

Place: Raymond High School Media Center

Call to Order: 7:15 p.m.

Members Present: Bill Cantwell, Chairman; Peter Buckingham, Vice Chairman; Steve Naoum, Secretary; Frank Bourque, Alternate Selectmen's Representative; Gretchen Gott; Jonathan Wood; Maurice Titcomb.

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

Others Present: Dennis McCarthy, Public Works Director; Sharon Somers, Town Counsel.

Pledge of Allegiance

Public Hearings – Thibeault Excavation Permit Renewal

An application for Renewal of an Excavation Permit for Thibeault Sand & Gravel, LLC. The properties are shown on Raymond Tax Map 32, Lots 43 and 68; and Map 38, Lots 12 and 13.

Jonathan Wood stated he would like to propose an extension of the existing excavation permit until October 11, 2007 because information relating to the amended application that is also before the Board this evening relates to the existing permit as well.

Frank Bourque stated the existing permit contains numerous safeguards that protect the Town of Raymond. The Board does not want the existing permit to inadvertently expire while the amended application is being reviewed.

PUBLIC COMMENT:

Chris Mozina, an abutter, clarified that the extension is not a deadline, and the permit could be extended again, if needed.

John Vetne, an abutter via the Clearwater Estates Board of Directors brought up the RSA regarding regional impact, and stated the Planning Board needs to make this determination. Jonathan Wood explained that the Board is currently dealing with the excavation permit renewal, and not the amended application. Regional impact will be discussed when the amended application proceedings begin. Mr. Vetne stated in his opinion, regional impact applies to both the existing excavation permit as well as the amended permit application.

Kerry Kirkland stated she is a resident of Westgate Estates, and despite the fact that Rockwood Construction, current owner of all lots that truly abut the Thibeault properties was mentioned on the abutters list, she would like the remainder of Westgate Estates to be considered abutters.

George Chadwick representing Thibeault Sand & Gravel, LLC stated his understanding was that when the plans were signed a year ago, it was for an issuance of a five-year permit. Additionally, as a part of that, Thibeault was responsible to come in for an update on a yearly basis. Mr. Chadwick stated we are not here to renew the permit, we are here to give an update. The permit does not expire until 2011. Town Counsel Somers stated that within the excavation permit that is recorded at the Rockingham County Registry of Deeds, it states the excavation permit expires June 30, 2007 pursuant to the Planning Board action on June 9, 2005; however it can be renewed in accordance with the practice of the Raymond Planning Board for an additional period provided that the operations comply with the terms of the permit. Ms. Somers stated in addition to this, the permit is subject to status reviews in accordance with the Town Ordinance and that if, at the end of five years Thibeault's excavations are still on-going, then Thibeault may seek a renewal of the permit.

MOTION: Jonathan Wood made a motion to extend the existing excavation permit for Thibeault Sand & Gravel, LLC to October 11, 2007. Gretchen Gott seconded. The motion passed with a vote of 6-1-0 with Maurice Titcomb opposed.

Community Development Director Creveling stated Robert and I went to visit the site today and took some photographs. The silt fencing that was noted as being down during the Planning Board's site walk in May has been fixed, with the exception of one area along the road that had come down again, however I have been assured that a crew went out and put it back up today.

Jonathan Wood asked if the monitoring wells had been capped and locked. Vincent Iacozzi of Thibeault Sand & Gravel stated they have not yet been capped because they need to be fixed first. Someone has destroyed the tops on them, and the threads are all gone. A mechanical contractor will be out next week to repair them. Mr. Iacozzi stated he believes there are five that are damaged.

Mike Kappler, a member of the public stated that silt fencing is needed along the river close to the entrance of the site where the bridge is located.

MOTION: Frank Bourque made a motion to continue this hearing for the Renewal of an Excavation Permit for Thibeault Sand & Gravel, LLC to August 9, 2007 at 7:00 pm. Jonathan Wood seconded. The motion passed with a vote of 6-1-0 with Maurice Titcomb opposed.

Public Hearings – Thibeault Quarry

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, Lot 43; Map 32, Lot 68; Map 37, Lot 2; and Map 38, Lots 12 and 13; accessed via NH State Route 27.

MOTION: Gretchen Gott made a motion to accept the application as complete for review. Jonathan Wood seconded. The motion passed with a unanimous vote of 7-0-0.

Community Development Director Creveling stated there were three Technical Review Committee meetings held with the applicant. The first was held during the day, as usual, however those in attendance requested that meetings be held at night so they could be more accessible. The TRC obliged, and the second and third hearings were held at night. This gave a great opportunity for both the abutter's and applicant to exchange concerns about the project. Several questions were submitted by the abutters which were answered by the applicant, and that information is in your package. The TRC's motion which forwarded the application to the Planning Board suggested that a number of different studies and reports be required:

- A Hydro-geologic Study with peer review by the Town
- A Sound Study to establish baseline decibel levels at the property line, to which the applicant must adhere
- A Traffic Study (in coordination with the DOT) addressing the adequacy of the exterior bridge
- Adequate analysis of the exterior second bridge
- Detailed Phasing and Restoration Plans
- Program to monitor all wells in the neighborhood, and guaranteed replacement if warranted
- Substantial safety fencing along the top of the slope
- Wildlife Habitat/Corridor Study, including investigation as to endangered species, animal and plant life
- Wetlands/Vernal Pool Study
- Amended Operations Plan
- Property Value Analysis
- Evaluation of recently experienced flood elevations
- Extended Pre-blast Survey

Vincent Iacozzi, from Thibeault Sand & Gravel, first presented a bit of history with the project. Mr. Iacozzi showed the first page via overhead transparency and explained to the Board the following documents:

- Conservation Easement Deed
- Conservation Plan showing easement line (D-33919)
- Right of First Refusal – The Town has the right to purchase the land for water supply
- Declaration of Restrictive Covenants – Outlines what can and can't be done
- Excavation Plan

Mr. Iacozzi explained that the entire permit process took approximately 14 months to come together.

Mr. Iacozzi next presented the plans for the proposed quarrying operation. He stated the following:

- The operation will last approximately 40 years
- Operations will take place approximately 9-10 months/year
- An estimated 300,000 cubic yards of rock/year would be removed
- The lowest proposed elevation will be approximately 8 feet above the water table
- There will not be an increase in truck traffic over and above what is on the existing excavation permit
- The hours of operation will not change from what is on the existing excavation permit
- The quarry will be on a 46-acre area of the several hundred acres owned by Thibeault
- The only change we would like to make is to amend the permit to include the use of bio-diesel fuel to operate the machinery
- As the land is reclaimed and restored, it will be developed as industrial space.

Peter Buckingham stated he is very concerned with the impact this will have on the Town's water as well as on the wells of the abutters. Mr. Buckingham asked what kinds of protections are available. Mr. Iacozzi stated that Thibeault paid for an extensive study of the water in the area, and how mining and blasting would impact it, that was completed in 2000. As a part of this process, Thibeault will pay to have this study updated, prior to any activity taking place. Additionally there are several agreements and documents that are in place and recorded relating to this.

PUBLIC COMMENT:

Melinda Driscoll, a resident of Prescott Crossing, asked what will replace the 300,000 tons of rock that will be removed? Mr. Iacozzi explained what the current grades and the proposed finished grades will be, and explained that no material will be brought in except for restoration purposes.

Pete Dearborn, a resident of Westgate Estates, asked how the studies that were completed for the gravel permit apply to the quarrying operation. Bill Cantwell explained that the applicant is here to amend their existing permit. As a part of that, the Planning Board will require the applicant to update the studies. Frank Bourque stated as the process moves along, the Planning Board will determine if any additional information is needed, and will request such information.

Mike Kappler, a member of the public and also of the Lamprey River Watershed Association stated when the Conservation Commission went on a site walk, we were not allowed to go with them. Additionally, since the Lamprey River Watershed abuts your property, we would like to be included as an abutter. Finally, we would like the opportunity to have a site walk. Community Development Director Creveling stated if they are not listed in the tax records as an abutter, then they are not an abutter. Gretchen Gott stated we can offer courtesy notification to the group, providing they supply the

Planning Board with a letter requesting such. Mr. Iacozzi stated in regards to the Conservation Commission site walk, the Conservation Commission members going on that walk were acting as town officials. I have a liability issue with members of the public and press being allowed. The terrain is quite rugged and several people have not been on terrain such as that.

Don Hedman, an abutter, stated he is representing Carolyn and John Matthews, also abutters, who were unable to attend the meeting. He stated Mr. and Mrs. Matthews wrote a letter which Mr. Hedman submitted to the Planning Board on their behalf at the meeting. Mr. Hedman asked permission to read the letter, which was granted. The letter is on file in the Community Development Department office. In response to the letter, Mr. Iacozzi stated that Heffron Asphalt has never had any connection with Thibeault Corporation in any manner other than as purchaser and customer. Secondly, then dewatering specifications to which the letter refers are for subsurface quarrying that occurs below groundwater. None of that will occur here. Finally, there are a number of specifications and regulations to which we need to adhere to that are above and beyond what the Planning Board requires.

Chris Mozina, an abutter, stated earlier this evening Mr. Iacozzi brought up how Thibeault granted the Town of Raymond an easement along the river as a gracious act. However, I have a document here that states 'as a part of a violation committed in New Boston in 2005, Thibeault Corporation will transfer to the Town of Raymond a conservation easement on 24 acres of property, consisting of a 100-foot wide strip of land immediately adjacent to the Lamprey River in Raymond.' I want everything in writing that you are saying. Mr. Iacozzi responded by saying the incident that occurred in New Boston was the result of a four-inch rainstorm in two hours that knocked the silt fencing and hay bails down, putting silt into a protected area which zebra mussels inhabit. We worked 24 hours/day for approximately two weeks to clean up the operation, and we paid a substantial fine.

Chris Mozina asked about the 2005 excavation permit for Map 37, Lot 2. Mr. Mozina stated no abutters were notified. Town Counsel Somers stated there were indeed some abutters that were notified in the 2005 proceedings. We are here tonight to discuss what is currently before the Board; the amended permit application. This is a new application, and abutter notices have been issued. The abutters list has been read tonight. The renewal issue has been continued to August 9, 2007, and my suggestion is that the Planning Board takes up the issue at that time, when the meeting takes place.

An unidentified resident of Clearwater Estates, an abutter, asked where the quarry is located in relation to Clearwater Estates. Mr. Iacozzi showed the individual on a map.

An unidentified person living on Ann Logan Circle pointed out on the tax map where his property is located in relation to the quarrying operation. George Chadwick stated as a part of the TRC process, Thibeault has agrees to monitor all properties within a 1,500 foot radius of the quarry, both in water quality and quantity as well as having pre-blast surveys done.

Kerry Kirkland, a member of the public asked who (the Town or Thibeault) would be monitoring the homes in the surrounded area as Mr. Chadwick just described. Mr. Chadwick stated that Thibeault will hire an independent company to monitor the wells.

Marie Hanley, an abutter with Grandview Realty, LLC asked if the access along the power lines will be the access during quarrying operations. Mr. Chadwick responded that is the access, and that the number of truck traffic allowed on the existing permit will not increase for this operation. Ms. Hanley stated this will be a large impact on her as her business, is located adjacent to the Thibeault access. Ms. Hanley requested some fencing or some measure of dust control.

Kevin Grace, a resident of Clearwater Estates and abutter asked where the crushing will take place. Mr. Chadwick showed Mr. Grace on the plan.

Christine, a resident of Westgate Estates asked to have the location of Westgate Estates identified on the map. Frank Bourque identified the location of Westgate Estates.

Mr. Iacozzi stated that the New Hampshire Department of Transportation only requires pre-blast surveys to be completed for a 500-foot radius of the blast site, and does not require any water quality samples. Mr. Iacozzi stated Thibeault has agreed to extend the state requirement by three times, and we are including all wells in this 1,500-foot radius.

Don Hedman, an abutter residing at Ann Logan Circle asked how many blasts would occur per month, and what the size of the blasts would be. Mr. Hedman also asked when the geological study would be updated. Mr. Hedman asked how long it will be until these questions are answered. Mr. Iacozzi stated the Fire Chief is the blasting licensing agent for the Town of Raymond. Times, durations, etc all need to be negotiated with the Fire Chief after this process is completed.

Gretchen Gott asked how the truck traffic would be kept track of so that 150 trips are not exceeded. Mr. Iacozzi stated he envisions a scale-house there that generates trip tickets. Once the 150 trips are reached, the trips will be shut down for the day.

Chris Mozina, an abutter, asked who does the studies that are being requested. Frank Bourque stated as the process goes along, the Planning Board will require more information in certain areas. Once these studies come in, they will be reviewed by engineers contracted by the Town of Raymond. The end product will be a report that is presented to which our engineer agrees with, which the Planning Board then reviews.

Jonathan Wood requested that Fire Chief Pratt come before the Planning Board to answer questions related to blasting.

Beth Leavitt, an abutter residing at Ann Logan Circle asked for clarification on the number of truck trips. Mr. Iacozzi stated it is 150 outbound trips per day.

Siva Pichaiah, an abutter residing on Ann Logan Circle asked where on the existing permit does it show the number of truck trips allowed. Mr. Chadwick responded that it is noted on the plans.

Chairman Cantwell paused the meeting for a brief break at 8:55 p.m., and called the meeting back to order at 9:05 p.m.

John Vetne, an abutter residing at Clearwater Estates clarified that the public or abutting property owners will have the opportunity to make a similar presentation of facts and information to the Planning Board at some point in time. Bill Cantwell stated that is correct.

Stella Burke, an abutter residing at Clearwater Estates stated next to Clearwater Estates, Palmer Gas Company has been approved to have Propane Storage Tanks. Ms. Burke stated she is concerned with blasting and ground vibrations and how these things will affect the propane storage facility. Mr. Iacozzi stated he does not believe there will be any effect. He stated propane has their own set of rules and regulations to which they must adhere, and their operation is nowhere near where the blasting will be taking place. Additionally, the Fire Chief may have additional restrictions he may decide to place on us in regards to that propane facility being located there.

George Chadwick stated we are prepared to give a detailed presentation on blasting. Mr. Brent Tardiff of Continental Placer, Inc. is more than willing to answer any questions the Board or members of the public may have. Mr. Chadwick asked if the Board would like Mr. Tardiff to give such a presentation at a future meeting. The Planning Board responded that they would like to see this presentation. Mr. Iacozzi stated he would like to have the Fire Chief present at the meeting this presentation is to occur.

John Burke(?), an abutter residing at Clearwater Estates stated he is concerned with the noise pollution caused by the crusher and the effect it will have in Clearwater Estates.

Richard Lévesque, a member of the public residing on Langford Road asked if the quarrying operations were mentioned during the negotiations last year, and if they were not, why not. Town Counsel Somers stated the quarrying may have been brought up in passing, but it was certainly not on the table at that time, and thus they are not addressed in the excavation permit; which is why they are here tonight seeking an amended permit.

Mr. Lévesque next asked what would happen to the quarrying operation if the excavated material can not be sold. Mr. Iacozzi stated if the economic conditions do not warrant the continuation of quarrying, then the area would be reclaimed, as is required.

Mr. Lévesque next asked what the economic benefit to the Town is for this operation. Mr. Iacozzi stated the Town has a gravel tax of two cents per cubic yard of material removed.

Rich Gregoire(?) a resident living in Westgate Estates stated he wants to have residents of Westgate Estates added to the abutters list. Additionally, he stated he is concerned with the blasting in relation to the community well.

An unidentified resident of Westgate Estates stated there are 11 unsold lots within Westgate Estates, and we want to see our subdivision completed. She stated her fear that the development will remain unfinished if the quarry is allowed.

Don Hedman, an abutter residing at Ann Logan Circle asked if it was feasible to blast on an industrial site. Mr. Iacozzi stated it was feasible and is common practice to have blasting occur during development of an industrial site.

Marie Hanley, an abutter with Grandview Realty, LLC requested to be included in the pre-blast surveys.

Chris Mozina, an abutter residing on Jolan Lane stated blasting 150 feet from residential property lines is not safe, nor is it appropriate. Mr. Mozina stated blasting next to future Town wells is also unsafe, and a big risk. Finally, Mr. Mozina asked why this application is being considered an amendment. Excavating sand and excavating rock are completely different operations. Mr. Chadwick stated it is being called an amendment because a permit is issued to a tax map and lot number. In this instance, there are two operations occurring on the same parcel of land. Two permits can not be issued on the same parcel of land, so it needs to be an amendment. This is a formality of the process.

Beth Leavitt, an abutter residing at Ann Logan Circle stated she is concerned with blasting. When blasting occurs at Raymond Sand and Gravel, Ms. Leavitt stated she can feel it. This quarry operation is much closer than Raymond Sand & Gravel.

Bill Cantwell closed the public comment session at this point, stating the Planning Board has other items to attend to.

Gretchen Gott requested a site walk, including the abutting properties. Additionally, Ms. Gott requested that Mr. Iacozzi allow the public to attend. Mr. Iacozzi stated he still has reservations allowing the general public to attend the walk. Mr. Iacozzi stated he has no objection to a limited amount of people (for instance two from each residential area) to attend the walk, for a maximum of 10 members of the public being allowed.

Jonathan Wood stated the Conservation Commission did an extensive site walk. He stated the terrain is quite rugged and difficult to traverse. It is not appropriate to bring a lot of people to travel through the woods at this location. Mr. Wood requested that Mr. Iacozzi stake out the actual face of the proposed quarry, to which Mr. Iacozzi stated he would do that.

Kevin Jay, an abutter residing at Ann Logan Circle stated he would provide a letter to the Planning Board authorizing the Planning Board to walk his property so they could see how close the quarry area is.

MOTION: Frank Bourque made a motion to hold a site walk of the Thibeault property on August 3, 2007 at 6:00 p.m. The walk will include members of the Planning Board, and a maximum of 10 members of the public. The public will be required to stay alongside the members of the Planning Board throughout the site walk. The site walk will include abutting properties, if a letter is submitted to the Planning Board authorizing them to walk on their property. Peter Buckingham seconded. The motion passed with a vote of 6-1-0, with Gretchen Gott opposed.

MOTION: Frank Bourque made a motion that, due to the proximity to a neighboring community, transportation networks, anticipated emissions such as light, noise, smoke, odors or particles, and proximity to aquifers or surface waters which transcend municipal boundaries, the Planning Board deem this project to have regional impact pursuant to RSA 36:55. The Planning Board will notify the Towns of Candia, Deerfield, Epping and Nottingham. Jonathan Wood seconded. The motion passed with a vote of 7-0-0.

Jonathan Wood requested that the Planning Board be polled to see whether or not the Board agrees with the list of studies requested by the Technical Review Committee, as stated.

Bill Cantwell polled the Board as per Mr. Wood's request.

POLL RESULTS:

Maurice Titcomb: Yes

Gretchen Gott: Yes

Steve Naoum: Yes

Peter Buckingham: Yes

Jonathan Wood: Yes

Frank Bourque: Yes

Bill Cantwell: Yes

Gretchen Gott stated many of these studies can be done as a Community Impact Analysis.

Steve Naoum stated he is concerned with safety and traffic during school hours.

Jonathan Wood stated he is concerned with the wells, and would like the wells within one mile of the quarry be monitored.

Gretchen Gott stated it may be in the best interest to have the Town's peer reviewer present at these meetings.

MOTION: Frank Bourque made a motion to continue this hearing for an Amended Site Plan to August 9, 2007 at 7:00 p.m. Jonathan Wood seconded. The motion passed with a vote of 7-0-0.

Peter Buckingham asked if Maurice Titcomb would like to explain why he voted no earlier in the meeting on the excavation permit renewal. Maurice Titcomb stated he is also a member of the School Board, and right now he believes he needs more information. Mr. Titcomb stated if he reaches the point where he knows his votes will have bias, then he will recuse myself.

Approval of Minutes

MOTION: Jonathan Wood made a motion to approve the minutes of 06/28/07 as printed. Steve Naoum seconded. The motion passed with a vote of 5-0-2 with Maurice Titcomb and Frank Bourque abstaining.

Adjournment

MOTION: Jonathan Wood made a motion to adjourn. Frank Bourque seconded. The motion passed with a unanimous vote of 7-0-0. Meeting adjourned at 10:02 p.m.

Respectfully submitted,

Robert Price
Planning Technician