

**Planning Board Minutes**

**January 10, 2008**

**6:30 p.m.**

**Media Center**

**Raymond High School**

Chairman Bill Cantwell convened the meeting at 6:30 p.m. with the Pledge of Allegiance. He then moved agenda Item 2 regarding the Citizens Zoning Petition Warrant Article up to be considered first. He opened the Public Hearing at 6:34 p.m.

1. The Raymond Planning Board will hold a Public Hearing to receive public comment regarding the following *Citizen Petition Zoning Amendment* to the Raymond Zoning Ordinance:

**The undersigned legal voters of the Town of Raymond, New Hampshire, in the capacity of the Town's Legislative Body, request that the Zoning Map of the Town of Raymond be amended by rezoning lots portions of Raymond Tax Map 37-2, 32-43, 32-68, 38-12 and 38-13 (on land formerly known as Nashua River Land Corporation) from zone D-Industrial to Zone C-2 (Commercial/Residential) to:**

- a. **Promote the growth of clean businesses compatible with existing residential neighborhoods, the environment, and organized economic development.**
- b. **To economic development by creating high quality, well paying local jobs.**
- c. **Broaden the town's tax base via economic growth.**
- d. **Promote public health and safety, general welfare, and peaceful, uncongested living conditions for Raymond citizens.**
- e. **Protect Raymond's future town water supply as well as existing community and private water wells.**
- f. **Safeguard the Lamprey River from pollution caused by heavy industry, and promote the Raymond Master Plan suggestion that the Raymond portion of the Lamprey River be included in the federal Wild and Scenic River designation.**

**(Submitted by 25 or more registered voters)**

Community Development Director Ernest Creveling explained that, by statute, the Planning Board must hold a Public Hearing for the petition article, after which it must decide as to whether it will recommend the article for adoption, or not recommend the article for adoption. The Planning Board's decision will be reflected on the Ballot.

Code Enforcement Officer Richard Mailhot gave the Planning Board a summary of different uses which would be allowed on the property if the zoning was changed in accordance with the petition warrant article. The major concern was that a change to C-2 Commercial/Residential would open the community up to a substantial number of apartment units by allowing Multi-family Dwelling development on the large acreage represented by this proposed change.

**Public Comment:**

Chris Mozina of Jolan Lane asked the Planning Board how important it is for a community's Master Plan to be followed. Planning Board member Frank Bourque responded by stating that it is important and that it is true that earlier Master Plans have not been followed as well as they should have been. He pointed out that with the present Master Plan update, the residents have given conflicting information regarding how they feel about quarrying and multi-family dwellings. Planning Board member Gretchen Gott stated that the previous Planning Board tried to get a lot of input, and that the current Board feels strongly that it should get community input, as well. She ended by stating that, in her opinion, following the Master Plan was very important. Planning Board member Jonathan Wood stated that the Master Plan which the community operates under currently, has been updated in segments, the most recent being Open Space. The Master Plan is an important document, as the community needs to have it as the basis for collecting impact fees. He concluded by stating that the current process of updating the Master Plan has had some public participation, but not as much as there should have been.

Gretchen Gott asked petitioners to explain their objective. Chris Mozina stated that if this amendment passed that the only way that a developer would be able to blast would be for a specific reason, they wouldn't be able to go in there and quarry in the manner that is being proposed presently. Siva Picaiah, the originator of the petition, stated that the petitioners are concerned about industry being located near their residences. Gretchen Gott stated that in the case of the application that is presently before the Planning Board, this petition would not change anything because it is grandfathered by virtue of the application being before the Planning Board before the petition was brought forward. Siva asked what would happen if this permit were denied, then the zoning changed. Jonathan Wood answered by stating that quarrying and excavation would still be permitted as incidental to any proposed development. Melinda Driscoll asked if a developer would be able to mine over a 40-year period if the petition were passed by the voters. Vinnie Iacozzi of Thibeault Corporation stated that if this petition were passed, then it's conceivable that two to three million tons of rock could happen in a 2 to 2-1/2 year period instead of over 40 years. Gretchen Gott then asked Siva Picaiah to read items "a" through "f" of the petition warrant article in order to address each separately. Discussion ensued at great length as to what activities could occur there with the change and a detailed explanation of RSA 155:E was facilitated by CEO Richard Mailhot. Mr. Mailhot explained the evolvement of portions of the RSA and further explained that any developer could come in with a proposal for a large building for a use allowable in the newly proposed zone and then blast and excavate as an activity incidental to the development of the lot. He pointed out that in a C-2 Zone, a developer could process on-site any material that he planned to use on-site, but could not process it on site to be sold or carried off-site. In response to a remark by Chris Mozina that the zoning change would at least create a purpose for the excavation activity, along with a comment by Terry Harrison and Jeff Klein that at least the impact would be over only a 2-year period as opposed to a 40-year period and in a less aggressive manner, Richard explained that if a developer was developing the land for an allowable use that it wanted to construct within a short time period, the impact would just be intensified into that shorter time

period, which may end up being even more problematic than work occurring over a longer period at a slower pace. Furthermore, the only oversight a developer would be subject to would be whatever conditions were placed on him/her during the site plan approval process. Frank Bourque provided an example of a developer coming in with a proposal to build a 1,000,000 square foot facility to illustrate that excavation/quarrying can be a function of a site plan approval as an activity incidental to the building the facility, over which the Planning Board has some control, but not as much as it has through its excavation regulations. Jonathan Wood stated that the site review conditions could be fairly restrictive. Gretchen Gott stated that the speed with which the material is taken out will be largely market driven. Beth Leavitt asked Richard Mailhot if the change proposed by the petition were enacted, would there be any changes in liability. Richard said there would not be.

John Vetne stated that he is not as sure as the Planning Board that the current application before the Board is protected for anything other than building permits. He stated that, as a compromise, there could be a condition imposed as to the amount of mountain leveling that would be permissible. Frank Bourque pointed out that single family dwellings aren't allowed in the C-2 district. He stated that elderly housing and apartments are, with the apartments potentially providing a tremendous number of people in a small area that could have a huge impact on the school system. John Vetne pointed out that the Planning Board's oversight responsibility is not diminished, no matter what the use.

John Vetne asked if the Planning Board can give direction, along with its recommendation. Frank Bourque stated that the Board could only vote to recommend or not recommend.

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***Jonathan Wood made a motion that the following be attached to the citizen's petitioned warrant article: "The Planning Board does not recommend this article." The motion was seconded by Steve Naoum.***

***The following comments, then votes, were made during discussion:***

***Jonathan Wood*** – He explained that in looking at the zoning map, there are only a few areas zoned industrial, which should be preserved for the sake of jobs and economic development. Voted YES to NOT RECOMMEND.

***Gretchen Gott*** – She stated that potential of increasing multi-family uses concerns her, as well as the addition of other uses like fast food restaurants. Voted YES to NOT RECOMMEND.

***Peter Buckingham*** – He explained that he is aware of the fact that there are .97 children per condo unit, which would put 1,000 kids into the school system. Voted YES to NOT RECOMMEND.

Steve Naoum – He stated that he thought about it that he would Vote YES to NOT RECOMMEND, because of the added traffic to the area.

Mo Titcomb – ABSTAINED

Frank Bourque - Voted YES to NOT RECOMMEND.

Bill Cantwell - Voted YES to NOT RECOMMEND.

***Motion passed with six voting yes and one abstaining.***

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Chairman Cantwell opened the following Public Hearing:

*Application # 2007-002; Continued from 11/08/07 - An application for an Amended Excavation Plan has been submitted by Thibeault Sand & Gravel, LLC, on land known as Nashua River Land Corporation, to amend their Excavation Permit to add a quarrying operation. The properties are shown on Raymond Tax Map 32, Lots 43 and 68; Map 37, Lot 2; and Map 38, Lots 12 and 13; accessed via NH State Route 27.*

Mo Titcomb recused himself from the case.

Ernest Creveling stated that the applicant is here to listen to the remainder of public comment. The applicant, Vinnie Iacozzi, confirmed that. Several attendees have statements and questions:

Ray Pike, Clearwater Estates: Mr. Pike stated that he had moved from Sanbornville to Raymond. He stated that once one starts blasting and muffling, the vibrations can go for miles. He asked the Planning Board why it was not concerned about the impact blasting will have on the Town's water supply. He stated that if you lose your wells, you lose it all. He predicted cracks in slabs and in walls. He stated that he's the guy with one lung in the letter received earlier by the Planning Board.

Melinda Driscoll, resident of Raymond: Do you know what percentage of town is on Town water supply. No one was certain.

Chris Mozina, Jolan Lane: Mr. Mozina pointed out the issues in Windham and stated that the same things apply in Raymond. He stated that in Windham, they are blasting a road out, a 10-year project. He stated that there is a problem with arsenic getting into the wells and that both the blaster and the Town are stepping away, leaving residents to deal with the problems themselves. Mr. Mozina pointed out that we've already been shown that when the seismograph shows a huge blast, the blasting company will not be held liable. He asked the Planning Board who was going to keep the abutters to the Thibeault project from holding the bag. He described how a lady from Windham called him last week in tears because of \$12,000 she had to spend on water treatment equipment.

Jonathan Wood stated that the Planning Board is still in the information gathering stages of review and that it would do all it could to alleviate the abutters' anguish.

Mr. Mozina stated that he was getting more and more concerned, instead of feeling safe that the Planning Board is on the case.

Jonathan Wood suggested that he take a look at the studies that Planning Board has already decided it needs prior to making any decision. He referred everyone to page 4 of the November 15, 2007 minutes.

Siva Picaiah criticized the one page response to a traffic study that was provided to the Planning Board by Mr. Iacozzi, to which Mr. Iacozzi stated that he had agreed to conduct a new traffic study.

John Vetne stated that he was encouraged by the Planning Board's efforts to address our (abutters) concerns. He stated that he was grateful that the Planning Board has asked for the studies and information that it has requested.

Bob Harrison of Clearwater Estates asked what effect blasting has on dead trees in the river. Jonathan Wood stated that what he is seeing is the natural progression of the river over time and that he did not believe that blasting would exacerbate the dead trees as much as flooding does. When asked by Gretchen Gott whose responsibility it is to remove dead trees, Jonathan responded by saying that Shoreland Protection prevents us from touching them.

Andrea Kenter asked about the status of the Alteration of Terrain permit. Vincent Iacozzi responded by saying they are trying to sort through jurisdictional issues at DES.

Chris Mozina asked if the Fire Chief was coming to a future meeting to talk about blasting, to which Chairman Cantwell responded yes, he will be coming in February.

Kevin Grayson asked what would happen with regard to excavation if a commercial building were to be built within the new zone (assuming the petition passed). Frank Bourque reiterated again that a developer would be able to only crush on site for use on site.

Chris Mozina reviewed several portions of the current Master Plan. He stated that he did not believe that the spirit of the current Master Plan will change much and that it's still a relevant document. He proceeded to reference several sections, including;

- Page 27 – Greater Protection of Natural and Cultural Resource – he quoted that the community should encourage a higher quality residential development.
- Page 44 – Item 3, review 155:E and local regulations.
- Page 27- he read the section referring to problematic areas of development.

At this point, Frank Bourque broke in to point out that the excerpts Mr. Mozina was reading referred to Map 7, a development constraints map within the Master Plan which

shows the area in question as developed because a permit was issued for the area at the time the current Master Plan was updated. Gretchen Gott pointed out that even though the map may represent the area as developed, the pristine conditions Mr. Mozina refers to are there.

- Page 3 – Promote desirable business development, minimize environmental impact.
- Page 16 – Hydric soils surrounding Lamprey River and wetlands immediately abutting proposed quarrying area.
- Page 82 – Maintain aquifer protection district and consider purchase of land or development rights.

Mr. Mozina pointed out that the Master Plan is a great ally of the abutters.

Steve Naoum pointed out that the Planning Board has asked for studies and is in the process of due diligence.

Jonathan Wood encouraged all of the people to participate in Town government and pointed out that there are many positions to be filled.

Chris Mozina continued by stating that another of his concerns is that the Town of Raymond allows mixed uses, while other towns clearly separate uses. He advised that going forward, the town should separate uses.

Andrea Kenter stated that she has been attending Planning Board meetings since August. She stated that she believes the Planning Board could deny the project due to hydrogeologic reasons alone. She pointed out that buying the land could be a win-win situation for all. She also pointed out that there are a lot of grant resources available.

Jeff Klein stated that he has attended most meetings and that he is 100% opposed to the project. He stated that his family has been here for 1 ½ years and that if he'd known about this potential application, he never would have moved to Ann Logan Circle.

The Planning Board discussed the timing of receipt of studies by the applicant. It was decided that the studies should be into the Community Development Department by March 14<sup>th</sup>.

***Frank Bourque made a motion to continue the Public Hearing to April 10, 2008 at 6:30 p.m. at the Raymond High School Media Center. The motion was seconded by Steve Naoum. The vote was unanimous with the exception of Mo Titcomb, who abstained.***