

**Place:** Raymond High School Media Center

**Call to Order:** 7:00 p.m.

**Members Present:** Bill Cantwell, Chairman; Peter Buckingham, Vice Chairman; Steve Naoum, Secretary; Bob Carlberg, Selectmen's Representative; Gretchen Gott; Jonathan Wood.

**Planning Staff:** Ernest Creveling, Community Development Director; Robert Price, Planning Technician.

**Others Present:** Sharon Somers, Town Counsel.

### **Pledge of Allegiance**

### **Public Hearings – Thibeault Corp. & Nashua River Land Corp.**

*An application for Renewal of Excavation Permits for the following:*

- iv. Thibeault Sand & Gravel, LLC (Map 32, lot 43); and*
- v. Nashua River Land Corporation (Map 37, Lot 2).*

Community Development Director Creveling stated that the Community Development Department received a letter on June 11, 2007 from "Abutters of Tax Map 38, Lots 12 & 13, and Tax Map 32, Lots 43 & 68." A copy of the letter is on file in the Community Development Department office. Mr. Creveling read the letter. The letter states that the abutters claim they did not receive notification of a public hearing in 2005, when Thibeault Corporation last received an excavation permit. Mr. Creveling suggested that the Thibeault and Nashua River hearings be continued to June 21, 2007 in order to give staff some time to research this issue raised in the letter.

**MOTION:** Gretchen Gott made a motion to continue the Thibeault and Nashua River hearings to June 21. Peter Buckingham seconded. Voted unanimously in the affirmative.

### **Other Business**

#### *Appointment of Citizen-at-Large CIP Members*

Gretchen Gott asked what Grace Collette's status is as an employee of the Town of Raymond. Ms. Collette stated she is currently a contract employee and her current contract does not have a specific length on it.

Bob Carlberg asked Dana Zullager what she understands about the CIP. Ms. Zullager stated she is just learning, but she heard Selectman Tim Auclair state that residents were needed for the CIP. She stated she has a background in engineering and has managed a department with 35 people.

**MOTION:** Gretchen Gott made a motion to appoint Grace Collette to the CIP for a term of three years. Jonathan Wood seconded. Voted unanimously in the affirmative.

MOTION: Gretchen Gott made a motion to appoint Dana Zullager to the CIP for a term of one year. Jonathan Wood seconded. Voted unanimously in the affirmative.

### **Public Hearings – Resumed**

*Continued from 06/07/07 – An application from PD Associates, LLC, and authorized by Owner, Community Development Finance Authority, has been submitted for Site Plan Review and a Special Permit to impact wetlands for the project known as "Granite Meadows" which involves development within the Sewer Overlay District as represented on the original Site Plan Application submitted on June 26, 2006. The property is shown on Raymond Tax Map 22, Lot 9; the southwest corner of Old Manchester Road and Scribner Road.*

*On Thursday, July 27, 2006, the Raymond Planning Board made a determination that the project has the potential for regional impact and is subject to the notice requirements set forth in N.H. RSA 36:56 and 36:57. The Planning Board determined that the Towns of Nottingham, Chester, Candia, Fremont, Deerfield and Epping as well as the Southern New Hampshire Planning Commission are potentially affected municipalities.*

Elmer Pease of PD Associates presented a timeline to the Planning Board, as requested by the Board at the previous meeting. Mr. Pease reviewed the general timing for things to occur with the development. The timeline only encompasses the retail and residential phases of the project.

Jonathan Wood asked if the timeline Mr. Pease provided is sufficient for the staff to be able to include the Town's responsibilities. Community Development Director Creveling stated it is sufficient for that purpose.

Peter Buckingham asked about the traffic lights involved with Granite Meadows. Mr. Buckingham stated it is his understanding that a traffic light will be installed at the proposed entrance to the project on Old Manchester Road, and also one at the Scribner Road/Industrial Drive/Old Manchester Road intersection, per the request of the Police and Fire Departments. Mr. Pease stated we have agreed to put up a light at the Granite Meadows entrance. We will not put up a light at the Scribner/Industrial/Old Manchester intersection. However, if development were to occur on the East side of Old Manchester Road, I would pay my share of a light. Community Development Director Creveling stated he spoke with Chief Pratt and Chief Salois today. Both of them recall that conversation, but Mr. Pease is correct in stating that there will not be a light at that intersection.

MOTION: Jonathan Wood made a motion to continue this hearing to June 21. Bob Carlberg seconded. Voted unanimously in the affirmative.

### **Excavation Permit Public Hearings - Resumed**

*An application for Renewal of Excavation Permits for the following:*

- i. *Waldoborough, LLC a.k.a. "Galloway" (Map 22, Lot 15);*

Community Development Director Creveling stated when we walked the site, the specific

concern I can recall is the safety fencing being down along the top of the slope. Robert and I went to visit the site today and took some photographs. The fencing has not yet been repaired.

Sharon Somers stated that if there is a suspension under your conditions of approval, then it would be subject to the rehearing provision under RSA 155E:10.

Gretchen Gott stated there is a storage trailer on the site that has been there for some time, and does not show anywhere on a site plan. There is also an oil container on the edge of a road that has been there for quite a while that needs to be removed. It is right against the rocks along the curve of the road. The next thing is the tractor trailer that is parking on site. That person is tracking an enormous amount of dirt onto the roadway. Finally, the fencing was an issue two years ago as well. What will be different this time to ensure the fencing will be put back up?

John Galloway of Waldoborough, LLC stated that he will take care of the oil container tomorrow morning. He does not know who is parking the tractor trailer there, but he has no problem with it. We can put the fence up tomorrow as well, but I have started to slope today, and have gone approximately 50 feet.

Gretchen Gott stated I would like to have confirmation from Dennis McCarthy that the materials on site that got dumped there belong to the Town, and do not belong to Mr. Galloway. Neither of these piles are on the plan and they do not belong there.

Mr. Galloway stated in April during the flooding event, Mr. McCarthy contacted him and asked permission to store material on the site on an emergency basis. He agreed to allow this. During the reconstruction of Onway Lake Road, Mr. Galloway was asked for permission to store gravel on the site, and he granted that permission. Later, the pile of fill arrived. I have no problem with anything on the site, and I don't see that it is hurting anyone. I can use the fill to even out the site or on the slope.

Gretchen Gott stated that there are these things going on that are not on the excavation permit and are not allowed by the Town's regulations, and they have been going on for a while.

Peter Buckingham stated that he understands Ms. Gott's concerns, but also Mr. Galloway seems to have an answer for the problems.

Community Development Director Creveling stated he knows that there was stockpiling of material that took place during the April flooding.

Mr. Galloway stated if you don't want me to allow anyone to bring anything in, then I will not do it. It was a courtesy to the Town at the time that I had no problem with.

Steve Naoum stated that he would like some sort of signage put up to signal what is on site. Mr. Galloway stated he could put up some no trespassing signs.

Bob Carlberg asked about the sloping Mr. Galloway has begun. Mr. Galloway stated he expected to be done relatively quickly.

Jonathan Wood stated he would like to have the Board polled on whether or not the following two conditions should be added to the conditions of approval:

- Renewal will not be effective until oil and debris along Scribner Road has been removed;
- Renewal will not be effective until safety fencing has been erected along the top of the cliff;

POLL RESULTS:

Gretchen Gott – Yes

Jonathan Wood - Yes

Steve Naoum – Yes

Bob Carlberg - Yes

Peter Buckingham - Yes

Bill Cantwell - Yes

Gretchen Gott asked how the issue of the storage trailer near the entrance of the site that does not show on the site plan can be addressed. Community Development Director Creveling stated it is not an unreasonable request to draw it on the site plan. Mr. Galloway stated if it needs to be drawn on the site plan, he will remove it.

Gretchen Gott asked how the importation of materials issue can be resolved. Ms. Gott stated that some of these materials have been on the site for a long time.

Steve Naoum stated that if the materials are of Town origin, then it is the responsibility of the Town to remove them in a timely fashion.

Mr Galloway stated that the materials are not bothering him at all, and he has no problem with them being on the site.

Gretchen Gott stated that she is concerned with precedents being set. Currently, the regulations do not allow for importation of materials. We need to be consistent with all the sites when reviewing this issue. How it got there is less of a concern to me than the fact that it is there.

Mr. Galloway stated in an emergency situation, I think it should be allowed. I did it as a courtesy to the Town.

Jonathan Wood asked if there was any confirmation to what Mr. Galloway is stating regarding the Town requesting to store material on the site. Community Development Director Creveling stated he knows about the flooding situation, but he can not confirm nor deny anything related to the materials from the Onway Lake Road construction.

Peter Buckingham asked Town Counsel Somers how to address the situation. Town Counsel Somers stated it is her recommendation that if the Board can get some information from Dennis McCarthy as to what has been placed on the site, at the request of the Town, then that can be worked into conditions of approval.

Jonathan Wood suggested that the Planning Board continue the hearing to next week so that the Board can see written communication from Mr. McCarthy regarding the materials on the site. Gretchen Gott concurred with Mr. Wood’s suggestion.

Jonathan Wood requested that the Board be polled regarding the addition of the following condition to the conditions of approval:

- Trailer/storage container must be amended onto the existing Site Plan;

POLL RESULTS:

Gretchen Gott – Yes	Jonathan Wood - Yes
Steve Naoum – Yes	Bob Carlberg - Yes
Peter Buckingham - Yes	Bill Cantwell - Yes

Gretchen Gott stated that the gate out front is frequently left unlocked, and that item needs to be addressed as well.

Mr. Galloway stated that if I have to run around and come back next week because I did someone a favor, then there will be no more favors.

Bob Carlberg stated Town Counsel Somers explained to us how we can handle this situation tonight and frame it in such a way that we do not get hurt.

Town Counsel Somers stated the Board could make the condition state that renewal will not become effective until confirmation that the material is Town-imported.

Jonathan Wood stated he would like to Board to be polled on the addition of the following to the conditions of approval:

- Renewal will not be effective until Public Works Director Dennis McCarthy has verified all materials imported onto the site have a Town of Raymond origin. This is not meant to set any form of precedent for allowing the importation of foreign material onto an excavation site.

POLL RESULTS:

Gretchen Gott – No	Jonathan Wood - No
Steve Naoum – Yes	Bob Carlberg - Yes
Peter Buckingham - Yes	Bill Cantwell - Yes

**MOTION:** Jonathan Wood made a motion to approve an excavation permit renewal to Waldoborough, LLC for property shown on Raymond Tax Map 22, Lot 15; Scribner Road.

**PUBLIC COMMENT:**

Daniel Rousseau, an abutter stated he is concerned with the extra materials on the site. He is also concerned with the fence being down and the debris in the road, as the Planning Board mentioned. In addition to those concerns, he stated he does not like the noise and that his house shakes each time Mr. Galloway blasts.

Carolyn Matthews, a member of the public representing the Raymond Citizens for Clean Industry stated she is very impressed with the Planning Board's efforts this evening. Her group is concerned with the fencing being down. Also, the lack of perimeter fencing is a concern. They're also concerned with signage and the tanker truck that parks on site. Their biggest issue is safety.

Gretchen Gott stated in regards to the tanker truck, it is owned by a gentleman who lives up the street. This individual trucks water. As for the fencing, the only fencing required by the Town's Excavation Regulations is above a certain slope. They do not require perimeter fencing, but do require a gate.

Mr. Galloway stated we have large rocks along the boundary of the property.

MOTION: Jonathan Wood made a motion to approve an excavation permit renewal to Waldoborough, LLC for property shown on Raymond Tax Map 22, Lot 15; Scribner Road.

The following conditions shall apply:

1. Silt fencing shall be installed and maintained, and best management practices shall be employed with regard to mitigation of on-site run-off. If, upon inspection by a representative of the Town of Raymond, it is found that silt fencing is not maintained in an operable manner, notification shall be delivered by the Raymond Code Enforcement Officer that the silt fencing must be repaired, replaced or installed as needed, within five (5) days of the date of notification, or this permit renewal shall be suspended and operations shall immediately cease and desist.
2. Safety fencing shall be maintained in a safe condition that ensures its intended purpose as a safeguard. If, upon inspection by a representative of the Town of Raymond, it is found that safety fencing is not maintained in this manner, or it is determined by a representative of the Town of Raymond that safety fencing is required, then notification shall be delivered by the Raymond Code Enforcement Officer that the safety fencing must be repaired, replaced or installed as needed within five (5) days of the date of notification, or this permit renewal shall be suspended and operations shall immediately cease and desist.
3. Other Conditions Imposed by the Planning Board:
  - a. Renewal will not be effective until oil and debris along Scribner Road has been removed;
  - b. Renewal will not be effective until safety fencing has been erected along the top of the cliff;
  - c. Trailer/storage container must be amended onto the existing Site Plan;

- d. Renewal will not be effective until Public Works Director Dennis McCarthy has verified all materials imported onto the site have a Town of Raymond origin. This is not meant to set any form of precedent for allowing the importation of foreign material onto an excavation site.

4. This excavation permit renewal shall expire on June 30, 2009.

Bob Carlberg seconded. Gretchen Gott voted against the motion, stating she is opposed to the process, but not to the granting to the permit, and therefore she must vote against the motion. The remaining members voted in favor of the motion. MOTION PASSED.

*An application for Renewal of Excavation Permits for the following:*

- ii. *Candia South Branch Brook, LLC a.k.a. "Severino" (Map 38, Lot 34);*

Community Development Director Creveling stated Robert and I went to visit the site today. Photos are being passed around now. At the time of the site walk, there were some piles of debris with some various materials within them. Those piles have been removed. The second issue was the silt fencing being down, and that too has been taken care of all the way around the site. Everything Mr. Severino stated he would do on the site walk has been done.

Gretchen Gott stated that this is the second spot where materials have been imported, although at this location they have since been removed. I think it needs to be made clear that our regulations do not permit outside materials to be brought in.

Ron Severino of Candia South Branch Brook, LLC stated he was previously unaware of that regulation. The only thing he would be bringing in would be topsoil. He met with Code Enforcement Officer Mailhot the other day, and Mr. Mailhot pointed out where in the regulations that provision was. Mr. Severino stated his business is to bring in loam from someplace, screen it and re-sell it. He stated Mr. Mailhot will work with him on how to apply for a variance to do this.

Jonathan Wood stated some of the reasons these regulations were put in place were to prevent, for example, a dump being created. Also, in your case, you're on top of an aquifer, so we want to prevent any material that could leech down into the soils and poison an aquifer from being brought in.

Chairman Cantwell stated that he appreciated Mr. Severino's swift cooperation in resolving any issues the Planning Board has come up with.

**PUBLIC COMMENT:**

There was no public comment.

**MOTION:** Bob Carlberg made a motion to approve an excavation permit renewal to Candia South Branch Brook, LLC for property shown on Raymond Tax Map 38, Lot 34; NH Route 27.

The following conditions shall apply:

1. Silt fencing shall be installed and maintained, and best management practices shall be employed with regard to mitigation of on-site run-off. If, upon inspection by a representative of the Town of Raymond, it is found that silt fencing is not maintained in an operable manner, notification shall be delivered by the Raymond Code Enforcement Officer that the silt fencing must be repaired, replaced or installed as needed, within five (5) days of the date of notification, or this permit renewal shall be suspended and operations shall immediately cease and desist.
2. Safety fencing shall be maintained in a safe condition that ensures its intended purpose as a safeguard. If, upon inspection by a representative of the Town of Raymond, it is found that safety fencing is not maintained in this manner, or it is determined by a representative of the Town of Raymond that safety fencing is required, then notification shall be delivered by the Raymond Code Enforcement Officer that the safety fencing must be repaired, replaced or installed as needed within five (5) days of the date of notification, or this permit renewal shall be suspended and operations shall immediately cease and desist.
3. This excavation permit renewal shall expire on June 30, 2009.

Steve Naoum seconded. Voted unanimously in the affirmative.

*An application for Renewal of Excavation Permits for the following:*

*iii. Raymond Sand & Gravel, LLC a.k.a "Cole" (Map 37, Lot 10);*

Community Development Director Creveling stated Robert and I visited the site today and took photographs. Silt fencing has been repaired as was requested by the Planning Board. Also, we took a ride to the top of the cliff and photographed the safety fencing which is in place.

Bob Carlberg stated I thought you were going to put in a pole barn. Where is that going? Kevin Cole of Raymond Sand & Gravel, LLC explained that the pole barn will be located right behind the blue house, just to the right of the entrance of the site.

Gretchen Gott asked how the pole barn will affect the parking membrane. Mr. Cole explained that the membrane would be penetrated; however this would not affect the membrane. If the membrane is damaged in any way, they will repair it.

Gretchen Gott asked what Mr. Cole's hours of operation have been. Mr. Cole stated they have been Monday through Friday 7 am to 5 pm, and Saturday 7 am to 12 pm.

Jonathan Wood asked that the Board be polled on whether or not the following condition should be added to the conditions of approval:

- The continuance of this renewal of this permit is contingent on the continued integrity of the parking membrane.

POLL RESULTS:

Gretchen Gott – Yes

Jonathan Wood - Yes

Steve Naoum – Yes

Bob Carlberg - Yes

Peter Buckingham - Yes

Bill Cantwell – Yes

Gretchen Gott stated she has previously purchased gravel from Mr. Cole, however that will have no bearing on her ability to make an unbiased decision on this case.

PUBLIC COMMENT:

There was no public comment, however two letters were read from abutters who were unable to attend the meeting. These letters are on file in the Community Development Office.

MOTION: Jonathan Wood made a motion to approve an excavation permit renewal to Raymond Sand & Gravel, LLC for property shown on Raymond Tax Map 37, Lot 10; NH Route 27.

The following conditions shall apply:

1. Silt fencing shall be installed and maintained, and best management practices shall be employed with regard to mitigation of on-site run-off. If, upon inspection by a representative of the Town of Raymond, it is found that silt fencing is not maintained in an operable manner, notification shall be delivered by the Raymond Code Enforcement Officer that the silt fencing must be repaired, replaced or installed as needed, within five (5) days of the date of notification, or this permit renewal shall be suspended and operations shall immediately cease and desist.
2. Safety fencing shall be maintained in a safe condition that ensures its intended purpose as a safeguard. If, upon inspection by a representative of the Town of Raymond, it is found that safety fencing is not maintained in this manner, or it is determined by a representative of the Town of Raymond that safety fencing is required, then notification shall be delivered by the Raymond Code Enforcement Officer that the safety fencing must be repaired, replaced or installed as needed within five (5) days of the date of notification, or this permit renewal shall be suspended and operations shall immediately cease and desist.
3. Other Conditions Imposed by the Planning Board:
  - a. The continuance of this renewal of this permit is contingent on the continued integrity of the parking membrane.
4. This excavation permit renewal shall expire on June 30, 2009.

Steve Naoum seconded. Voted unanimously in the affirmative.

**Approval of Minutes**

MOTION: Bob Carlberg made a motion to approve the minutes of 05/17/07 as amended. Jonathan Wood seconded. Voted unanimously in the affirmative.

MOTION: Peter Buckingham made a motion to approve the minutes of 05/24/07 as amended. Jonathan Wood seconded. Voted unanimously in the affirmative.

MOTION: Jonathan Wood made a motion to approve the minutes of 05/31/07 as amended. Steve Naoum seconded. Voted unanimously in the affirmative.

**Other Business**

Chairman Cantwell requested that a letter to John Page be drafted by the staff to be signed by the members of the Planning Board at the next meeting.

**Adjournment**

MOTION: Jonathan Wood made a motion to adjourn. Bob Carlberg seconded. Voted unanimously in the affirmative. MEETING ADJOURNED AT 9:20 P.M.

Respectfully submitted,

Robert Price  
Planning Technician