

## Raymond Planning Board Minutes

January 07, 2010

Approved 01/21/2010

**Place:** Raymond High School; Media Center

**Call to Order:** 6:30 p.m.

**Members Present:** Jonathan Wood, Chairman; Carolyn Matthews, Vice Chairman; Jim Kent, Secretary; Bill Hoitt, Selectmen's Ex-Officio; Gretchen Gott; Doug Vogel; Bill Cantwell.

**Staff Present:** Ernest Cartier Creveling, Community Development Director; Walter Mitchell, Legal Counsel; Robert Price, Planning Technician.

### Pledge of Allegiance

### Approval of Minutes

*Members Sitting for Approval of Minutes: Jonathan Wood; Carolyn Matthews; Jim Kent; Bill Hoitt; Gretchen Gott; Bill Cantwell; Doug Vogel.*

**MOTION:** Jim Kent made a motion to approve the minutes of December 10, 2010 as amended. Carolyn Matthews seconded. The motion passed with a unanimous vote of 7-0-0.

**MOTION:** Gretchen Gott made a motion to approve the minutes of December 17, 2010 as amended. Jim Kent seconded. The motion passed with a unanimous vote of 7-0-0.

**MOTION:** Carolyn Matthews made a motion to approve the minutes of December 22, 2010 as amended. Gretchen Gott seconded. The motion passed with a unanimous vote of 7-0-0.

### Public Hearing - Thibeault Quarry

*Continued from 12/03/2009; Application #2007-002 - An application for an Excavation Plan has been submitted by Thibeault Sand & Gravel, LLC, on land known as Nashua River Land Corporation, for 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.*

Carolyn Matthews announced she must recuse herself from this case. Ms. Matthews also noted that the Town of Raymond Code of Ethics requires a recused Board member to leave the room during deliberation.

*Members Sitting for this Hearing: Jonathan Wood; Jim Kent; Bill Hoitt; Gretchen Gott; Bill Cantwell; Doug Vogel.*

The Planning Board continued its deliberations by going through the Earth Excavations:

*SECTION XI: INCREMENTAL RECLAMATION*

*Except for excavation sites of operating stationary manufacturing plants, any excavated area of 5 contiguous acres or more which is depleted of commercial earth materials, excluding bedrock, or any excavation from which earth materials of sufficient weight or volume to be commercially useful have not been removed for a 2 year period, shall be reclaimed in accordance with Section X of these regulations within 12 months following such depletion or non-use, regardless of whether other excavation is occurring on adjacent land in contiguous ownership. A reclamation plan, including a reclamation timetable for the depleted areas within the reclamation site, shall be submitted to the Board for approval.*

Gretchen Gott noted that the plans specify a maximum number of acres to be active, but added she believes there has been some excavation that has taken place in the last five years. She also added that no reclamation has taken place.

Jonathan Wood asked if the Planning Board has the ability to comment on the entire site. Walter Mitchell, the Board's Legal Counsel replied that the Board can take it into consideration. He added if the Board moves toward an approval, then the Board could require reclamation to occur on areas where it should have occurred already.

Jonathan Wood asked if the Planning Board has the right to require that reclamation take place immediately. Mr. Mitchell responded yes, but not as a part of this process. The current lack of reclamation is an enforcement issue which is separate from the issue currently before the Board.

Doug Vogel stated there is a lot of open land on this site. If this project were to be approved, he stated he personally would want a significant bond to be able to properly reclaim the property if the property owner does not reclaim.

Vince Iacozzi of Thibeault Sand & Gravel stated that the reclamation plan was vacated by the Rockingham County Superior Court.

Jonathan Wood asked if a bond is currently in place for reclamation. Community Development Director Cartier Creveling stated there is a bond, but he is unsure how much the bond is without looking it up.

Jonathan Wood asked if the Board were to approve, could they place a condition precedent that all open areas be reclaimed prior to the quarry operation commencing. Doug Vogel stated he does not like this idea because he does not want to delay the start of work from a business standpoint.

Bill Cantwell stated he is concerned with the size of the open area and how long it would take to reclaim it by doing so in 5 acre chunks.

Doug Vogel stated the open area is an enforcement issue to be handled outside the Planning Board.

The Planning Board agreed to revisit this topic later.

*SECTION XII: PERFORMANCE GUARANTEE*

*Prior to the granting of an excavation permit, the applicant shall submit to the Selectmen sufficient surety, as determined by the Board to guarantee reclamation of the site, repair of Town Roads, if damaged as result of the excavation and compliance with excavation agreements.*

- A. *The surety shall be in the form of a:*
1. *Certified check, bank check, or savings account passbook properly endorsed to The Town of Raymond.*
  2. *Surety bond issued by a surety company authorized to do business in New Hampshire and issued to the Town of Raymond.*
  3. *Other form approved by the Board.*

*Town Counsel shall review the suitability and enforceability of the Performance Guarantee. The surety may be phased to coincide with the phasing of work, in an amount sufficient to guarantee reclamation of the applicable section, to be released as sections are completed. Prior to a new section being opened, new securities shall be posted.*

*The Performance Guarantee shall not be released until the Board is satisfied, after inspection by its agent or engineer, that all conditions of the reclamation plan and necessary repairs have been completed.*

Doug Vogel stated repairs to abutter water supply wells in the event of damage must be a part of this.

Gretchen Gott stated compliance with Performance Agreements covers a wide range of items. This project will not impact a Town road in either direction

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(Raymond or Candia) as the travel path is all State highway. She asked if the State has any input on this project, and also asked if the State would require the applicant to bond the State highways.

The Planning Board agreed to temporarily suspend the public hearing so as to quickly deal with the other two public hearings on the agenda.

**Public Hearing - Ferrellgas Site Plan**

*Continued from 12/10/2009; Application #2009-003 - An application for Site Plan Review has been submitted by Jones and Beach Engineers, Inc. on behalf of Ferrellgas. The applicant proposes to install two (2) 30,000-gallon propane (LP) storage tanks. The property is shown on Raymond Tax Map 28-4, Lot 2; Otter Road. \*\*Note - This hearing is to set another meeting date only, if necessary.\*\**

Carolyn Matthews did not return to her seat for this public hearing.

*Members Sitting for this Hearing: Jonathan Wood; Jim Kent; Bill Hoitt; Gretchen Gott; Bill Cantwell; Doug Vogel.*

Jonathan Wood read a letter from Jones & Beach Engineers, Inc. withdrawing this application without prejudice.

MOTION: Gretchen Gott made a motion to deny Application #2009-003 without prejudice based on the fact that the applicant has submitted a letter withdrawing the application without prejudice. Bill Cantwell seconded. The motion passed with a unanimous vote of 6-0-0.

**Public Hearing - I.C. Reed Site Plan**

*Continued from 10/08/2009; Application #2008-022 - An application for Site Plan Review has been submitted by Jones and Beach Engineers, Inc. on behalf of I.C. Reed & Sons, Inc. to renovate an existing building for office space, and construct an associated parking area. The applicant was granted a variance for this use on January 10, 2007 by the Zoning Board of Adjustment. The property is shown on Raymond Tax Map 28-2, Lot 54; 9 Evans Drive. \*\*Note - The applicant has requested that this hearing be continued to a later date.\*\**

Carolyn Matthews did not return to her seat for this public hearing.

*Members Sitting for this Hearing: Jonathan Wood; Jim Kent; Bill Hoitt; Gretchen Gott; Bill Cantwell; Doug Vogel.*

Jonathan Wood read a letter from Jones & Beach Engineers, Inc. that granted the Board an extension of 180 days, and requests a continuance of three months to allow the applicant additional time to decide on a course of action.

Doug Vogel asked if there was any harm in denying this application without prejudice and having them reapply when they have settled on a direction. Gretchen Gott stated this applicant has worked with the Planning Board on a number of suggestions, and she stated she would like to work with the applicant.

The Planning Board wanted it noted that they are growing concerned with the constant extensions and continuations for this application.

MOTION: Gretchen Gott made a motion to continue the public hearing for Application #2008-022 to April 01, 2010 at 7:00 p.m. at Raymond High School. Abutters shall be re-noticed, at the applicant's expense. Jim Kent seconded. The motion passed with a vote of 5-1-0, with Doug Vogel opposed.

*The Planning Board carried on with the Thibeault Quarry application at this time.*

**Public Hearing - Thibeault Quarry**

*Continued from 12/03/2009; Application #2007-002 - An application for an Excavation Plan has been submitted by Thibeault Sand & Gravel, LLC, on land known as Nashua River Land Corporation, for 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.*

Carolyn Matthews remained recused from this hearing.

Members Sitting for this Hearing: Jonathan Wood; Jim Kent; Bill Hoitt; Gretchen Gott; Bill Cantwell; Doug Vogel.

**SECTION XIII: EXCEPTIONS**

*Due to the diverse nature of excavation operations which vary in scale and scope, and due to the varying conditions of the land to be excavated, the Board may, upon application and following a duly-noticed hearing, grant any exception in writing to the standards contained in Sections IX, X, XI and XII for good cause shown. The written decision shall state specifically what requirements are being waived and include any reasonable alternatives. The Board's decision may be appealed in accordance with RSA 155-E:9.*

The Planning Board noted that no exceptions have been requested by the applicant.

SECTION XIV: APPLICATION FOR EXCAVATION

*The applicant for an excavation permit shall submit to the Board a completed application form, an excavation and a reclamation plan, any other submission documents as requested, and the filing fee. At least three copies of all plans shall be filed with the Board prior to a scheduled Board meeting, and one copy shall be sent to the Conservation Commission. A Registered Land Surveyor shall prepare the Excavation Plan at a scale of 1" = 50'.*

**1. Excavation Plan**

*The excavation plan shall address specific actions to be taken on the site relative to fuel and chemical handling and storage, blasting, dust control, traffic, noise control and abatement, and comprehensive site safety of unauthorized persons. The Plan shall show or be accompanied by the following items, unless waived by the Board:*

- 1. Name and address of the owner(s), the excavator (if different) and names and addresses of all abutters.*
- 2. Name, address, and signature of the person preparing the plan, date, bar scale and north arrow, locus map and parcel size.*
- 3. Zoning district boundaries of the proposed area and within 200 feet of the boundary of the project.*
- 4. Sketch and description of the location and boundaries of the proposed and any existing excavations, the area in square feet and acres, and affected towns.*
- 5. The location of property lines, dimensions, bearings of existing buildings, structures, septic systems and wells within 200 feet of the boundary.*
- 6. Lot lines, public streets, driveways, intersections, rights-of-way, and all easements within 200 feet.*
- 7. Topography at existing and planned contour intervals of two (2) feet, and known limits of any aquifer areas.*
- 8. All surface drainage patterns including wetlands and standing water.*
- 9. Sketch and description of existing and proposed access roads, including width and surface materials.*
- 10. The breadth, depth and slope of the proposed excavation and the estimated*

- duration of the project.*
11. *The elevation of the highest annual average ground water table within or next to the proposed excavation.*
  12. *Test pits that extend to either the seasonal high water table, ledge, or a minimum of six feet below the maximum proposed excavation depth, including location and soils data, boring logs may be submitted separately.*
  13. *Proposed fencing, buffers or other visual barriers, including height and materials.*
  14. *All measures to control erosion, sedimentation, water pollution, air pollution and hazards to human safety .*
  15. *Planned sequencing or application for said permits excavation activities including approximate dates and areas.*
  16. *Information and truck traffic, designated routes, hours of operation, maximum number of daily trips and weight limits.*
  17. *Copies of all necessary State and Federal Permits or applications for said permits.*
  18. *Flood Plain Elevations*

Bill Cantwell stated in regards to #5, he does not remember seeing any septic systems located within 200 feet, but he stated he does remember seeing some of the items listed.

In response to the items listed, the Board made the following comments:

1. The Planning Board requested that the applicant update all the abutter information on the plan and provide new, clean copies of the plans to both the Town for the file and to the Board.
2. The applicant needs to file a waiver request for the plan scale.
3. The zoning district boundaries are not delineated on the plans.
4. This appears within Note 2 on Sheet 1.
5. This work will be done when the applicant meets their requirements for the Alteration of Terrain Permit, though nothing is specifically identified on the plan.
6. All set.

7. The contours are at 5 foot intervals. This item requires revision or will require a waiver.
8. An 11x17 drainage plan needs to be provided to the Board.
9. Partially set - Note 10 on the plan should be updated to identify all this information in detail.
10. The length of the project needs to be identified on the plan.
11. The plan set does not specify this.
12. All set.
13. Sheet 3 of the plan set answers this.
14. Materials have been received. Mr. Cartier Creveling noted that the applicant has represented that the Operations and Emergency Response plan submitted for the original excavation will apply to this application. Gretchen Gott stated she feels updates are required as the original Emergency Response Plan does not include the quarry.
15. Sheet 3 of the plans; Gretchen Gott stated she does not feel that is adequate.
16. Sheet 1, Note 11 addresses this partially. The travel directions need to be added to the plan.
17. The required permits need to be identified and listed on the plan. Also, the Planning Board requested a separate plan sheet that references all the different studies which were conducted and utilized throughout this process.
18. Sheet 1, Note 7 addresses this.

In summation, the Board stated that the applicant needs to submit a few waiver requests and provide additional information on the plans to comply with this section.

*(Continue to page 9 of the minutes)*

SECTION XIV: APPLICATION FOR EXCAVATION

B. RECLAMATION PLAN (Raymond Section III, D, 3)

*The reclamation Plan shall be drawn at the same scale and use the same base survey information as the Excavation Plan. The reclamation plan shall address the effects of the proposed excavation on soil, surface and groundwater, vegetation, overburden topography, and fill material, and should address future land use consistent with the Master Plan. The plan shall depict or be accompanied by the following items, unless waived by the Board:*

1. *Name, address, and signature of the person preparing the plan; date, bar scale and north arrow;*
2. *All boundaries of the area proposed for reclamation and the land within 200 feet of the boundary of this site;*
3. *Final topography of the area proposed for reclamation, at contour intervals of five feet or less along with cross section(s) showing restored topography every 100 feet.*
4. *Final surface drainage patter, including the location and physical characteristics of all artificial and/or modified drainage facilities;*
5. *Phasing of the site restoration;*
6. *Schedule of final reclamation activities including soil fertilization, seeding and mulching specifications, plant and other landscaping material to be used in reclamation, their size and quantities. The specific vegetative reclamation element shall be designed and approved by an agronomist, soil scientist, conservation district representative or other specialist recognized by the State of New Hampshire;*
7. *Erosion and sedimentation control plan indicating the type and location of erosion and sedimentation control methods to be used; The New Hampshire Sediment and Erosion Guidelines Manual prepared by SCS, shall be used at a minimum.*

In response to the items listed, the Board made the following comments:

1. All set.
2. This area needs to be addressed.
3. All set.
4. All set.
5. Sheet 6 of the plans has noted regarding reclamation.

6. Sheet 6 also covers this item.
7. Sheet 3 covers this item.

In summation, the Planning Board determined more work needs to be done on this area for the applicant to be in full compliance.

*SECTION XIV: APPLICATION FOR EXCAVATION*

*C. SITE STANDARDS AND REQUIREMENTS (Raymond Section V)*

*As part of the application for an excavation permit, the applicant shall maintain the site according to the following standards. The applicant may request, in writing a waiver, to one or more of these site standards and conditions.*

*1. Topsoil*

*Prior to excavation of materials, all topsoil shall be stripped and stored on-site for site reclamation upon the completion of the excavation project. This shall be done in a phased manner to minimize possible erosion. Topsoil, whether on site or hauled in, shall consist of a loose friable soil with no admixture, refuse, or material toxic to plant growth. Topsoil shall be free from stones, lumps, stumps, or similar objects, with no more than 5% to 10% being greater than 2" but, in no case, greater than 4". Prior to stripping material to be used as topsoil, it shall have demonstrated by the occurrence upon it of health crops, grass or other plant growth, that it is of good quality and reasonable free drainage. All topsoil material shall be approved for use by the board or its designated agent. All disturbed areas shall receive a minimum 4" layer of reapplied topsoil. This may require hauling sufficient material in to the site if not enough material is on site.*

*2. Visual Barriers*

*A vegetative or topographical visual barrier or buffer shall be maintained between surrounding roads, commercial and residential land uses and the excavation site wherever possible, and shall be indicated as such on the excavation plan.*

*3. Aquifers*

*Within the Aquifer Conservation District, as identified in Article III, Zone I of the Raymond Zoning Ordinance, as amended, no excavation shall take place within six (6) vertical feet of the seasonal high water table.*

*(continues on next page)*

4. *Access Roads*

*Access roads leading to and from the excavation site shall intersect existing streets and roads at locations that have been duly approved by State and local officials and in a manner that will not endanger the safety of highway users and local residents. The provisions of RSA 236:13 and 14 shall be adhered to by the applicant and shall be shown on the excavation plan. Access roads shall be obliterated upon depletion and/or completion of pit unless requested to be retained by the regulator.*

5. *Blasting*

*If the excavation requires the blasting of materials, the applicant shall so indicate in the application and certify that all blasting operations shall conform to NH RSA 158:9=F along with the rules and regulations for Explosives promulgated by the Division of State Police, NH Department of Safety. In particular pre-blast inspections shall be completed of all structures, not controlled by the blaster, within 150 feet of the blasting operation. As part of this application, the blaster shall provide a copy of his State of New Hampshire blasting permit, a statement that he has met with the Fire Chief, Town of Raymond, a copy of his insurance and Statement that he will comply with National fire Protection Association's Explosive Materials Code 1992 edition. If the Board determines that it is necessary, the Board may require that a Performance Guarantee be provided in conformance with Section XII of these regulations.*

6. *Waste Disposal*

*No disposal of any waste material, including solid and/or hazardous waste, septage, dredge spoils, or organic waste and debris, shall be undertaken on the excavation site without appropriate State approval under RSA 149:M.1 or other appropriate State regulations.*

7. *Vehicular Barrier*

*A barrier to prohibit vehicular access when the pit is not in operation shall be required.*

8. *Hours of Operation*

*Start-up time for all machinery associated with a gravel or sand pit and removal of material from the site shall be no earlier than seven a.m. (7:00 a.m.); termination of removal from the site shall be no later than four-thirty p.m. (4:30 p.m.) and all processing must be shut down by six p.m. (6:00 p.m.) These operating hours shall be for Monday through Friday. No operation shall take place on Saturdays, Sundays and Town Holidays. (6/00)*

*(continues on next page)*

9. *Dust Control*  
*Dust control measures will be instituted at the direction of the Planning Board or its duly authorized agent, where necessary, to protect from nuisance abutting property owners.*
  
10. *Road Repair*  
*The applicant shall be held liable for the repair of Town-maintained roads which are damaged as a result of hauling earth from the site. The Planning Board shall require the submission of performance security, according to the provisions of Section VI of these regulations, to insure adequate repair of damaged road segments following site restoration.*
  
11. *Maintenance of Traffic*  
*It shall be the applicants responsibility to provide and bear the cost for adequate means of traffic control at all hours of excavation operations. Said means shall include, but not be limited to, flag persons, signage, barriers, traffic details, warning flashers and lights, special duty police details and gates. Adequacy of traffic maintenance shall be determined by the Town Manager. Should the Town Manager determine that Traffic is not being adequately maintained, said determination shall be considered a violation of the Excavation Permit.*
  
12. *Maximum Excavation Limit*  
*Final excavation grade shall not be less than 6 feet to documented seasonal high water table.*
  
13. *Stump and Slash Disposal*  
*Stumps and slash generated during the site preparation shall be chipped on site and the resulting chips used on site for erosion control, or removed from the site, or:*  
  
*Stumps and slash may be land filled if said disposal site is approved by the State of New Hampshire in accordance with RSA 149:M.1 or current State regulation.*
  
14. *Tree Seedling Specification*
  - A. *Tree seedlings shall be two (2) year old plants or plants furnished under standard nursery order.*
  - B. *Seedlings without center buds and seedlings without pruned roots will not be accepted.*
  - C. *Seedlings shall be set out in accordance with accepted horticultural practices at eight (8) foot spacing in both directions.*

*(continues on next page)*

15. *Seeding Procedures*  
*All seeding shall be accomplished in conformance with the State of New Hampshire, Department of Transportation, Standard Specifications for Road and Bridge Construction, latest edition, Section 644-Grass Seed; Sub-Sections 1.1 through 3.7.3 inclusive, or SCS Standards and Specifications. Certificates attesting to seed compliance with State and/or SCS specifications shall be mandatory.*
16. *Revegetation*
  - A. *All disturbed areas shall be spread with the original topsoil or sufficient topsoil to cover disturbed areas to a minimum depth of four (4) inches, when possible.*
  - B. *At a minimum, areas from which trees have been removed shall be replanted with white pine seedlings.*
  - C. *At a minimum, areas where low brush or grass has been removed shall either be planted with seedlings or seed with a seed mixture conforming to the State of New Hampshire Department of Public Works and Highways slope-seed mix, or SCS approved mixture.*
17. *Signage*
  - A. *All pits shall be properly identified by signs clearly stating name, owner, permit number.*
  - B. *Perimeter of pits shall be suitable posted with signs at a maximum 100 foot interval, notifying trespassers of potential danger.*
18. *Fuel Storage and Refueling*  
*All fuel storage and refueling shall take place in a secure designated area constructed especially for said purpose. No underground storage of fuels will be allowed. Excavation Plan shall clearly show refueling area and facilities.*

In response to the items listed, the Board made the following comments:

1. This is covered on Sheet 6 of the plans
2. There are no visual barriers
3. Sheet 1, Note 8 needs to be revised to specify "not within 6 feet"
4. A note needs to be added to the plan regarding roads upon completion of the project
5. The notes on the plan need to be updated in regards to pre-blast survey limits.

Due to time constraints, the Planning Board left off at this point in its deliberation.

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MOTION: Bill Cantwell made a motion to continue this hearing to February 04, 2010 at 7:00 p.m. at Raymond High School. Doug Vogel seconded. The motion passed with a unanimous vote of 6-0-0.

*Carolyn Matthews returned to her seat at this time.*

**Other Business**

Planning Technician Price explained that Best Way Disposal has submitted a letter withdrawing their conceptual plans for relocation of their existing facility. He requested that the Board cancel the scheduled site walk and public hearing.

MOTION: Bill Cantwell made a motion that the Planning Board cancels the Saturday February 13, 2010 site walk and the March 04, 2010 public hearing regarding the Best Way Disposal conceptual plan. Jim Kent seconded. The motion passed with a unanimous vote of 7-0-0.

**Adjournment**

MOTION: Doug Vogel made a motion to adjourn. Bill Hoitt seconded. The motion passed with a unanimous vote of 7-0-0. The meeting adjourned at 9:10 p.m.

Respectfully submitted,

Robert Price  
Planning Technician