

**Raymond Planning Board Minutes
February 25, 2010**

Approved 03/04/2010

Place: Raymond High School; Media Center
Call to Order: 7:00 p.m.

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

Staff Present: Walter Mitchell, Legal Counsel; Robert Price, Planning Technician.

Pledge of Allegiance

Approval of Minutes

Carolyn Matthews stated she will recuse herself from the February 11, 2010 Approval of Minutes.

Members Sitting for February 11, 2010 Approval of Minutes: Jonathan Wood; Jim Kent; Bill Hoitt; Gretchen Gott, Bill Cantwell.

MOTION: Gretchen Gott made a motion to approve the minutes of February 11, 2010 as amended. Jim Kent seconded. The motion passed with a vote of 3-0-2 with Bill Cantwell and Bill Hoitt abstaining.

Carolyn Matthews returned to her seat for the February 18, 2010 Approval of Minutes.

Members Sitting for February 18, 2010 Approval of Minutes: Jonathan Wood; Carolyn Matthews; Jim Kent; Bill Hoitt; Gretchen Gott, Bill Cantwell.

MOTION: Carolyn Matthews made a motion to approve minutes of February 18, 2010 as amended. Bill Cantwell seconded. The motion passed with a unanimous vote of 6-0-0.

Old Business – Thibeault Request for Rehearing

Consideration of a Request for Rehearing submitted by Thibeault Sand & Gravel, LLC regarding the Planning Board's February 11, 2010 denial of Application #2007-002, for an excavation permit for a quarrying operation.

Carolyn Matthews stated she will recuse herself from this discussion.

Bill Cantwell stated since he was not present for the Planning Board's vote on this application during the February 11, 2010 meeting, he will recuse himself from this discussion.

Members Sitting for this Discussion: Jonathan Wood; Jim Kent; Bill Hoitt; Gretchen Gott.

Walter Mitchell, the Planning Board's Legal Counsel, stated unlike the Zoning Board of Adjustment, the Planning Board, in its regular course of business, does not run into motions for reconsideration very often. He noted that the Board has received two motions for reconsideration – one from the applicant, and one from the Upper Lamprey Neighbors Group. He first brought the Board through the applicant's motion.

1. *The matter should be reheard as a result of the failure of the Chairman to recuse himself.*

Mr. Wood stated he did not prejudge this application. He stated he was a member of the Conservation Commission up through March 2009. He stated at the time of the site walk which was referenced by the applicant under this point, the Planning Board did not have the quarry application before it. Mr. Wood continued next, the applicant raises the issue of photographs. He acknowledged that he took pictures and placed them into the public record to document what was seen on the walk, since the general public was not allowed on the site walk. He explained that he was contacted by a reporter for the Union Leader newspaper, who requested copies of the pictures. He noted he sent all the pictures he took to the reporter – he did not withhold any pictures, or selectively choose which ones to send.

2. *The matter should be reheard because on at least two instances the Planning Board conducted meetings in violation of the Right-to-Know law.*

Mr. Mitchell stated per his recollection, Mr. Wood volunteered that he contacted each member of the Board, not to discuss the application, but only to give instruction to review their Planning Board package in its entirety, and to twice read the staff-proposed conditions of approval. Mr. Wood added that he specifically noted he can not discuss the application, and he disclosed that he made communication with Board members at the February 11, 2010 meeting.

Mr. Mitchell stated the other part of this item references a site walk, but since that site walk was a publicly noticed meeting, he does not see the problem. Mr. Wood added typically on site walks, the Planning Board does not make comment. Comment is saved for the next public hearing so it is on the record. Ms. Gott noted that the Planning Board never makes any decisions on a site walk.

3. *Each and every one of the eight reasons for denial are inappropriate and unsupported by the voluminous record before the Planning Board:*
 - a. *The impact of the Master Plan;*
 - b. *The hydrogeological risk;*
 - c. *A quarry is not the only reasonable use for this property;*
 - d. *The impact of the project on water resources of other communities and private wells;*
 - e. *Open questions regarding blasting;*

- f. More open questions regarding blasting;*
- g. Ensuring public safety, specifically in regards to water assets;*
- h. Local input for a monitoring mitigation plan and a request for a “proactive” response system.*

Ms. Gott stated there are four community water systems drawing on 11 supply wells in the area. Also, the Planning Board heard a presentation from Tim Stone of Stonehill Environmental that discussed the potential impact to wells and groundwater caused by nitrated and nitrites. At that time, Mr. Stone explained how blasting has a different impact than typical excavation, noting that poor blasting practices may be most of the reason for negative impacts, but even good blasting practices can have some negative impact. Ms. Gott continued that a significant amount of discussion took place on linements and bedrock fractures in this area, and how they need to be investigated further to determine their potential impact on wells. She referenced a letter of concern from Pennichuck Water Works, who operates the supply well for Clearwater Estates.

Mr. Mitchell stated the Notice of Decision references open questions in regards to blasting. Mr. Wood added that this refers to the bedrock aquifer. He stated he was concerned with the impact of blasting on wells and also the area’s hydrogeology, as referred to in item 2 of the Notice of Decision.

Mr. Wood noted that Mr. Stone explained that with a blast, a pulse of nitrates and nitrites go through a system. He stated if blasting is to occur for 40 years, then the pulse becomes a stream.

Mr. Mitchell added that he recalls a discussion regarding dust, noise and vibration concerns. He asked if the Board considered these items in its final decision. Ms. Gott stated she considered noise in that she heard testimony that air blasts can be heard 500-600 feet away. Also, forcing someone to become habituated to noise is simply not acceptable. Lastly, she recalls hearing that sound may increase by 20 decibels the further away you travel as a result of topography.

Mr. Mitchell asked if dust was overlooked, or simply deemed not significant. Mr. Wood stated one of the conditions of approval dealt with no fugitive dust being allowed to leave the site, so it was not deemed insignificant, just that it was dealt with by other means.

Mr. Kent added the Board heard testimony on multiple occasions that best management practices may be inadequate in terms of being preventative. To him, that demonstrates that the State may not have established best management practices.

Mr. Mitchell asked if traffic was deemed to be a factor or any significance. Mr. Kent and Mr. Wood stated to them, it was not. Ms. Gott stated it was a concern for her.

Mr. Mitchell asked if the Board felt there was anything in the applicant's request for reconsideration that warrants a new hearing. Mr. Wood stated the applicant presents no new evidence, and in his opinion, the Board did not make an error in its decision.

Ms. Gott stated she wanted to note for the record that she went through the 2002 Master Plan and saw goals within that plan that were, to her, consistent with reasoning to deem the project was prohibited. She added she did not utilize the new 2009 Master Plan as it was not in effect when the application was submitted.

Mr. Mitchell stated he would draft a decision based upon the fact that the Board offered a consensus that a new hearing is not warranted. He added that the Board is the ultimate decision-maker. Anything he writes can be revised to better-reflect the Board's thoughts. Once the Board is comfortable, they should vote on the final decision.

Mr. Mitchell added that, since the Board seems to intend to deny the request for rehearing submitted by the applicant, then the request for rehearing submitted by the Upper Lamprey Neighbors Group becomes moot, per a declaration within it stating such.

MOTION: Ms. Gott made a motion to continue this discussion to March 04, 2010 at 7:00 p.m. at Raymond High School. Mr. Kent seconded. The motion passed with a unanimous vote of 4-0-0.

Carolyn Matthews and Bill Cantwell returned to their seats at this time.

Old Business – Raymond Sand & Gravel Revocation Discussuion

Members Sitting for this Discussion: *Jonathan Wood; Carolyn Matthews; Jim Kent; Bill Hoitt; Gretchen Gott, Bill Cantwell.*

Planning Technician Price explained that Community Development Director Cartier Creveling has been out of the office for about a week, and he should be the one to explain this situation to the Board. Mr. Price did briefly explain that Kevin Cole of Raymond Sand & Gravel, LLC has made two payments to the town, per the agreement reached with the Planning Board on January 21, 2010. However, each payment has been several days late. He noted a letter of revocation was sent to Mr. Cole the morning of February 19, 2010. Mr. Cole made his second payment that same day, after the mail had been picked up.

MOTION: Mr. Cantwell made a motion to table this item until March 4, 2010, so Mr. Cartier Creveling could be present. Ms. Matthews seconded. The motion passed with a unanimous vote of 6-0-0.

Work Session – Excavation Regulations

The Board agreed to table this item to a later date, as some members were not prepared to discuss this item tonight.

Other Business

The Planning Board heard reports from its members serving on other Boards and Committees.

Ms. Gott requested that the Planning Board invite Tim White of Southern NH Planning Commission to give a presentation to the Exit 5 Special Advisory Council regarding connectivity and its impact.

Adjournment

MOTION: Jim Kent made a motion to adjourn. GG seconded. The motion passed with a unanimous vote of 6-0-0. The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Robert Price
Planning Technician