broken ground and are  
17 really moved in.

18 Please deny this permit.

19 (Conclusion of prepared material)

20 THE MODERATOR: Thank you, sir.

21 Next speaker Alexander Moot, followed  
22 by Sheldon Perry.

23 MR. MOOT: Hi. My name is Alex Moot.  
24 I'm here tonight representing the Chocorua Lake  
25 Association in my role as president.

1           The CLA was founded in 1969 to protect  
2 the water quality and scenic beauty of the Chocorua  
3 Lake basin and watershed. Today, thanks to  
4 self-imposed covenants that are voluntary, 95 percent  
5 of the land in the basin is protected; and there are  
6 no man-made structures visible from the lake. We  
7 have 350 members.

8           CLA spent the last 35 years protecting  
9 the water quality of the Chocorua Lake watershed, so  
10 we are obviously opposed to any development in  
11 Tamworth or in the surrounding towns which would pose  
12 a risk of contamination to the underlying aquifer.

13           I have concerns on the noise; but the  
14 real concern I have in this vision I have is in the  
15 real scenario where CMI obtains permits, raises  
16 enough money to start construction, but fails to  
17 raise the remaining \$50 million needed to finish  
18 construction. CMI would leave an abandoned,  
19 half-finished, unstable site in Tamworth. An  
20 unfinished track would cost New Hampshire taxpayers  
21 millions of dollars; and the Army Corps would have to  
22 come in, unless CMI was required to post a \$10  
23 million bond, as stated earlier.

24           I think this is a very real scenario  
25 because, as anyone who's looked at this business plan

1 and evaluated opportunities, there is no way that CMI  
2 can raise \$50 million, let alone -- my calculations  
3 50 tracks will cost \$2 and-a-half million.

4           Why is it impossible for CMI to raise  
5 \$50 million? I have ten years as a venture  
6 capitalist. I've worked a lot with these plans.  
7 Three questions we would ask of a company like CMI  
8 is: Does CMI management have relevant industry  
9 experience? The answer's no. Has a team  
10 demonstrated ability to achieve any of its business  
11 objectives to date? If you look at a timeline of the  
12 problems with the business plan, they have achieved  
13 nothing to date. Yet they expected to receive all  
14 the permit approvals in June of 2003. And, finally,  
15 has the CEO had a successful track record?

16           After all the testimony tonight, I have  
17 confidence in the Army Corps that they will make the  
18 right decision on whether or not to grant the permit  
19 with the necessary conditions. If, however, the Army  
20 Corps decides to grant a permit to CMI with  
21 conditions, you're placing your trust in that  
22 applicant to abide by those conditions.

23           As a result, CMI's management team  
24 should be an important element of your decision  
25 whether or not to grant a permit with conditions. If

1 you have any reason to question the integrity,  
2 honesty or truthfulness of any member of CMI's  
3 management team, it will be prudent of you to deny  
4 the permit application or to require CMI to post a  
5 large, \$10 million bond, to assure compliance.

6 Thank you very much.

7 THE MODERATOR: Thank you, sir.

8 Next speaker Sheldon Perry, followed by  
9 Karen Coffey.

10 MR. PERRY: I want to say a few words  
11 about aesthetics, which is one of the factors that  
12 the Army Corps considers. Many people are concerned  
13 about noise, but that is not the only value to be  
14 considered.

15 When you go home tonight, I urge you to  
16 look up in the sky. We live in a rural town that is  
17 blessed with dark skies. So thank your lucky  
18 galaxies that you can see the Milky Way. If you  
19 lived in the city, you could live your whole life  
20 without ever seeing the Milky Way.

21 The racetrack ordinance contained  
22 sections about light to prohibit glare on adjacent  
23 properties or light spreading excessively. We no  
24 longer have that protection.

25 The Tamworth master plan lists the

1 town's overall goal to: Preserve Tamworth's rural  
2 atmosphere and scenic beauty; to preserve historic  
3 sites and buildings and to maintain and improve the  
4 visual quality of the town's landscape.

5           Now, just about every city and town in  
6 New Hampshire includes preserving rural character in  
7 their master plan, so there's nothing unique there;  
8 but Tamworth also includes maintaining and improving  
9 the visual quality of the town's landscape.

10           Tamworth's master plan lists 15  
11 specific scenic views; 46 percent of them include  
12 Mount Whittier. I don't think anyone would say that  
13 those views would be maintained or improved by a  
14 racetrack.

15           The scar of the clear-cuts is already  
16 visible from Mount Chocorua, the Sandwich range  
17 wilderness area and the Great Hill tower. This is a  
18 town that is 86 percent forested, so seeing tree  
19 harvesting is nothing new; but now there is the  
20 prospect of a five-story hotel sitting up at 1,000  
21 feet in elevation above the Bearcamp Valley, right  
22 above those clear-cuts.

23           No one wants to see this town with a  
24 hotel in the middle of every view. No one would call  
25 that an improvement.

1           There's no way to make this racetrack  
2 look good. On its proposed site, there is no way to  
3 hide it. The goal of preserving Tamworth's rural  
4 atmosphere and scenic beauty is threatened. I say to  
5 the Army Corps, please use your best judgment and  
6 common sense and deny granting this permit.

7           Thank you for the opportunity.

8           THE MODERATOR: Thank you, sir.

9           Next speaker Karen Coffey, followed by  
10 Geoffrey Burke.

11           MS. COFFEY: Karen Coffey representing  
12 the Friends of Sandwich range and myself. Thank you  
13 for coming this evening and giving the people of  
14 these communities the opportunity to express their  
15 views and concerns about this development project.

16           I have lived in the Town of Madison for  
17 seven years and currently work in Chocorua, New  
18 Hampshire where I work for a stormwater modeling  
19 software company; and I'm also a naturalist and have  
20 degrees in environmental science with a natural  
21 resource concentration.

22           Our concerns from this project are  
23 many. They range from noise pollution concerns, to  
24 the fragmentation to wildlife habitat, to  
25 contamination of our freshwater environments from

1 stormwater runoff; i.e., motor oil, sodium chloride,  
2 cleaning compounds, et cetera, as well as spewing  
3 more carbons into the air that we and the wildlife  
4 breathe. This is a health and safety issue that  
5 should not be overlooked.

6           The other day I was standing on the  
7 beach of the White Lakes State Park and taking in an  
8 incredible landscape and listening to the migratory  
9 birds as they flew by. I looked over to my left at  
10 the Whittier area, Mount Whittier area; and, as I  
11 viewed the colorful trees on the hillside, I thought  
12 about the impact that this project would bring.

13           First: Operational noise associated  
14 with the racing of automobiles that may be well above  
15 the acceptable threshold of significance. Although  
16 we do not have any codes for noise in this area,  
17 other towns and countries and states do -- counties  
18 and states do. Why should the people and wildlife  
19 that live in this area be subjected to this kind of  
20 noise pollution? They should not.

21           Second: There will be significant and  
22 adverse environmental effects from cutting down the  
23 trees and building a road or roads on a mountain  
24 side. There will be fragmentation of habitat and  
25 contamination from runoff. Just building the project

1 will cause ecological harm.

2           There are enough roads that wildlife  
3 must contend with. Must they now be exposed to  
4 racing automobiles in an already sensitive ecologic  
5 area? Should precious wetland systems be compromised  
6 for recreation and personal profit? No. They should  
7 not.

8           Third: Pollutants. Besides the noise  
9 pollution there's a question of contamination of the  
10 Ossipee aquifer and freshwater bodies by all the  
11 compounds and chemicals that are associated with this  
12 project. Sodium chloride in a freshwater environment  
13 should not exist. It has a major impact on flora and  
14 fauna as well as water quality.

15           Compounds used in cleaning engines will  
16 have grave negative impact. Does this area need more  
17 carbon monoxide in the air and more pollutants on the  
18 land and in the water? No. It does not.

19           I, again, thank you for coming and ask  
20 you to please carefully consider all these points.  
21 Do the friends of Sandwich range and myself feel that  
22 you need to stop this project? Yes. We do.

23           And I just wanted to add that before I  
24 came tonight, I spoke with a woman that owns a house  
25 over by where the project is going to be; and she

1 feels that she is going to have to sell her home and  
2 move away. Someone who is a resident of this  
3 community feels that they have to leave so that other  
4 people can come in who are not from the area so they  
5 can recreate. I don't think this is a good thing to  
6 do.

7 Thank you very much.

8 THE MODERATOR: Thank you, ma'am.

9 Next speaker Geoffrey Burke, followed  
10 by Anne Filson.

11 MR. BURKE: Good evening. My name is  
12 Geoffrey Burke and tonight I'd like to say a few  
13 words about the impact of this racetrack on the  
14 public interest.

15 Before the Army Corps makes any  
16 decisions on this permit application, they must  
17 consider the relevant public benefits and reasonably  
18 foreseeable detriments.

19 This is a country club for a few  
20 hundred people. Most people in this town or this  
21 region couldn't afford to belong to it; but in the  
22 end, all of us will pay.

23 CMI claims that there will be an  
24 economic benefit to this -- to the town. But their  
25 claims about tax payments are exaggerated by an order

1 of magnitude. And when abatements like those that  
2 other racetrack towns have been factored in, the  
3 town's tax base will likely shrink. Nearby  
4 homeowners who get these abatements will see their  
5 house values shrink significantly with no  
6 compensation.

7 CMI touts the benefits of having a  
8 driver training facility for local police and fire  
9 departments. That's fine for our local police and  
10 rescue; but, if they need a driving practice  
11 facility, one could probably build it for less than  
12 \$50 million.

13 CMI's own application defines the  
14 impact on aesthetics best, quote: In the short-term  
15 immediate impacts will be locally negative. Over the  
16 long-term, while noise impacts will be negative, they  
17 will be consistently managed and mitigated.

18 CMI has since said they don't plan any  
19 noise mitigation measures, so by their own words we  
20 will have short-term and long-term negative impacts.

21 Will CMI really be a good corporate  
22 neighbor for Tamworth residents? Since we've seen  
23 how this company has conducted itself over the last  
24 two years, we have a reasonable amount of data to  
25 answer that question.

1           Here's what we've seen so far: CMI has  
2 created and deliberately fanned the flames of the  
3 most divisive issue to hit this town in years.

4           CMI has made threats and brought  
5 lawsuits: A suit against CMI's original investment  
6 banker, Arete Capital; a suit against two members of  
7 the Tamworth planning board.

8           CMI made a pledge of \$10,000 to the  
9 Tamworth Foundation for a noise study then refused to  
10 pay when they were unhappy with the result. CMI did  
11 their own noise study, which they said proved there  
12 was no noise problem; but they never have presented  
13 their results for the town officials or presented  
14 them in a public forum.

15           CMI has conducted a campaign of  
16 dishonesty and deceit. They ran ads and mailed  
17 postcards before the zoning vote that contained  
18 lies.

19 (Prepared material inserted at this time)

20           They wrote and lobbied for SB 458  
21 to eviscerate the racetrack ordinance  
22 and avoid local control. They proposed  
23 a mitigation site in a different town,  
24 selected without ever consulting local  
25 officials. At the last minute, without

1 a good explanation, they withdrew their  
2 town wetland permit application.

3 What are we likely to get in the  
4 future: More lawsuits, unregulated  
5 noise, water pollution, a track that can  
6 operate around the clock with no local  
7 control, more financial problems, a  
8 permanent scar on the side of  
9 Mount Whittier.

10 The needs and welfare of the  
11 people are incompatible with this  
12 project. I urge you to deny this  
13 permit.

14 (Conclusion of prepared material)

15 THE MODERATOR: Thank you, sir. Thank  
16 you very much.

17 Next speaker Anne Filson, followed by  
18 Susan Duprey.

19 MS. FILSON: Good evening. My name is  
20 Anne Filson. Since 1945 I was first a summer  
21 resident and am now a permanent resident of Silver  
22 Lake in Madison.

23 We have heard many speakers tonight,  
24 all local folks. I don't believe any of the CMI  
25 people are local residents.

1           When you consider the spectrum of  
2 private business start-ups as restaurants, garden  
3 nurseries, upholsterers, antique stores, software  
4 developers and so on, it is rare that a start-up  
5 generates public outcry, especially the continuing,  
6 undiminished, even anguished outcry that this  
7 motorsports racetrack proposal has caused.

8           Many hundreds of area homeowners remain  
9 gravely concerned that their daily lives, not just  
10 once in a while, but their daily lives will be  
11 adversely affected, degraded, by the noise of racing  
12 cars and motorcycles. And because of that  
13 inescapable noise, that property values in a wide  
14 area will decrease.

15           Additionally, the threat of the loss of  
16 safe water supply for private wells is an unmitigated  
17 worry for thousands of residents in two states. The  
18 facts support these concerns.

19           This project still has too many  
20 unknowns, and it needs to be stopped.

21           THE MODERATOR: Thank you, ma'am.

22           Next speaker Susan Duprey, followed by  
23 Maude Anderson.

24           Susan Duprey. . .

25           AUDIENCE MEMBER: She already spoke,

1 sir.

2 THE MODERATOR: Maude Anderson.

3 MS. ANDERSON: My name is Maude

4 Anderson and I'd like to read a letter from David L.

5 Smith, executive director of Ossipee Lake Alliance.

6 Ossipee Lake Alliance is a nonprofit

7 organization working on behalf of more than 2,000

8 lake property owners in three communities to preserve

9 and protect Ossipee Lake as a unique resource in one

10 of the state's most scenic and environmentally

11 sensitive areas.

12 Attached to this letter is a map

13 showing the location of the lake in relation to

14 Mount Whittier where developers hope to construct a

15 track for fast racing cars and motorcycles. Given

16 the close proximity of the lake to the site, we

17 appreciate the opportunity to express our concerns.

18 First, we are concerned that the track

19 will be seen and heard from the lake. With the

20 demise of Tamworth's racetrack ordinance, there is no

21 state or local regulation in place to protect or to

22 provide any recourse to Ossipee Lake property owners

23 in the event that the track's lights and noise

24 intrude on the lake.

25 The noise studies that were conducted

1 by the town and the developer yielded conflicting  
2 results. Since light and noise could profoundly  
3 affect the quality of the lake's environment, as well  
4 as property values, we ask that the Army Corps engage  
5 a sound engineer and determine a course of action  
6 that will lead to a definitive conclusion on the  
7 impact of noise and lights from the track complex.

8           Second, we have reviewed the published  
9 reports on the financial health of the developer, the  
10 projected costs of construction, and the likely  
11 income from the business. Based on these reports, we  
12 believe it is fair to characterize this project as  
13 financially speculative.

14           Given the enormous scope of  
15 construction and the disruption of the environment  
16 that the project will entail, taxpayers should be  
17 protected in the event that the track is abandoned  
18 during or after construction.

19           We ask that if the Army Corps approves  
20 this project, that it attach a contingency that will  
21 require the developer to restore the property to the  
22 satisfaction of the district engineer at no cost to  
23 taxpayers.

24           The proposed track is the largest and  
25 most controversial project in our area in more than

1 40 years. We are respectful of the rights of the  
2 developer and the residents of Tamworth but are  
3 deeply concerned that the interests of Ossipee Lake  
4 property owners are not protected in this matter.

5           We believe the Army Corps should not  
6 approve this project until a definitive conclusion  
7 can be reached on the impact of noise and light. We  
8 further believe that if approval is granted, it  
9 should be subject to an actionable restoration  
10 contingency plan at the developer's expense.

11           Thank you very much for your  
12 consideration. Respectfully, David L. Smith,  
13 executive director Ossipee Lake Association.

14           THE MODERATOR: Thank you, ma'am.

15           Next speaker Donna Veilleux will be  
16 followed by Joe Binsack.

17           MS. VEILLEUX: Hello. Thank you for  
18 this opportunity. My comments will address wetland  
19 and design issues.

20           I would suggest -- I would like to  
21 suggest some ways CMI could have reduced the wetlands  
22 impact on their design.

23           CMI has a 242-acre lot with 14.4 acres  
24 of wetlands. The proposal in their alteration of  
25 terrain application impacts 130 acres. CMI has

1 promised to build an environmentally responsible  
2 facility. There would be a lot less controversy if  
3 they changed the design so that there wasn't so much  
4 wetlands impact. It seems to me that there are a  
5 number of different ways to site the track,  
6 buildings, et cetera, on the 130 acres so they don't  
7 impact as much wetland.

8           Most of the wetlands are at the north  
9 end of the property there on Route 25; and yet that's  
10 where all the garages, parking lots and paddocks are.  
11 If these were moved further south, they wouldn't be  
12 in the wetlands.

13           The racetrack crosses wetlands 17  
14 times, but there are 227 acres of property with no  
15 wetlands; and CMI could have designed a track that  
16 doesn't cross any wetlands at all. It would require  
17 some compromise on their original design; but, if CMI  
18 was serious about eliminating the wetlands impact and  
19 the controversy over it, it could be done.

20           I urge the Army Corps and DES to  
21 require CMI to create design changes that will truly  
22 avoid wetlands impact and do not approve this  
23 application.

24           Thank you.

25           THE MODERATOR: Thank you, ma'am.

1           Next speaker Joe Binsack will be  
2 followed by Bob Streeter.

3           MR. BINSACK: Good evening and thank  
4 you very much for the opportunity.

5           My name is Joe Binsack. I'm a retired  
6 scientist who, while at MIT's Center for Space  
7 Research for 38 years, specialized in space physics  
8 and its technologies. I am now a proud citizen of  
9 Tamworth for almost a decade.

10           On behalf of my own interests and  
11 others, I have looked into several aspects of the  
12 proposed CMI facility, primarily noise and water.  
13 Let me first address St. Andrews.

14           This last spring CMI successfully  
15 lobbied to negate our town's ability to regulate  
16 their racetrack by quietly having the state pass  
17 SB 458. Because of SB 458, the CMI facility can  
18 operate any time of any day of any month with  
19 unregulated cars, motorcycles, ATVs snowmobiles,  
20 et cetera, at any noise level.

21           St. Andrews Church is less than 3/10 of  
22 a mile from the CMI facility. Imagine a Sunday  
23 service or a wedding or a funeral with the background  
24 noise from the racetrack sounding like a food  
25 blender, a garbage disposal, vacuum cleaner or a

1 nearby lawnmower.

2           This is completely ridiculous and  
3 unacceptable. These are my conclusions based on my  
4 own calculations; and while I am not a professional  
5 noise expert, I am very familiar with the basic laws  
6 of physics and common sense.

7           These conclusions have also been  
8 substantiated by the independent study funded by the  
9 Tamworth Foundation last year and to which CMI had  
10 offered to pay their half share. But CMI has since  
11 refused to pay their share because they didn't like  
12 the results.

13           CMI purposely supposedly has done their  
14 own noise study and keeps quoting it as proving their  
15 facility would have negligible noise effects; but CMI  
16 has hidden their data and study from open scientific  
17 scrutiny and public discussion, even though our  
18 selectmen have asked CMI for an open public  
19 presentation. Keeping it a secret, except for the  
20 people who paid for it, implies it's indefensible in  
21 public.

22           Let me talk about the Brett School.  
23 This town has very serious legitimate concerns about  
24 the disruptive effects that unregulated noise levels  
25 from the CMI facility will have on the education of

1 our children. For the last several years I've been a  
2 volunteer teacher at the Brett School, offering my  
3 background in science and technology to the students  
4 and encouraging them to expand their curiosity and  
5 understanding in areas not normally covered in the  
6 classroom.

7 I have experienced firsthand the  
8 disruptive effects of even the slightest change of  
9 background noise, be it a dropped garbage can, a  
10 car's horn, a screeching tire or noisy motorcycle  
11 accelerating nearby.

12 (Prepared material inserted at this time)

13 The education of our children and  
14 their future well-being are at stake  
15 here.

16 Many statements have been made  
17 about water quality and aquifer  
18 protection. I will not duplicate them  
19 here. What I would like to remind  
20 everyone is that while the rate of  
21 runoff from the facility is easily  
22 controlled and has been addressed,  
23 equally and perhaps more importantly is  
24 the volume of runoff.

25 The lowlands between the old Route

1 25 are already subject to flooding. If  
2 volume of runoff is increased due to the  
3 construction of impervious parking lots,  
4 roadways and buildings, there can only  
5 be worse flooding. Not CMI's own land  
6 but on the lands below theirs in our  
7 neighborhood.

8 In summary, the CMI facility must  
9 not be allowed to be developed and  
10 operate out of control. They must be  
11 regulated by all local, state and  
12 federal regulations and ordinances,  
13 especially wetlands, noise and water  
14 quality.

15 The citizens of the town and the  
16 surrounding communities are more  
17 important than the monetary desires of  
18 some unconcerned, out-of-town developer.

19 I urge ACoE/DES to impose special  
20 restrictions on this development to  
21 regulate noise, water quality and other  
22 issues brought up at tonight's meeting.  
23 I also urge you to insist on a  
24 performance bond.

25 Tamworth is prepared to strictly

1 enforce its own wetland ordinance and  
2 insist on a resubmission of a special  
3 use permit for which CMI withdrew its  
4 original application.

5 (Conclusion of prepared material)

6 THE MODERATOR: Thank you, sir. Thank  
7 you.

8 Our next speaker Bob Streeter, followed  
9 by Dee Peterson.

10 MR. STREETER: I urge the Army Corps  
11 not to grant this permit because CMI does not have a  
12 controlling legal interest in all of the property  
13 involved.

14 CMI's application Figures 2.1 through  
15 2.1 show the site containing 258 acres of which CMI  
16 owns 242 acres or 94 percent. CMI does not own lot  
17 208-27. It is owned by Glenn Davis and used by Lakes  
18 Region Fire Apparatus.

19 (Prepared material inserted at this time)

20 The description in 2.1 overview  
21 of site reads: The site is bounded by  
22 Route 25 and the Lakes Region fire  
23 apparatus facility to the north. Glenn  
24 Davis is listed as an abutter on  
25 ENG 4345, application for a department

1 of the Army permit. The overview of the  
2 site describes their intention. The  
3 applicant is finalizing a lease  
4 agreement to utilize approximately nine  
5 acres for the project.

6 (Conclusion of prepared material)

7 This is relevant because two of the  
8 wetlands impact areas, number 12 and 13, are on lot  
9 208-27, which CMI does not own.

10 Section 3 of Tamworth's subdivision  
11 regulations require Mr. Davis to apply for and obtain  
12 a subdivision approved by the planning board before  
13 leasing a portion of his property to CMI. That  
14 hasn't happened yet. There may be informal  
15 agreements, but those are not the same as a legally  
16 binding lease.

17 Since no subdivision has been approved,  
18 I urge you to delay any decision on this application  
19 until CMI owns or is legally leasing all of the  
20 wetlands they will be impacting.

21 On a slightly different note, nobody  
22 knows more than the Army does that people are dying  
23 all over the world from lack of food, shelter, water;  
24 and there are venture capitalists all over the world  
25 and many of them do, indeed, care about the social

1 and environmental implications of their projects.

2 CMI is offering to feed our need for speed.

3 Now, to the Lieutenant Colonel.

4 Earlier you said that your role as the Army Corps of  
5 Engineers is to weigh the broader public good versus  
6 the environmental costs, and I asked Condometraky who  
7 was leaving at the intermission what he felt was the  
8 broader public good, and he said 50 jobs.

9 That to me does not represent -- that  
10 does not fit my definition of the broader public  
11 good, and I certainly hope it does not meet your  
12 criteria for the broader public good.

13 Thank you.

14 THE MODERATOR: Thank you, sir.

15 Next speaker Dee Peterson.

16 MS. PETERSON: I am Dee Peterson and  
17 I've lived in Tamworth. I greatly appreciate your  
18 holding this public hearing to allow the concerns of  
19 the people living in the Town of Tamworth and the  
20 surrounding areas be taken into account in  
21 considering the application for a permit to build a  
22 structure and roads on a town mountain that will  
23 create serious public health problems.

24 My field is public health, and I concur  
25 with all of the health issues raised by JoAnne

1 Rainville when she outlined those for your  
2 consideration.

3 I, myself, have a loss of hearing and  
4 so personally have experienced that disability which  
5 comes with high noise problems.

6 We know that the children and elderly  
7 are all particularly vulnerable to polluted air and  
8 water. Let us protect the public health, especially  
9 for those many families and the children in the  
10 school who all are located near the proposed  
11 Mount Whittier project. They certainly will be at  
12 high risk of suffering ill health and disability from  
13 the added levels of noise and toxins in the air and  
14 water.

15 Thank you for your consideration of the  
16 quality of life and public health issues raised by  
17 this project.

18 THE MODERATOR: Thank, you ma'am.  
19 Next speaker Cynthia Richards, who will  
20 be followed by Diana Beliard.

21 And, sir, the stenographer has asked  
22 for another break. So if I could ask for a recess  
23 after that, a short one for 10 minutes. Thank you.

24 Ma'am. . .

25 MS. RICHARDS: Good evening. My name

1 is Cynthia Richard, and I am a resident of South  
2 Tamworth.

3           One of the factors the Army Corps of  
4 Engineers should consider before granting this permit  
5 is the possible impact the proposed project would  
6 have on the type of recreation for which this area is  
7 famous.

8           The section about recreation in CMI's  
9 application gives a brief and completely inaccurate  
10 description of recreation in our vicinity.

11           From the application's description you  
12 might think that year-round motorized sports are a  
13 natural and vital part of community life in this and  
14 surrounding towns. This is far from the truth.

15           Despite what the application says,  
16 Tamworth's organized recreation is largely  
17 nonmotorized. There are no golf courses in Tamworth,  
18 no designated ATV trails in the White Mountain  
19 National Forest and no ATVs allowed in the Pine River  
20 State Forest.

21           Amazingly, the application makes no  
22 mention of the recreation groups that do exist in  
23 Tamworth: The Tamworth Outdoor Club, the Wonalancet  
24 Outdoor Club, the Chocorua Mountain Club. All of  
25 which promote nonmotorized recreation.

1           The application also does not mention  
2 that state law prohibits the use of motor boats on  
3 Chocorua Lake and White Lake to preserve their  
4 pristine environment, setting them aside for fishing,  
5 boating, swimming and wildlife. I feel that that  
6 clarification is important for two reasons: First,  
7 the application's description is false and misleading  
8 both in fact and in emphasis. It needs to be  
9 corrected before any proper analysis of the area can  
10 be done.

11           Second, the many forms of low-impact  
12 recreation that do actually exist in Tamworth will be  
13 negatively affected by this proposed racetrack  
14 development. Unregulated noise has potential  
15 consequences for the whole area, including the  
16 visitor experience at: White Lake State Park, the  
17 Pitch Pine National Natural landmark, the Ossipee  
18 Mountain Preserve, the Sandwich range wilderness and  
19 Mount Chocorua. One of the most frequently climbed  
20 peaks in North America.

21           This racetrack will forever change the  
22 character of Tamworth. The town will become known as  
23 that place with the racetrack. It will never again  
24 be known for its peaceful and beautiful recreational  
25 opportunities.

1           There are more than 1,000 miles of  
2 hiking trails in Tamworth and the surrounding areas.  
3 They will be overshadowed by three miles of  
4 racetrack.

5           THE MODERATOR: Thank you, ma'am.  
6           Next speaker Diana Beliard.

7           MS. BELIARD: I pass. I think the  
8 destructive effects of this racetrack on the  
9 community have been beautifully documented. I cannot  
10 add anything.

11          THE MODERATOR: Thank you, ma'am.

12          Ladies and gentlemen, we must take a  
13 very short break. The stenographer needs to change  
14 tape and work some cramps out. We will be back in 10  
15 minutes.

16          If you need -- don't feel compelled to  
17 stay to give testimony. You can do it in the  
18 hallway. We only have 12 more people signed up. We  
19 look forward to hearing from you, and we'll restart  
20 in 10 minutes.

21          Thank you.

22          (Recess taken)

23          THE MODERATOR: Okay. Restarting.

24          First speaker Talbot Page, followed by  
25 Sandra Brown.

1           MR. PAGE: Thank you. I'm a resident  
2 property owner of Tamworth and taxpayer and also an  
3 economist, and I've worked on resource  
4 economics-environmental economics for the last 35  
5 years, working at Resources for the Future, Stamford  
6 I've taught and Cal. Tech I've taught, UCLA I've  
7 taught and Brown I've taught. So I've been teaching  
8 a long time. And I noticed -- or I had pointed out  
9 to me in the application CMI made to the Army Corps  
10 and EPA, a number jumped out, which was their  
11 estimated claim of \$350,000 worth of property tax  
12 payments.

13           Normally -- I'm not sure how you count  
14 this as a benefit, and you kind of say that you do,  
15 but you are mandated to worry about the impacts of  
16 concern to the community, and this is a big one.  
17 It's been referred to a couple times.

18           The way that CMI did their calculation  
19 was to take their expenses of phase one, \$14 million,  
20 and multiply it by the Tamworth tax rate, which at  
21 the time I think was \$25.50 per thousand. That gives  
22 you the ballpark of 35,000.

23           Now, this estimate is faulty on both  
24 sides. It's faulty on the side of the tax rate  
25 itself, not because of CMI, but because things have

1 changed. What's changed is that we've had an  
2 assessment that's doubled our assessments from the  
3 past, which means the tax rate is going to have to be  
4 seriously lowered in order to keep the Tamworth  
5 budget balanced, or Tamworth has got to double its  
6 spending, which I think is not foreseeable. At least  
7 I hope not.

8           So that's the first problem, and that  
9 basically takes the --

10           Is this one minute? I can't remember.

11           THE MODERATOR: Yes. Yellow indicates  
12 that you have one minute left.

13           MR. PAGE: One minute. Quickly here.

14           So that adjustment basically -- second  
15 part is the way that CMI estimated its assessment,  
16 which is just inconsistent with the way appraisers  
17 do. And I don't have time to go into the ins and  
18 outs of it, but when you exclude certain  
19 things/expenses that they include such as travel,  
20 administrative costs, fund-raiser, stuff like that,  
21 and you combine these two factors, you get something  
22 more in the order of \$70,000 instead of \$350,000. So  
23 that's a huge difference.

24           The second -- I'd better be quick.

25           So if you take the \$70,000 compared to

1 the \$4.5 million, then that's about one and a half  
2 percent of tax relief, which is way different from  
3 what people are thinking of.

4 Now, since this is a serious issue in  
5 Tamworth, and since it's in your application, I hope  
6 that you carefully review this single number.

7 THE MODERATOR: Thank you, sir. Thank  
8 you very much.

9 Next speaker Sandra Brown, followed by  
10 Richard Daniels.

11 MS. BROWN: Hello. My name is Sandy  
12 Brown of Madison. I'm here because I firmly believe  
13 that this racetrack will have a profound negative  
14 impact on many surrounding communities. I understand  
15 that the primary reason we're here today is to  
16 discuss the wetlands issues, but I'm also concerned  
17 about additional ramifications from the CMI  
18 racetrack.

19 First and foremost of the negative  
20 impacts will be on tourism. The lifeblood of many  
21 local establishments. I believe the economic  
22 benefits of the racetrack are overstated. While the  
23 track may bring in some revenue to a few Tamworth  
24 businesses, this will definitely be offset by a  
25 regional decrease in tourism relating to the loss of

1 passive forms of recreation such as fishing, hiking,  
2 camping, vacation homes.

3           And I have with me in hand a letter  
4 from former Commissioner George Bald, written on  
5 September 5th, 2003 to the Tamworth Board of  
6 Selectmen stating: While our agency, the Department  
7 of Resources and Economic Development, is not taking  
8 a position on the racetrack at this time, I hope that  
9 the town will fully consider the impacts of this land  
10 use on the community and the region as you deliberate  
11 the proposal.

12           Specifically, I would urge you to  
13 strongly consider the information and concerns  
14 presented to you from various organizations such as  
15 the Tamworth Foundation, the Green Mountain  
16 Conservation Group, the Society for the Protection of  
17 New Hampshire Forests and many others.

18           The Department of Resources of Economic  
19 Development is comprised of the Divisions of Parks  
20 and Recreation, Forests and Lands, Economic  
21 Development and Tourism.

22           In our daily work we recognize the  
23 importance of both economic opportunity and the  
24 natural environment to the quality of life of  
25 citizens of this state.

1           As you know, we have two state-owned  
2 properties in Tamworth: White Lakes State Park and  
3 Hemingway State Forest. End quotes.

4           Tamworth creates the first impression  
5 to most tourists for the Mount Washington Valley.  
6 Visitors, even some who have been coming here for  
7 many years, may well choose to visit other more quiet  
8 and undisturbed places.

9           Additionally, over time there will be a  
10 shift in the local population from those who enjoy  
11 living in a rural setting and care about the  
12 environment to those who don't. Is this the future  
13 we want for our area?

14           The negative economic consequences  
15 alone should frighten residents, never mind this  
16 project's attack on the environment. The only people  
17 who should be in favor of this development are the  
18 select few who expect to get rich off the deal.

19           Don't let them take advantage of us.  
20 Please consider regional impacts as you proceed with  
21 this permit investigation. Deny this wetlands  
22 permit.

23           Thank you for allowing me this  
24 opportunity to speak tonight.

25           THE MODERATOR: Thank you, ma'am.

1           Next speaker Richard Daniels, followed  
2 by Ruth Rich.

3           AUDIENCE MEMBER: She's not present.

4           MR. DANIELS: Good evening. I'm Dick  
5 Daniels and I'm president of the Wonalancet Outdoor  
6 Club. The organization was established 112 years ago  
7 and has about 500 members.

8           I'd like to briefly summarize my  
9 concerns about the noise from the racetrack. The  
10 club maintains approximately 50 miles of trails in  
11 the Sandwich range wilderness. In fact, we were  
12 instrumental in having that declared wilderness. We  
13 tend these trails the old fashioned way. No  
14 chainsaws. Why? Because we want to but also because  
15 government rules specify that no mechanized equipment  
16 can be used in wilderness. One reason for such a  
17 stipulation is to avoid noise pollution.

18           The Sandwich range wilderness is about  
19 five to six miles from the proposed racetrack. I am  
20 worried that this distance is not sufficient to  
21 protect the area from racetrack noise. One reason  
22 for any concern is that 40 years ago I lived three  
23 miles from a racetrack in Groveland, Massachusetts.  
24 I can still vividly remember the noise we were  
25 subjected to.

1           But getting back to the present.  
2 Further exacerbating the potential impact of this  
3 wilderness area, the racetrack is elevated, as is the  
4 Sandwich range wilderness. Thus a deflecting noise  
5 barrier might be able to provide noise abatement for  
6 the Tamworth Village but have no effect or marginal  
7 effect for this wilderness mountains.

8           So please don't focus on just how the  
9 racetrack noise will affect the Village of Tamworth.  
10 Also consider the wildlife and wilderness and the  
11 people who go to experience solitude.

12           THE MODERATOR: Thank you, sir.

13           Ruth Rich has left.

14           AUDIENCE MEMBER: She's not here.

15           THE MODERATOR: Thank you, sir.

16           Next speaker Albert Rica, 1932 Mountain  
17 Highway. No.

18           Helen Skreel (phon). Is it me or your  
19 handwriting?

20           MS. STEEL: My name's Helen Steel and  
21 my students complain about my handwriting all the  
22 time. It stinks.

23           THE MODERATOR: Thank you, ma'am.

24           MS. STEEL: My name's Helen Steel and  
25 I'm a chemist and most of my graduate work is in

1 water and earth systems. I'm also a teacher and can  
2 testify to the effect of loud noises on aggressive  
3 behavior.

4           The public interest benefits of this  
5 proposal must be weighed against foreseeable  
6 detriments. One of the factors to be considered by  
7 the Army Corps is safety. No doubt CMI will design a  
8 safe racetrack. Amateur drivers will race on a steep  
9 course with its 18 off-camber turns at speeds up to  
10 120 miles per hour. CMI will have onsite fire and  
11 extrication vehicles and onsite ambulance and medical  
12 services. So they do expect accidents. Still all  
13 members will be required to sign waivers.

14           But let's assume the track is safe.  
15 There are serious safety concerns for the general  
16 public. There is the potential impairment to  
17 drinking water that is of grave concern. The  
18 racetrack will use 45 different hazardous materials  
19 that have been mentioned before that are unregulated  
20 by the EPA and contain up to 14 percent MtBE.

21           As a chemist, I'm particularly  
22 concerned about benzene. CMI has claimed that we  
23 will be adding 50 jobs as a result of this racetrack.  
24 I think we can plan on 51, because I think I'll be  
25 hired to test my neighbor's water.

1 (Prepared material inserted at this time)

2           One gallon of gas can contaminate  
3           30 million gallons of water. There are  
4           no plans to treat surface water running  
5           off the track before it enters the  
6           Ossipee aquifer. This design means  
7           potential spills will affect drinking  
8           water.

9           CMI's plans to respond to spills  
10          on the site are completely inadequate  
11          because spills will be absorbed long  
12          before the offsite contractor referred  
13          to in their plans cover getting there.

14          CMI has taken measures to prevent  
15          vehicle-wildlife accidents by enclosing  
16          the track with a fence, but that just  
17          means that animals will be forced to go  
18          around the site instead of over it as  
19          they do now. Animals that don't find  
20          their way between the hotel and steep  
21          slope above it will be forced down onto  
22          Route 25 increasing the likelihood of  
23          accidents there.

24          The Army Corps and DES have a  
25          responsibility to protect residents from

1 reasonably foreseeable impacts such as  
2 this. This permit in its current form  
3 should be denied.

4 (Conclusion of prepared material)

5 THE MODERATOR: Thank you, ma'am.

6 Next speaker Richard Posner, 1153  
7 Cleveland Hill Road.

8 Ellen Keith.

9 MS. KEITH: Hi. My name is Ellen Keith  
10 and I live here in town. My family has owned  
11 property in Tamworth for four generations. I speak  
12 on behalf of all my relatives, which today comprise  
13 at least 28 different families which enjoy Tamworth  
14 and the area. My father was a professional race car  
15 driver. The year I was born he won at Watkins Glen.  
16 He was one of the early race winners at Mount  
17 Washington, and he raced Formula Ones often winning  
18 in the US and Europe for many years.

19 My cousin presently races on a circuit  
20 CMI proposes to host here. Our family is certainly  
21 not antiracetrack. However, we are all very worried  
22 about this particular racetrack. For many reasons  
23 already outlined tonight, we believe it is an  
24 inappropriate site in an area for a facility such as  
25 CMI plans. We are deeply concerned about the

1 negative environmental effects and the aesthetic  
2 insult CMI's project will bring.

3           There are many more suitable sites in  
4 New Hampshire. The inevitable erosion of our quality  
5 of life here in Tamworth troubles us greatly. The  
6 potential environmental detriments are considerable,  
7 and the noise pollution of this peaceful area would  
8 be tragic. The inevitable reduction in tourists  
9 coming to our town and surrounding towns for scenic  
10 and serene beauty and the inherent reduction of  
11 property values due to the racetrack will have an  
12 irreversible negative economic impact on our way of  
13 life.

14           Why not have CMI locate this project in  
15 a more suitable area where it will benefit a town  
16 rather than damage it? A different area, one less  
17 environmentally sensitive that already has a  
18 transportation infrastructure would certainly be a  
19 start towards a more suitable place.

20           If CMI builds their proposed track,  
21 Tamworth will suffer. Please don't let this happen  
22 to us.

23           What I'm about to speak of is a  
24 reference that I have not previously stated in a  
25 public forum. For obvious reason, it's something

1 that's private and personal. However, due to the  
2 gravity of this situation, I feel for the first time  
3 that it's warranted.

4           My grandfather, Legrand Cannon, Jr.,  
5 wrote the New Hampshire and New England classic novel  
6 Look to the Mountain. It's about Mount Chocorua and  
7 the settling of this early area. Who wants to look at  
8 a development with a racetrack and a large hotel?

9           My grandfather died in 1980 believing  
10 that his book would encourage people to value and  
11 preserve this area. His book has helped to draw  
12 tourists here from all over New England and the  
13 country.

14           This will not continue if CMI goes  
15 ahead. If CMI prevails, my grandfather from where he  
16 is now will have tears in his eyes as he looks to the  
17 mountain. He will not be alone. Please do not let  
18 CMI happen to us. Please help us keep the gifts we  
19 now have in our precious Tamworth. Please deny CMI's  
20 permit.

21           Also, I just have to say that there are  
22 quite a few of the people in this audience that have  
23 to get up before five, and there's a number of us  
24 that are here against medical advice, and we really  
25 should be resting but we all care. And I really want

1 to thank all of you for caring and making this  
2 opportunity possible.

3 The only other footnote that I have to  
4 add is if our police and rescue drivers aren't  
5 already excellent drivers, we're in big trouble.

6 Thank you.

7 THE MODERATOR: Thank you, ma'am.

8 Next speaker Thomas Abugelis.

9 Getting close. All the tough names are  
10 at the end.

11 MR. ABUGELIS: I'm here speaking as a  
12 small business owner, the owner of The Dam Ice Cream  
13 and Gift Shop, as well as a taxpayer and citizen.  
14 I'm particularly concerned about the economic issues  
15 and the aesthetics involved.

16 My business is dependent upon 90  
17 percent tourism, and anything that impacts tourism  
18 negatively will threaten our business directly. So I  
19 have an interest there.

20 Environmentally, water and air quality  
21 equal life itself; and I have real concerns over the  
22 impact on the aquifers and number of experts that  
23 testified and also the noise and impact that would  
24 have.

25 I know you can listen to various

1 experts and look at various studies, but just last  
2 week my wife and I were walking on a trail at  
3 Wonalancet, and we were coming back from our walk and  
4 we were about a half mile away from the road in dense  
5 woods next to a stream; one motorcycle went by and  
6 went through. You could hear distinctly the sound of  
7 that one motorcycle coming through the woods,  
8 irrespective of the trees, the rocks, the running  
9 water.

10           So what impact will this type of noise  
11 have on the quality of life in our area?

12           I'm also a fly fisherman. No one has  
13 mentioned tonight that the Bearcamp River is an  
14 important historical fishery. I can take you places  
15 now where you can catch some beautiful trout, and  
16 that needs to be protected.

17           I'd like to close by saying I'm very  
18 proud -- and thank you for listening -- very proud of  
19 the quality of people and citizens in our community.

20           CMI, giants walk these woods. Giants  
21 that will protect the environment, giants that are  
22 community activists and giants of common sense. And  
23 that may offset some of what I've heard of the  
24 have-nots.

25           THE MODERATOR: Thank you, sir.

1           Next speaker Charles Aspinall, who will  
2 be followed by Michelle Miller.

3           MR. ASPINALL: Thank you. I'll be  
4 brief.

5           I gave my testimony to the stenographer  
6 earlier, but I do want to say one thing that's a  
7 cultural issue. I wonder what John Greenleaf  
8 Whittier, the poet, which that mountain is named  
9 after, would think of this application.

10          Thank you.

11          THE MODERATOR: Thank you, sir.

12          Next speaker Michelle Miller, followed  
13 by Bob Schrader.

14          MS. MILLER: Thank you. My name is  
15 Michele Miller, and this is a topic that hasn't been  
16 touched upon a lot. Cathy Arsenault-Shea cited the  
17 law which requires, quote, practicable alternatives;  
18 and I'm asking you to pay close attention to that,  
19 the requirement which demands that applicants search  
20 out and pursue, again, quote, least environmentally  
21 damaging practical alternatives when proposing a  
22 project such as the one being proposed here.

23          Having reviewed a portion of CMI's DES  
24 application pertaining to alternatives, I question  
25 whether serious consideration was given to locating

1 less environmentally damaging sites.

2           For example, in Section 5.0 the  
3 applicant states that: 27 possible parcels were  
4 considered, six of which were found to be viable.  
5 Maps are presented and it's noted that zoning and  
6 land use regulations were considered.

7           However, some of the parcels are, in  
8 fact, in towns where zoning would not permit a  
9 racetrack or where the parcel is zoned residential.

10           The first of the comparative  
11 alternatives is, in fact, the original concept and  
12 plan presented by the applicant. As stated in the  
13 application, this plan presumes the inclusion of a  
14 50-acre parcel, which is not part of the present  
15 plan.

16           Alternative 4, with 115 house lots and  
17 three large commercial uses, would violate Tamworth's  
18 subdivision regulations with regards to soils and  
19 slopes and Tamworth wetlands ordinance with regard to  
20 proposed parking.

21           In short, the six alternatives  
22 described were either in areas which prohibit such  
23 use in areas with prohibitively steep slopes or  
24 streams or on lands which were not for sale. I  
25 question whether effort was invested in finding that

1 least environmentally damaging practicable  
2 alternative as required or whether a town and a site  
3 was selected and then non-practicable alternatives  
4 described in an effort to fulfill the requirement for  
5 alternatives as required by the law.

6 Thank you.

7 THE MODERATOR: Thank you, ma'am.

8 Next speaker Bob Schrader.

9 AUDIENCE MEMBER: He already spoke.

10 THE MODERATOR: Thank you.

11 That was the last of the cards of those  
12 individuals who have signed in to speak this evening.  
13 Is there anyone in the office -- I'm sorry. Is there  
14 anybody in the audience -- it's a long evening for  
15 all of us. Is there anybody here that wishes to  
16 speak but did not indicate that on the card?

17 (Pause)

18 (Prepared material inserted at this time)

19 MR. LAVIGNE: Dear Army Corps, we are  
20 all in general a noisy people. I call  
21 this noise country music; i.e., barking  
22 dogs, fireworks, ATV, boom boxes,  
23 gunshots, snowmobiles, military jets,  
24 Jet Skis , airplanes, helicopters,  
25 lawnmowers, Ultralights, trucks,

1 construction, equipment, logging  
2 equipment, leaf blowers, dirt bikes,  
3 sawmills, shooting ranges, hay-making  
4 equipment, snow-making equipment,  
5 outdoor concerts, wood splitters, et  
6 cetera.

7 I'm not passing judgment on any of  
8 the above, especially since I'm  
9 responsible for some of the noise from  
10 my wood splitter and chainsaws, while  
11 cutting and splitting wood to heat our  
12 home and hot water as well as make a  
13 living.

14 My point is that a lot of this  
15 noise is part of living in a rural area.  
16 Some of it is excessive and sometimes  
17 can be made quieter by asking a neighbor  
18 to put a better muffler on or asking  
19 another neighbor to quiet a barking dog.

20 However, much of the noise will  
21 continue, and there isn't much to be  
22 done about it. The racetrack is a  
23 different matter. It doesn't have to  
24 happen. It's not welcome here and isn't  
25 necessary.

1           The lay of the land will project  
2           the noise from this site to the  
3           surrounding lands and mountains. The  
4           difference between the existing country  
5           music and the proposed racetrack noise  
6           is that it is spread out over the land,  
7           and for the most part is not  
8           concentrated and not situated at the  
9           elevations of the proposed racetrack.  
10          This proposal will bring more traffic  
11          and traffic noise on all surrounding  
12          highways and town roads.

13          The construction of this racetrack  
14          would better be termed destruction. For  
15          sure, this land has been logged hard',  
16          but it doesn't deserve to be paved,  
17          ditched and overbuilt. It doesn't  
18          deserve to have a fence built around it  
19          so the animals that have always walked  
20          lived and died on this land can't use  
21          it.

22          Burning fuel and wasting tires for  
23          this type of recreation is not in the  
24          best interests of this country or world.  
25          Air pollution is already a problem in

1 this valley.

2 Please deny a permit to CMI and  
3 help us protect the quiet, water, the  
4 air and quality of life for all.

5 (Conclusion of typed testimony)

6 THE MODERATOR: No.

7 Ladies and gentlemen, our hearing  
8 officer, Colonel Nelson.

9 MR. NELSON: Ladies and gentlemen,  
10 thank you very much for your participation in this  
11 process. We have heard a great many thoughtful  
12 statements this evening. Careful analysis will be  
13 required before a determination can be made and a  
14 decision rendered.

15 Written statements may be submitted to  
16 the Corps of Engineers, as we said earlier, until 5  
17 p.m. on October 16, 2004. They will receive equal  
18 consideration with those presented tonight.

19 Each question or issue raised will be  
20 addressed in our statement of findings on the Corps'  
21 determination regarding the Motorsports Holdings, LLC  
22 permit application.

23 We at the Corps of Engineers extend our  
24 appreciation to all who took the time to involve  
25 themselves in this public review process.

1           And, finally, before I conclude this  
2 hearing, I'd like to extend my appreciation to the  
3 Town of Tamworth and the Kenneth A. Brett School for  
4 the use of this fine facility and the Tamworth police  
5 department for their support; and I'd also like to  
6 thank you all for taking time to provide us with your  
7 thoughts, your comments and your concerns.

8           Good night to you all.  
9 (Hearing concluded at 10:45 p.m.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

## 1                   C E R T I F I C A T E

2

3     I, Elaine J. Ritsema, a Certified Court Reporter  
4     and Notary Public of the State of New Hampshire, do  
5     hereby certify that the foregoing is a true and  
6     accurate transcription to the best of my skill and  
7     ability of the hearing that was taken at the place  
8     and on the date hereinbefore set forth.

9     I further certify that I am neither attorney nor  
10    counsel for, nor related to or employed by any of the  
11    parties, and further that I am not a relative or  
12    employee of any attorney or counsel employed in this  
13    case, nor am I financially interested in this action.

14    THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT  
DOES NOT APPLY TO ANY REPRODUCTION OF THE SAME BY ANY  
15    MEANS UNLESS UNDER THE DIRECT CONTROL AND/OR  
DIRECTION OF THE CERTIFYING REPORTER.

16

---

17                   Elaine J. Ritsema, CCR, RPR  
                    NH Certified Court Reporter  
18                   No. 92 (RSA 331-B)

19

20

21

22

23

24

25