



TOWN OF RAYMOND

Planning Board Agenda

August 3, 2023

7 p.m. - Raymond High School
Media Center - 45 Harriman Hill

Public Announcement

*If this meeting is canceled or postponed for any reason the information can be found on our website, posted at Town Hall, Facebook Notification, and RCTV. **

1. Pledge of Allegiance

2. Public Hearing-

Application # 2022-008 Onyx Warehouse- Industrial Drive: A SITE PLAN application is being submitted by Wayne Morrill of Jones & Beach Engineers, Inc. on behalf of ONYX Raymond, LLC. They are proposing to construct a 550,025 S.F. industrial distribution warehouse with associated loading docks, truck parking, and employee vehicle parking. Property is represented as Raymond Tax Map 22 / Lots 44,45,46,& 47 and Raymond Tax Map 28-3/Lot 120-1. (cont.11/03/22, 11/17/22, 12/15/22, 01/19/23, 03/02/23, 04/20/23, 6/15/23,07/20/23, and 08/03/2023) **This hearing is only for the applicant to submit any previously requested or new documents/materials. The board will then vote to continue this application to date certain. There will be no other application discussion at this time.**

Application #2022-013- Earth Excavation Permit-Severino/Candia South Branch Brook- 263 NH Route 27: An application for an Earth Excavation Permit has been submitted by Candia South Branch Brook, LLC. The applicant is proposing the permitting of an existing excavation operation. The property is identified as Raymond Tax Map 38, Lot 34. (cont. 11/03/22, 11/10/22, 12/15/22, 02/16/23, and 05/04/23, 06/08/23, 07/20/2023 and 8/03/2023) **This hearing is for the reading of the official approval with the conditions of approval only.**

Application # 2021-005 Domino's Extension Request- 4 Silver Fox Drive: A request from Joseph Coronati of Jones & Beach Engineers, Inc. on behalf of Domino's is requesting a 24-month extension of their Performance Agreement. The property is represented as Raymond Tax Map 29-3/ Lots 42-5, located in Essex Commons.

Application #2021-004 Mareld Co- Freetown Road.: A Site Plan application along with a Special Permit Application has been submitted by Joe Coronati on behalf of Mareld Co. Inc. for properties identified as Raymond Tax Map 28-4/ Lot 12 and Map 29 Lot 2, located at 4 Freetown Road, Raymond NH, 03077, and both are within Zone C1. The intent of the applicant is to consolidate both lots and then subdivide them into four (4) commercial lots with Town water and onsite septic and construct a 24' wide private access road with associated drainage and utilities. **Previously approved subdivision, this is for the signing of the approved plans only, there will be no application discussion at this time.**

* Note: If you require personal assistance for audio, visual or other special aid, please contact the Selectmen's Office at least 72 hours prior to the meeting. If this meeting is postponed for any reason, it will be held at a time TBD.



TOWN OF RAYMOND

Planning Board Agenda

August 3, 2023

7 p.m. - Raymond High School
Media Center - 45 Harriman Hill

3. Minutes-

- 07/13/2023
- 07/19/2023 Site Walk
- 07/20/2023

4. Public Comment

5. Other Business

- ◆ Staff Updates-
- ◆ Board Member Updates
- ◆ Any other business brought before the board-

6. Adjournment (NO LATER THAN 10:00 P.M.)

Planning Board 2023 Submittal and Meeting Dates

| Submittal Deadline for Completed Application & Materials | Planning Board Meeting Dates (1st & 3rd Thursdays of the Month) |
|--|--|
| July 06, 2023 | August 03, 2023 2023-003 Elated Canine LLC Site walk @ 5:30pm 2021-015 Domino's Extension Request @ 7pm |
| ADDED MEETING | August 10, 2023 WORK SESSION/ NO APPLICATIONS |
| July 20, 2023 | August 17, 2023 2023-003 Elated Canine LLC |
| August 03, 2023 | September 07, 2023 2022-009 Jewett Warehouse |
| August 17, 2023 | September 21, 2023 |
| September 07, 2023 | October 05, 2023 2022-015 White Rock (place holder) |
| September 21, 2023 | October 19, 2023 2022-010 Onyx Excavation |
| October 05, 2023 | November 02, 2023 |
| October 19, 2023 | November 16, 2023 |
| November 02, 2023 | December 07, 2023 |
| November 16, 2023 | December 21, 2023 |

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TOWN OF RAYMOND
Planning Board Site Walk Agenda
August 3, 2023
Site Walk@ 5:30 PM

Public Announcement

*If this meeting is canceled or postponed for any reason the information can be found on our website, posted at Town Hall, Facebook Notification, and RCTV. **

Public Meeting for 2023-003 Elated Canine, LLC

Thursday, August 3, 2023 at 5:30 pm a site walk will be conducted: by the Raymond Planning Board for Elated Canine, LLC located at 41 Freetown Road. The purpose of the site walk is for the Board to become familiar with the existing conditions of the site in preparation for the continued public hearing on August 17, 2023.

* Note: If you require personal assistance for audio, visual or other special aid, please contact the Selectmen's Office at least 72 hours prior to the meeting. If this meeting is postponed for any reason, it will be held at a time TBD.

Severino Conditions of Approval



TOWN OF RAYMOND

Community Development Department
Office of Planning & Zoning
4 Epping Street
Raymond, NH 03077
Tel: (603) 895-7016 • Fax: (603) 895-7064

CONDITIONS OF APPROVAL

Excavation Permit
Candia South Branch Brook, LLC
Raymond Tax Map 38 Lot 34
236 Route 27, Raymond NH

Date of Decision: July 20, 2023

I make a motion to approve Application #2022-013, an earth excavation permit application at property identified as Raymond Tax Map 38 Lot 34, 236 Route 27, Raymond, NH.

The following conditions shall apply:

1. The conditions of approval designated as conditions precedent must be completed within three (3) months and confirmed in writing by the Raymond Community Development Director or designee, or this approval shall become null and void.

The following are conditions precedent:

- a. The applicant must obtain all required local, State and Federal permitting for the project, and provide copies of the applications, application supporting documentation and permits to the Community Development Department, to include:
 01. New Hampshire Department of Environmental Services Alteration of Terrain Permit. Copies of all studies, surveys, plans or other submissions required to be made to agencies as a condition of the Alteration of Terrain Permit must also be submitted to the Town of Raymond Community Development Department;
 02. United States Environmental Protection Agency Storm Water Pollution Prevention Plan and proof of submission to by the EPA NOI (Notice of Intent) Processing Center and final approval of U.S. EPA to operate;
- b. All fees authorized to be charged to the applicant pursuant to the Raymond Earth Excavation Regulations including, but not limited to application fees, costs of special studies, and legal and engineering review, shall be paid by the applicant;
- c. Deeds, easements, conservation easements, condominium documents, maintenance agreements, and any other legal documentation pertinent to this project shall be reviewed and approved by Town Counsel, and where applicable, the Board of Selectmen pursuant to RSA 41:14-a;
- d. A Performance Guarantee Agreement shall be executed between the Town of Raymond and the Applicant within 30 days of the date of this approval, or 8/21/2023. Failure to execute the required agreement will result in plan approval revocation.

- e. Bonding & Inspection and Enforcement Escrow Account
 - 01. Reclamation Bond, which shall be renewed annually as approved by the Planning Board at its final review hearing, shall be posted with the Town of Raymond.
- 2. This approval is subject to the following waivers, as granted by the Raymond Planning Board:
- 3. **Other Conditions imposed by the Planning Board:**
 - a. Obtain sediment and water surface testing of the northern wetlands: midway between the top and bottom of drawing IC1, and the center between the notations AL1 and AL2; then in the same wetland, but to the left of AL1 and to the right of AL2, for a total of 3 surface water tests and 3 sediment tests with test results presented to the Chairman of the Planning Board and town staff within 90 days.
 - b. Process the existing materials and move from site by July 30, 2024.
 - c. No man-made materials will be imported to the site as of July 20, 2023.
- 4. This permit shall expire on June 30, 2027.

Any persons aggrieved by any decision of the Planning Board concerning a plat or subdivision may present to the Superior Court a petition in accordance with New Hampshire RSA 677:15 (or, as applicable, to the Zoning Board of Adjustment pursuant to RSA 676:5, III), within thirty (30) days of the Date of Decision identified above. This notice has been placed on file and made available for public inspection in the records of the Planning Board.

| Member Name | Motion/Second | Approve | Deny | Abstain | Recuse |
|--------------------------|---------------|---------|------|---------|--------|
| Diana Luszczyk, Chair | | X | | | |
| James McLeod, Vice Chair | | X | | | |
| Gretchen Gott | | X | | | |
| Bob McDonald | | X | | | |
| David Rice | | | | | |
| Patricia Bridgeo | | X | | | |
| Alternate | | | | | |

Planning Staff

Date

Domino's Extension request

JONES & BEACH ENGINEERS INC.

85 Portsmouth Avenue, PO Box 219, Stratham, NH 03885
603.772.4746 - JonesandBeach.com

June 5, 2023

Raymond Planning Board
Attn. Diana Luszczyk, Chair
4 Epping Street
Raymond, NH 03077

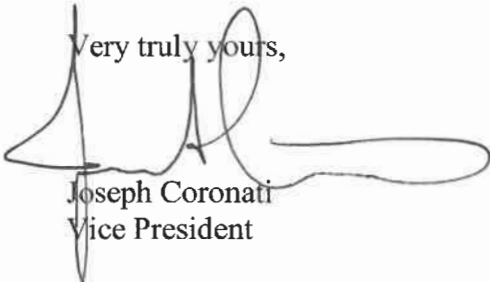
**RE: Extension Request for Site Plan Approval dated December 16, 2021
4 Silver Fox Lane, Raymond, NH
Tax Map 29-3, Lot 42-5
JBE Project No. 14163.6**

Dear Ms. Luszczyk,

Jones & Beach Engineers, Inc., on behalf of our client, would like an extension on the Site Plan Approval dated December 16, 2021, for the above referenced project on 4 Silver Fox Lane in Raymond, NH for a period of two years. We are requesting an extension due to the interest rates being so high now and the increased building construction. Along with this request is a copy of the Planning Board Approval dated December 16, 2021.

If you should have any questions, please contact this office.

Very truly yours,



Joseph Coronati
Vice President

cc: Keith Bell (via email)



TOWN OF RAYMOND

Community Development Department
Office of Planning & Zoning
4 Epping Street
Raymond, NH 03077

Tel: (603) 895-7018
Fax: (603) 895-7064
<http://www.raymondnh.gov>

Performance Agreement

Application #2021-015

Domino's Restaurant
Raymond Tax Map 29-3 Lot 42-5
4 Silver Fox Lane, Raymond NH 03077

This Performance Agreement for an amended Site Plan Application for a for a Domino's Restaurant, conditionally approved on December 16th, 2021, by and between Jones & Beach Engineers Inc. on behalf of Rye Harbor Realty, LLC, with a principal address of 85 Portsmouth Avenue, Stratham, NH 03885 (hereinafter referred to as "PETITIONERS"), their heirs, successors and assigns, and the Raymond Planning Board, with participation of the Selectmen of the Town in their capacity as bearing responsibility for the maintenance of all roads and other public improvements, with a mailing address of 4 Epping Street, Raymond, New Hampshire 03077 (hereinafter referred to as "TOWN") represents the understanding between the parties with regard to the Raymond Planning Board granting conditional approval of a certain Site Plan Application for the PETITIONERS for property located on 4 Silver Fox Lane, Raymond NH 03077.

WHEREAS the Raymond Planning Board is duly authorized to review and regulate Site Plans and has established regulations relating thereto, and;

WHEREAS, the PETITIONERS have applied for approval of a Site Plan all in compliance with the Town of Raymond Zoning Ordinance, Site Plan Regulations and Rules and Regulations of the Raymond Planning Board, and:

WHEREAS, the PETITIONERS have agreed to certain conditions and commitments for the development of the plan identified as:

- Prepared for: Rye Harbor Realty, LLC
- Prepared by: Jones & Beach Engineers, Inc.
- Map & Lot: Map 29-3, Lot 42-5
- Plan Date: September 16, 2021
- Plan Revision: December 8, 2021

NOW, THEREFORE, in consideration of the Raymond Planning Board granting conditional SITE PLAN approval, it is agreed:

I make a motion to approve Application #2021-015, a Site Plan application for a Domino's Restaurant at 4 Silver Fox Lane (Tax Map 29-3 Lot 42-5) subject to the following conditions:

- The following conditions shall apply: That the PETITIONERS shall abide by all Site Plan Regulations, Building Codes, and the Town of Raymond Zoning

Ordinance in effect as of the date herein and made a part of this agreement.

- The PETITIONERS will be responsible for obtaining such State and Federal permits as may be necessary or occasioned by the proposed development.

The following conditions shall apply:

1. The conditions of approval designated as conditions precedent must be completed within six (6) months, unless otherwise specified, or this approval shall become null and void.

The following are conditions precedent:

- a. The applicant must obtain all required local, State and Federal permitting for the project, and provide copies of same to the Community Development Department.
 - b. Impact fees shall not be assessed for this Site Plan.
 - c. Deeds, easements, conservation easements, condominium documents, maintenance agreements, and any other legal documentation pertinent to this project shall be reviewed and approved by Town Counsel, and where applicable, the Board of Selectmen pursuant to RSA 41:14-a.
 - d. Within 30 days of the date of this decision (January 17, 2022), a Performance Guarantee Agreement shall be executed between the Town of Raymond and the Applicant. **Failure to execute this required agreement will result in plan approval revocation.**
2. The following items must be completed within twenty-four (24) months of the completion of conditions precedent for this project to constitute “active and substantial development or building” pursuant to RSA 674:39:
 - a. Completion of all proposed improvements.
 3. The following items must be completed within five (5) years of the completion of conditions precedent for this project to constitute “substantial completion of the improvements” pursuant to RSA 674:39:
 - a. Completion of all proposed improvements.
 4. This approval is subject to the following waivers, as granted by the Raymond Planning Board:
 - a. Site Plan Regulation 6.10.04 – Licensed landscape architect – Granted 12/16/21
 5. This approval is subject to the following Special Permits, as granted by the Planning Board:
 - a. N/A

6. This approval is subject to a Condition Use Permit, as granted by the Planning Board:
 - a. Conditional use permit – Groundwater Conservation Overlay District - Granted 12/16/21

7. This approval is subject to the following variances, as granted by the Raymond Zoning Board of Adjustment:
 - a. NA

8. Other Conditions imposed by the Planning Board:
 - a. Offsite improvements – stripe left turn and straight through arrows for the left lane and in the right lane a right arrow on Essex Road.
 - b. Note on plan stating that no more than 18 seats allowed inside or outside total.
 - c. Stamped engineered drawing of the Versaloc wall design submitted at time of wall permit application.
 - d. Traffic Comments (3) by Dubois & King Traffic Review dated November 29, 2021 must be addressed to the satisfaction of the Dubois & King.
 - e. Before occupancy permit is given to either Domino's or Starbucks (whichever is first), the topcoat needs to go down on Silver Fox Lane. The applicant needs to adjust manhole/catch basin rim elevations to be flush with the pavement.
 - f. A permanent easement for the drainage swale between Tax Map 29-3 Lot 41 and Lot 42-5 be granted to Lot 41 and recorded on the plan.
 - g. Add a minimum four-foot-tall fence on the northerly edge of the parking lot beginning at the end of the parking spaces and running approximately 100 feet to the west with the intent of screening the daycare from the Domino's parking lot.

Any persons aggrieved by any decision of the Planning Board concerning a plat or subdivision may present to the Superior Court a petition in accordance with New Hampshire RSA 677:15 (or, as applicable, to the Zoning Board of Adjustment pursuant to RSA 676:5, III), within thirty (30) days of the Date of Decision identified above. This notice has been placed on file and made available for public inspection in the records of the Planning Board.

| Member Name | Motion/Second | Approve | Deny | Abstain | Recuse |
|--------------------------------------|---------------|---------|------|---------|--------|
| Brad Reed, Vice Chair | 1 | x | | | |
| Gretchen Gott | | x | | | |
| Patricia Bridgeo | | x | | | |
| George Plante, Selectmen Rep. | 2 | x | | | |
| Paul Ayer | | x | | | |
| Diana Luszc | ABSENT | | | | |



 Petitioner/Representative

 Planning Technician



 Witness

 Witness

12/29/21

 Date

 Date

Vesting of Development Rights: The “Five-Year Exemption” and Beyond

- The development “vesting” statute was reorganized and rewritten in 2004 in response to *AWL Power v. City of Rochester*, 148 N.H. 603 (2002). During the Great Recession, during which many projects stalled, the Legislature increased the vesting time periods (from four to five years and from 12 to 24 months, respectively). The statute is now parsed into logical components, as follows:

I. **Every subdivision** plat approved by the planning board and properly recorded in the registry of deeds **and every site plan** approved by the planning board and properly recorded in the registry of deeds, if recording of site plans is required by the planning board or by local regulation, **shall be exempt from all subsequent changes** in subdivision regulations, site plan review regulations, impact fee ordinances, and zoning ordinances adopted by any city, town, or county in which there are located unincorporated towns or unorganized places, except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, **for a period of 5 years** after the date of approval; **provided that:**

(a) **Active and substantial development or building** has begun on the site by the owner or the owner’s successor in interest in accordance with the approved subdivision plat **within 24 months** after the date of approval, or in accordance with the terms of the approval, and, if a bond or other security to cover the costs of roads, drains, or sewers is required in connection with such approval, such bond or other security is posted with the city, town, or county in which there are located unincorporated towns or unorganized places, at the time of commencement of such development;

(b) Development remains in full compliance with the public health regulations and ordinances specified in this section; and

(c) At the time of approval and recording, the subdivision plat or site plan conforms to the subdivision regulations, site plan review regulations, and zoning ordinances then in effect at the location of such subdivision plat or site plan.

II. Once **substantial completion** of the improvements as shown on the subdivision plat or site plan has occurred in compliance with the approved subdivision plat or site plan or the terms of said approval or unless otherwise stipulated by the planning board, **the rights of the owner or the owner’s successor in interest shall vest** and no subsequent changes in subdivision regulations, site plan regulations, or zoning ordinances, **except impact fees adopted pursuant to RSA 674:21 and 675:2-4**, shall operate to affect such improvements.

III. The planning board may, as part of its subdivision and site plan regulations or as a condition of subdivision plat or site plan approval, specify the threshold levels of work that shall constitute the following terms, with due regard to the scope and details of a particular project:

(a) “Substantial completion of the improvements as shown on the subdivision plat or site plan,” for purposes of fulfilling paragraph II; and

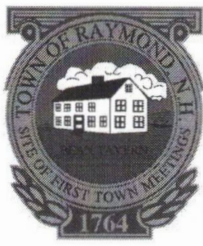
(b) “Active and substantial development or building,” for the purposes of fulfilling paragraph I.

IV. Failure of a planning board to specify by regulation or as a condition of subdivision plat or site plan approval what shall constitute "active and substantial development or building" shall entitle the subdivision plat or site plan approved by the planning board to the 5-year exemption described in paragraph I. The planning board may, for good cause, extend the 24-month period set forth in paragraph I(a).

- **The importance of this last paragraph should not be ignored.** Planning boards are able to let developers know what they need to do for the purpose of gaining the protection of the statute. If a planning board chooses not to do this, then the developer is given a "free ride" for five years.

Practice Pointer: Vesting in RSA 674:39—What does it all mean?

1. All developments are exempt from changes to most local land use regulations in the first two years (24 months) after approval.
2. If a developer performs "active and substantial development or building" within the first two years after approval, then the development is protected against most local regulatory changes (including changes to impact fees) for an additional three years (hence, the "five-year exemption").
3. If a planning board fails to identify what is meant by "active and substantial development or building," then the approved development automatically gets the five-year exemption.
4. If a developer performs "substantial completion of the improvements" shown on the plat at any time (even after the five-year exemption period is complete), then the development vests against any future changes to local regulations, with the exception of impact fees, which may be changed at any time (outside the five-year exemption). If the developer fails to substantially complete the development within five years, then the development will be subject to regulatory changes until it is substantially complete.
5. The planning board is not required to define these terms, but the benefit of doing so is to help avoid the problem faced by the City of Rochester in the AWL Power case.



TOWN OF RAYMOND

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Performance Agreement

Application #2021-015

Domino's Restaurant
Raymond Tax Map 29-3 Lot 42-5
4 Silver Fox Lane, Raymond NH 03077

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WHEREAS the Raymond Planning Board is duly authorized to review and regulate Site Plans and has established regulations relating thereto, and;

WHEREAS, the PETITIONERS have applied for approval of a Site Plan all in compliance with the Town of Raymond Zoning Ordinance, Site Plan Regulations and Rules and Regulations of the Raymond Planning Board, and:

WHEREAS, the PETITIONERS have agreed to certain conditions and commitments for the development of the plan identified as:

- Prepared for: Rye Harbor Realty, LLC
- Prepared by: Jones & Beach Engineers, Inc.
- Map & Lot: Map 29-3, Lot 42-5
- Plan Date: September 16, 2021
- Plan Revision: December 8, 2021

NOW, THEREFORE, in consideration of the Raymond Planning Board granting conditional SITE PLAN approval, it is agreed:

I make a motion to approve Application #2021-015, a Site Plan application for a Domino's Restaurant at 4 Silver Fox Lane (Tax Map 29-3 Lot 42-5) subject to the following conditions:

- The following conditions shall apply: That the PETITIONERS shall abide by all Site Plan Regulations, Building Codes, and the Town of Raymond Zoning

Ordinance in effect as of the date herein and made a part of this agreement.

- The PETITIONERS will be responsible for obtaining such State and Federal permits as may be necessary or occasioned by the proposed development.

The following conditions shall apply:

1. The conditions of approval designated as conditions precedent must be completed within six (6) months, unless otherwise specified, or this approval shall become null and void.

The following are conditions precedent:

- a. The applicant must obtain all required local, State and Federal permitting for the project, and provide copies of same to the Community Development Department.
 - b. Impact fees shall not be assessed for this Site Plan.
 - c. Deeds, easements, conservation easements, condominium documents, maintenance agreements, and any other legal documentation pertinent to this project shall be reviewed and approved by Town Counsel, and where applicable, the Board of Selectmen pursuant to RSA 41:14-a.
 - d. Within 30 days of the date of this decision (January 17, 2022), a Performance Guarantee Agreement shall be executed between the Town of Raymond and the Applicant. **Failure to execute this required agreement will result in plan approval revocation.**
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 - a. Completion of all proposed improvements.
 3. The following items must be completed within five (5) years of the completion of conditions precedent for this project to constitute “substantial completion of the improvements” pursuant to RSA 674:39:
 - a. Completion of all proposed improvements.
 4. This approval is subject to the following waivers, as granted by the Raymond Planning Board:
 - a. Site Plan Regulation 6.10.04 – Licensed landscape architect – Granted 12/16/21
 5. This approval is subject to the following Special Permits, as granted by the Planning Board:
 - a. N/A

6. This approval is subject to a Condition Use Permit, as granted by the Planning Board:
 - a. Conditional use permit – Groundwater Conservation Overlay District - Granted 12/16/21

7. This approval is subject to the following variances, as granted by the Raymond Zoning Board of Adjustment:
 - a. NA

8. Other Conditions imposed by the Planning Board:
 - a. Offsite improvements – stripe left turn and straight through arrows for the left lane and in the right lane a right arrow on Essex Road.
 - b. Note on plan stating that no more than 18 seats allowed inside or outside total.
 - c. Stamped engineered drawing of the Versaloc wall design submitted at time of wall permit application.
 - d. Traffic Comments (3) by Dubois & King Traffic Review dated November 29, 2021 must be addressed to the satisfaction of the Dubois & King.
 - e. Before occupancy permit is given to either Domino's or Starbucks (whichever is first), the topcoat needs to go down on Silver Fox Lane. The applicant needs to adjust manhole/catch basin rim elevations to be flush with the pavement.
 - f. A permanent easement for the drainage swale between Tax Map 29-3 Lot 41 and Lot 42-5 be granted to Lot 41 and recorded on the plan.
 - g. Add a minimum four-foot-tall fence on the northerly edge of the parking lot beginning at the end of the parking spaces and running approximately 100 feet to the west with the intent of screening the daycare from the Domino's parking lot.

Any persons aggrieved by any decision of the Planning Board concerning a plat or subdivision may present to the Superior Court a petition in accordance with New Hampshire RSA 677:15 (or, as applicable, to the Zoning Board of Adjustment pursuant to RSA 676:5, III), within thirty (30) days of the Date of Decision identified above. This notice has been placed on file and made available for public inspection in the records of the Planning Board.

| Member Name | Motion/Second | Approve | Deny | Abstain | Recuse |
|--------------------------------------|---------------|---------|------|---------|--------|
| Brad Reed, Vice Chair | 1 | x | | | |
| Gretchen Gott | | x | | | |
| Patricia Bridgeo | | x | | | |
| George Plante, Selectmen Rep. | 2 | x | | | |
| Paul Ayer | | x | | | |
| Diana Luszc | ABSENT | | | | |



Petitioner/Representative



Witness

12/29/21

Date

Planning Technician

Witness

Date

Plan set needs signing- additional information



TOWN OF RAYMOND

Community Development Department
Office of Planning and Zoning
4 Epping Street
Raymond, NH 03077

Tel: (603) 895-7018
Fax: (603) 895-7064
<http://www.raymond.nh.gov>

Performance Agreement

Application #2021-004

Jones and Beach on behalf of Mareld Co., Inc.
Raymond Tax Map 28-4, Lot 12 and Tax Map 29, Lot 2
Located at 4 Freetown Road

This Performance Agreement for the 4-LOT SUBDIVISION conditionally approved on JULY 15, 2021, by and between JONES AND BEACH ENGINEERS INC. ON BEHALF OF MARELD CO., INC. with a principal address of 85 PORTSMOUTH AVENUE, STRATHAM NH 03885 (hereinafter referred to as "PETITIONERS"), their heirs, successors and assigns, and the Raymond Planning Board, with participation of the Selectmen of the Town in their capacity as bearing responsibility for the maintenance of all roads and other public improvements, with a mailing address of 4 Epping Street, Raymond, New Hampshire 03077 (hereinafter referred to as "TOWN") represents the understanding between the parties with regard to the Raymond Planning Board granting conditional approval of a certain 4-LOT SUBDIVISION for the PETITIONERS for property located on RAYMOND TAX MAP 28-4, LOT 12 AND TAX MAP 29, LOT 2 LOCATED AT 4 FREETOWN ROAD.

WHEREAS the Raymond Planning Board is duly authorized to review and regulate SUBDIVISIONS and has established regulations relating thereto, and;

WHEREAS, the PETITIONERS have applied for approval of a 4-LOT SUBDIVISION all in compliance with the Town of Raymond Zoning Ordinance, SUBDIVISION REGULATIONS and Rules and Regulations of the Raymond Planning Board, and:

WHEREAS, the PETITIONERS have agreed to certain conditions and commitments for the development of the plan identified as:

- Prepared for: Mareld Co., Inc.
- Prepared by: Jones & Beach Engineers Inc.
- Map & Lot: Map 28-4, Lot 12 and Map 29, Lot 2
- Plan Date: 03/29/2021
- Plan Revision: 07/01/2021

NOW, THEREFORE, in consideration of the Raymond Planning Board granting conditional SUBDIVISION approval, it is agreed:

PB Application #2021-004

- That the PETITIONERS shall abide by all SUBDIVISION REGULATIONS, Building Codes, and the Town of Raymond Zoning Ordinance in effect as of the date herein and made a part of this agreement.
- The PETITIONERS will be responsible for obtaining such State and Federal permits as may be necessary or occasioned by the proposed development.

The PETITIONERS' representations to the Raymond Planning Board, made by the PETITIONERS at the various Raymond Planning Board meetings as documented in the minutes of those meetings, were relied on by the TOWN in approving the PETITIONERS' proposal and material compliance with same is required as a condition of the Agreement.

The following conditions shall apply:

1. The conditions of approval designated as conditions precedent must be completed within six (6) months, unless otherwise specified, or this approval shall become null and void.

The following are conditions precedent:

- a. The applicant must obtain all required local, State and Federal permitting for the project, and provide copies of same to the Community Development Department.
- b. All fees authorized to be charged to the applicant pursuant to the Raymond Site Plan Review Regulations including, but not limited to application fees, costs of special studies, and legal and engineering review, shall be paid by the applicant.
- c. Impact fees shall not be assessed for this Subdivision of land.
- d. Deeds, easements, conservation easements, condominium documents, maintenance agreements, and any other legal documentation pertinent to this project shall be reviewed and approved by Town Counsel, and where applicable, the Board of Selectmen pursuant to RSA 41:14"a.
- e. The applicant shall address, to the satisfaction of the Town's Review Engineer, any remaining engineering issues identified during peer review. Written concurrence, from the Town's Review Engineer and the Raymond Community Development Director, with the design corrections of any identified engineering issues shall be required prior to final plan approval.

Within 30 days of the date of this decision (August 16, 2021), a Performance Guarantee Agreement shall be executed between the Town of Raymond and the Applicant. **failure to execute this required agreement will result in plan approval revocation.**

PB Application #2021-004

2. The following items must be completed within twenty-four (24) months of the completion of conditions precedent for this project to constitute "active and substantial development or building" pursuant to RSA 674:39:
 - a. Completion of all proposed improvements and or bonded.
 - b. Recording of the approved subdivision at the Rockingham County Registry of Deeds.

3. The following items must be completed within five (5) years of the completion of conditions precedent for this project to constitute "substantial completion of the improvements" pursuant to RSA 674:39:
 - a) Completion of all proposed improvements and or bonded.
 - b) Recording of the approved subdivision at the Rockingham County Registry of Deeds.

4. Estimates for all improvements shall be provided by the Applicant for review and approval by the Town's peer review engineer or his/her designee. These estimates will be utilized to establish an inspection escrow account (equal to 4% of the estimated cost of improvements or in an alternate amount, as determined by the Town engineer and approved by the Community Development Director), which must be in place with the Town of Raymond prior to the start of any site work. Additionally, these estimates will be used as the basis for computing the Surety/Performance Bond to be provided by the Applicant in favor of the Town of Raymond prior to the issuance of a Certificate of Occupancy by the Raymond Code Enforcement Officer. Surety/Performance Bond values shall be based upon the value of unfinished work at the time of the issuance of a Certificate of Occupancy, plus a 10% contingency. (•sec below)

5. This approval is subject to the following waivers, as granted by the Raymond Planning Board:
 - a) Subdivision Regulation 5.6.1 - Design of Streets and Roads - Landscaping **(Granted 7/15)**
 - b) Subdivision Regulation 5.6.D.3 - Design of Streets and Roads - Minimum Horizontal Curve Radius for Private Road **(Granted 7/15)**

6. This approval is subject to the following Special Permits, as granted by the Planning Board:
 - a) 4.9.6- Zone G - Conservation District Special Permit **(Granted 7/15)**
 - b) S.2.J.1-Groundwater Conservation Overlay District Conditional Use Permit **(Granted 7/15)**

7. This approval is subject to the following variances, as granted by the Raymond Zoning Board of Adjustment:

NA

PB Application #2021"004

8. Other Conditions imposed by the Planning Board:

- a) That the plan be revised to show two conceptual scenarios regarding the proposed access way/roadway, the first of which, showing an entrance/exit through Lot 4 via the "4th leg" of the signalized intersection on Freetown Road, and the second to show a turnaround or cul de sac in Lot 4 in the event that access cannot be obtained from NH DOT via the signalized intersection.
- b) That a scoping session with NH DOT and town staff be scheduled to discuss the possibility of activating the "4th leg" of the signalized intersection on Freetown Road and a report summarizing the meeting be provided to the Technical Review Committee and the Planning Board.
- c) That development proposals for each of the subdivided parcels go through the formal site plan review process and that the traffic study prepared by Stephen G. Pernaw & Company Inc. be incorporated and updated throughout the review process.
- d) That a note be added to the plan indicating that the area surrounding both wet ponds will be restricted to annual mowing in late October to enhance the habitat value for wildlife.
- e) That a description be provided on the plan detailing how the "no net loss" to wetlands (Article 2.9.1) will be achieved.

Any persons aggrieved by any decision of the Planning Board concerning a plat or subdivision may present to the Superior Court a petition in accordance with New Hampshire RSA 677:15 (or, as applicable, to the Zoning Board of Adjustment pursuant to RSA 676:5, III), within thirty (30) days of the Date of Decision identified above. This notice has been placed on file and made available for public inspection in the records of the Planning Board.

| Member Name | Motion/Second | Approve | Deny | Abstain | Recuse |
|-------------------------------|---------------|---------|------|---------|--------|
| Jonathan Wood, Chair | | X | | | |
| Brad Reed, Vice Chair | absent | | | | |
| Gretchen Gott | | X | | | |
| Patricia Bridgeo | | X | | | |
| John Beauvilliers | absent | | | | |
| George Plante, Selectmen Rep. | motion | X | | | |
| Paul Ayer | second | X | | | |

PB Application #2021-004

| | | | | |
|-----------------|--|--|--|--|
| Paul Lynn, Alt. | | | | |
|-----------------|--|--|--|--|

Paul Lynn

Petitioner/Representative/1/ -

Madeline R. Rein

Planning Technician

Myra Cortez

Witness

C. McCarty

Witness

8/11/2021

Date

08/19/2021

Date

**SUBDIVISION
PERFORMANCE
BOND**

(Annual Premium until Released
by Obligee)

**Travelers Casualty and Surety Company of America
Hartford, CT 06183**

Bond No.: **107873365**

KNOW ALL PERSONS BY THESE PRESENTS, That we, Mareld Company, Inc., called the Principal, and Travelers Casualty and Surety Company of America, a Connecticut corporation, called the Surety, are held and firmly bound unto Town of Raymond, NH, called the Obligee, in the sum of Six hundred twenty thousand and 00/100 (\$620,000) for the payment thereof said Principal and Surety bind themselves, jointly and severally, as provided herein.

WHEREAS, in order to file a plat or subdivision map, or to obtain a permit, the Principal has entered into a contract with the Obligee which requires the Principal make certain improvements to the land as more particularly set forth in construction of subdivision road located on 10 Otter Road., Raymond, NH 03077 (hereinafter referred to as the "Contract").

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall construct the improvements described in the Contract on or before July 12, 2024 (or within such further extensions of time that shall be granted by Obligee in writing and consented to in writing by Surety), then this obligation shall be void, otherwise to remain in full force and effect. This obligation is subject to the following conditions:

1. This bond runs to the benefit of the named Obligee only, and no other person shall have any rights under this bond. No claim shall be allowed against this bond after the expiration of one year from the date set forth in the preceding paragraph, or one year from the end of the latest extension of time consented to in writing by Surety, whichever occurs last. If the limitation set forth in this bond is void or prohibited by law, the minimum period of limitation available to sureties as a defense in the jurisdiction of the suit shall be applicable.

2. This bond is not a forfeiture obligation, and in no event shall the Surety's liability exceed the reasonable cost of completing the improvements described in the Contract not completed by the Principal, or the sum of this bond, whichever is less.

Signed this 12th day of July, 2023.

Mareld Company, Inc.

(Principal)

By: 

Travelers Casualty and Surety Company of America

By: 

Stephanie M. Murphy

, Attorney-in-Fact



Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company

POWER OF ATTORNEY

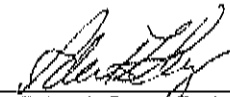
KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **Stephanie M Murphy** of **BEVERLY**, Massachusetts, their true and lawful Attorney(s)-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this Instrument to be signed, and their corporate seals to be hereto affixed, this 21st day of April, 2021.



State of Connecticut

City of Hartford ss.

By: 
 Robert L. Raney, Senior Vice President

On this the 21st day of April, 2021, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of each of the Companies, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of said Companies by himself as a duly authorized officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires the 30th day of June, 2026




 Anna P. Nowik, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of each of the Companies, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is


FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kevin E. Hughes, the undersigned, Assistant Secretary of each of the Companies, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this 12th day of July, 2023




 Kevin E. Hughes, Assistant Secretary

To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.
 Please refer to the above-named Attorney(s)-in-Fact and the details of the bond to which this Power of Attorney is attached

1 Planning Board Minutes
2 July 13, 2023 @ 7:00 PM
3 Media Center Raymond High School
4 45 Harriman Hill Road, Raymond, NH 03077
5

6 Planning Board Members Present:

7 Patricia Bridgeo
8 Jim McLeod
9 Dee Luszcz
10 Bob McDonald
11 Gretchen Gott* (Did not participate in the meeting.)
12

13 Planning Board Members Absent:

14 David Rice
15

16 Staff Present:

17 None
18
19

20 **Pledge of Allegiance:** Recited by all in attendance.
21

22 **Meeting called to order:**

23 The meeting started at approximately 7:00 pm.
24

25 Ms. Luszcz introduced the Legal Counsel for this meeting, Laura Gandia from Devine Millimet
26 Attorneys at Law.
27

28 **Roll Call:**

29 Trisha Bridgeo, Bob McDonald, Dee Luszcz, Chair, Jim McLeod, Vice-Chair.
30

31 Ms. Luszcz received a text from David Rice and for medical reasons will not be here for the
32 meeting. There should be a letter forthcoming for future meetings.
33

34 Mr. McLeod said that David rice stepped up when the town needed him and volunteered to be
35 part of the solution. Mr. McLeod said he appreciates his service to the Board and wish him
36 well. The Planning Board now has an opening for a full member as well as alternates if anyone
37 is willing to help, he asked that they consider volunteering for the Planning Board.
38

39 Ms. Luszcz said there are 5 alternate positions open and they are still awaiting the Select
40 Board ex officio.
41

42 **Public Hearing:**

43 Onyx Excavation Permit Rehearing/Industrial Drive: A motion for rehearing has
44 been submitted by John Cronin, Esquire of Cronin, Bisson, & Zalinsky P.C. on behalf of ONYX
45 Partners LTD. The motion for rehearing is in regard to the Excavation Permit Denial of
46 Application 2022-010 Onyx Excavation Permit. The property is located on Industrial Drive and
47 Raymond Tax Map 22 / Lots 44,45,46, & 47 and Raymond Tax Map 28-3/Lot 120-1.
48

49 Ms. Luszcz said they had received a letter from Attorney Cronin dated July, 11 2023 asking for
50 the recusal of Mr. McLeod. Ms. Luszcz read the letter from Attorney Cronin (See attached).
51 Ms. Luszcz said she does not validate the letter and asked Mr. McLeod if he would like to
52 respond directly.
53

54 Mr. McLeod had a written response to the CBZ letter dated July 11, 2023 on behalf of ONYX
55 Raymond, LLC, also known as the applicant. Mr. McLeod read the written response (See
56 attached). 10:30
57

58 **Motion:**

59 **Mr. McLeod made a motion to accept application 2022-010 as complete enough to**
60 **accept jurisdiction.**

61 **Mr. McDonald seconded the motion.**
62

63 **Discussion:**

64 **Mr. McLeod said nothing has changed. There is a lot of information.**
65

66 **Ms. Luszcz said a lot of the information is new and just came in a couple of days**
67 **ago. Hopefully the Board can digest that information.**
68

69 **A roll call vote was taken.**

70 **Ms. Bridgeo – Aye**

71 **Mr. McDonald – Aye**

72 **Ms. Luszcz – Yes**

73 **Mr. McLeod – Aye**

74 **The motion passed unanimously with a vote of 4 in favor, 0 opposed and 0 abstentions.**
75

76 John Cronin, an attorney with Cronin, Bisson, and Zalinsky on behalf of the applicant. With him
77 is Brian Kaplan (Actually Doug Richardson) and Wayne Morrill from Jones and Beach. Mr.
78 Cronin said he wanted to address some of the recusal comments particularly the habitual
79 piece of it. Mr. Cronin stated as a matter of law by the Superior Courts he is required to raise
80 the recusal issue. He had an opportunity to discuss with Attorney Quarles whether it was
81 necessary to for him to raise it at this proceeding because Like Mr. McLeod he is tired of it. He
82 is confident the Mr. McLeod is not going to recuse himself and he is only making it a
83 procedural requirement for the record and will move on to the excavation permit. Mr. Cronin
84 said they reviewed the excavation permit and denial and move for the rehearing. Mr. Cronin
85 explained that this site has been subject to a permit since 2011. There has been a lot of work
86 done there by Severino and Hartman. There is material there that is a couple of different
87 forms. Mr. Severino who was not present at the meeting but was at the last meeting quite irate,
88 as he was in a position where he had employees he was paying that could not work and there
89 is material that is there that is being processed. Mr. Cronin said he know that there is a request
90 form Mr. Severino on a separate site and there is a DES document in the record, an email, that
91 talks about arsenic being a natural compound and material that is found in rock. It is Mr.
92 Cronin's understanding that this Board based its denial on the existence of arsenic that is in
93 the material which is through out New Hampshire. It is a treatable source. Also, there are such
94 materials as PFAS and PFOS which is now making a dramatic impact on Southern New
95 Hampshire that can also be treated. Mr. Cronin said they see in the denial that there is reliance
96 of reports from GZA. Segment of reports are taken out and incorporated into the decision. At

97 the beginning of the case, they had contacted GZA and requested to speak with them and they
98 declined. Mr. Cronin said they were not given the opportunity to ask them questions of test
99 them in a public hearing.

100
101 Ms. Luszczy said she was not trying to interrupt Mr. Cronin but they did have a public forum with
102 GZA and did not understand when they say they did not have an opportunity to ask them
103 questions.

104
105 Mr. Cronin said they asked to meet with GZA and they declined.

106
107 Ms. Luszczy explained that once you are in an active application with the Planning Board all of
108 that material the planning board is privy to and the Town and Mr. Quarles agreed that that was
109 not appropriate to meet privately and to have the Board present, which actually was very
110 beneficial.

111
112 Mr. Cronin said when you look at the decision to allow Severino at his to move materials.

113
114 Ms. Luszczy made a point of order that they cannot talk about another application and for the
115 record Severino is your vendor at this site. The Board's purview and jurisdiction is with this
116 client for the site and have no so in the vendors that they have and the business that they have
117 with them.

118
119 Mr. Cronin asked why he could not discuss a similar application.

120
121 Mr. McLeod responded saying because we are not allowed to discuss it if it before the Board, it
122 is an active application.

123
124 Mr. Cronin asked by what authority is that based on? This is in the public record. There's a
125 document from DES that was submitted to you that discusses their lack of concern with
126 arsenic.

127
128 Ms. Luszczy said that was a vary general statement. There are levels of arsenic that are
129 acceptable. ONYX's arsenic levels far exceed the recommended levels. This is supposed to be
130 a new hearing with your reasons for excavating the site. But since Mr. Cronin raised it NHDES
131 has been involved, and they actually confirmed the Board's denial with their letter of May 17,
132 2023. The letter was emailed to Doug Richardson on May 17th and the Board heard the case
133 on May 18th. The Board did not know that the letter existed, it actually was mailed to the
134 Raymond Health Office and DES considered this a Health Issue.

135
136 Mr. McLeod read from the NHDES letter of May 17, 2023 on page 2, the last paragraph
137 continuing onto page 3.

138 *"Arsenic is not a contaminant of concern for the Regis Tannery site, and is a naturally*
139 *occurring metalloid at occasionally elevated concentrations in New Hampshire. Wetland soils*
140 *and sediments are natural sinks for arsenic discharging with groundwater. However, NHDES*
141 *requests that you assess whether rock mining and crushing activities occurring on the site*
142 *property to the south west of wetland A and former lagoon three may have contributed to*
143 *arsenic concentrations in the sediment. So NHDES has a specific concern about the arsenic*

144 *and whether or not the excavation activities are increasing the levels of arsenic as stated by*
145 *the board on the 18th."*

146
147 Mr. Cronin said they are talking about the mining of rock not the processed rock that is already
148 there. Mr. Cronin said he had an email letter from Mr. Martz dated June 19, 2023.

149
150 Ms. Luszczyk said the Board did not receive this information and had asked staff if there was any
151 new information a week ago and were told there was none.

152
153 Mr. Cronin offered to read the letter into the record but Ms. Luszczyk declined that offer because
154 the material would be out of context.

155
156 Ms. Luszczyk said by their own environmentalist Mr. Greenwood, his test results showed the
157 levels of arsenic were at the highest 72 times the level. That was the expert witness the Board
158 relied on in addition to the GZA report. It is ironic that the letter of May 17th they got after the
159 denial and the finding of facts, they validated it. Anton at one of the meetings said "let's do
160 what we have to do and clean it up." We all agree that arsenic is naturally occurring in
161 Northern New England but he couldn't tell the source. This is where even NHDES is asking if it
162 could be from the excavation and rock crushing activities.

163
164 Mr. McLeod mentioned that at the GZA joint meeting said that arsenic levels can be increased
165 by site activity so the board contemporaneous testimony from an expert. NHDES and GZA
166 both agree that the source or the site activities can increase the amount of arsenic that is
167 coming off of that site.

168
169 Mr. Cronin said that none of them concluded that that is a fact.

170
171 Mr. McLeod said "I made that clear when I said that this could be a paper tiger, and it could be
172 that 72 times the level that set by an HDES is normal around here. But your expert at that time
173 could not tell us that one way or another."

174
175 Ms. Luszczyk said she added the consequence is that this right on or near our well head. The
176 Board cannot take that chance and contaminate our entire drinking water. We have an oath to
177 this town for the health and wellbeing of its residents. We certainly do not just want to deny an
178 application. They did not do this lightly; they did rely on DES's levels. They give us levels for a
179 reason.

180
181 Mr. Cronin asked if this has been going on for mostly 12 years pretty steadily and is the
182 wellhead contaminated now?

183
184 Ms. Luszczyk responded Unfortunately our excavation regulations as well as some of the others
185 have not been closely monitored and in reviewing the submission that Mr. Cronin supplied of
186 the performance agreement Ms. Luszczyk could not find some of the agreed to conditions. So
187 there has been, not speaking for previous Board's, the excavation regulations were only
188 updated in 2017, prior to that it was 2010. There were 7 years where no changes had been
189 made. PFAS wasn't even a concern or on the radar in the early 2000's, it is only coming to
190 light now and they are still learning more and more. So PFAS is being tested. So we have to
191 do our best to keep up with our regulations, solely to keep Raymond safe.

192 Mr. Cronin asks the Board when you make a decision and you go into it to make a finding that
193 there's no evidence to indicate that the public water supply has increased levels of arsenic
194 despite this processing and excavation going on for over a decade.
195

196 Ms. Bridgeo said it's not only the Wellhead Protection area, it is not only it's the aquifer, it is
197 also a federally protected river that supplies water down to other municipalities. That is also
198 within the proximity of this. So, it is multiple facets of protected waterways for municipalities.
199 And there are other municipalities that we should have concern for one of our neighbors being
200 on Raymond's municipal water. It's not just Raymond.
201

202 Mr. McLeod made a clarification where the water is in the pond that has the 72 times the level
203 over the MCL. The other side of lagoon number three has chromium and there is PFAS issue
204 over there. PFAS was not tested for until just recently. We didn't even know about it until a few
205 years ago. So, when you say that the operation has been in operation since 2010. Nobody's
206 disputing that. But things change over time. And our regulations have changed. And some of
207 the contaminants that we're looking for have changed.
208

209 Mr. Cronin asked if this would require regional impact to other communities?
210

211 Ms. Luszcz said they didn't have the information to make it a regional impact?
212

213 Mr. McDonald said he is getting frustrated because of getting new information literally today.
214 Jim mentioned the letter from DES on May 17. The purpose of that letter was then to have a
215 scope of work. Which is addressed in the response letter from Gradient. And that was date of
216 their scope of work was June 14, 2023. And going to page two of that, under arsenic in
217 surface water and sediment. It talks about the arsenic again, but it says in order to address the
218 May 17 letter and analysis of potential arsenic transport associated with mining operation will
219 be incorporated into the conceptual site model described below. And then it explains what the
220 model is. And their scope of work is going to be complete the fall of 2023. So, a question to the
221 chair is, should we wait for this to happen before we can continue the application?
222

223 Ms. Luszcz said she has not been made privy to DES's acceptance of their scope. So, it still
224 right now, it's a response, but it has not been accepted by DES.
225

226 Mr. Cronin said in the meantime, for the benefit of Mr. Hartman and Mr. Severino in their
227 materials. We'd like to move forward just with transporting what's there without doing any
228 blasting, or any excavation.
229

230 Ms. Luszcz responded Just because you did open with that statement, I did jot down a note
231 that you said. And there's materials that are ready to just leave the site, and they have some
232 materials for processing? That's correct, which would also be crushing. Correct? Not that I'm
233 entertaining that request. But I just want to be clear what you are asking again, he is your
234 vendor. We have no say. I will point out that the email to our town manager does concern me a
235 little bit that this board's denial was pushed to the side. And advice was going to be given.
236

237 Mr. Richardson said that we've respected the board. We've not done anything, we've shut
238 down both operators, I would say that they did write the email, saying that they were going that

239 they intended to give the excavators access to the site. We decided to wait to this evening to
240 see the outcome of this evening. But yes, we did send that (email) over to the town.

241
242 Ms. Luszczyk asked if it is their intent to just load what's there or process some of the material
243 that's above ground.

244
245 Mr. Cronin answered to do both to take the material that stockpiled and ready to go to take the
246 material that's in it's already extracted. So, the blasting and shipping has already occurred and
247 to process that and get it off the site.

248
249 Laura Gandia, attorney for the Planning Board, said that It's not within the board's purview to
250 determine whether or not he can an applicant can continue activities that would be delegated
251 to your code enforcement officer or a building inspector. That's not the job of this board to
252 determine that.

253
254 Mr. McLeod said that to that point, article 15, of the of our town regulations, under enforcement
255 says that the planning board or its duly authorized agent is responsible for the enforcement of
256 these regulations as provided by RSA 155E:10. We are the we are responsible, this Board has
257 not delegated it to anyone else.

258
259 Ms. Luszczyk asked the applicant in the performance Agreement, signed in 2017, page four.
260 Number 14, this is in the conditions of approval, performance guarantee applicant will provide
261 a public status report to the planning board concerning the site work progress, such report is to
262 be provided annually from the effective date of the permit. Do you have those status reports
263 with you?

264
265 Mr. Richardson responded we do not. And we only acquired the property in 2022. So the 2017
266 agreement was already in place. We were in the process, which is what we're here for tonight.
267 We reapplied for renewal of the application. And that was during 2022.

268
269 Ms. Luszczyk asked and do you I don't have that renewal application to date. Still, it seems to be
270 the missing document. Do you have that with you?

271
272 Mr. Richardson replied "I do not have it with me. But I did do the research. I know the we have
273 the proof through the email of the date that it was delivered over to town hall."

274
275 Ms. Luszczyk asked if the applicant had the performance agreement, starting with the date of
276 2017 through 2022. We only got 2006...

277
278 Mr. Cronin said both of them were submitted with my letter. You have both of them.

279
280 Ms. Luszczyk said we only have 2006 and 2012.

281
282 Mr. Richardson answered that's all we have from the prior owner that has provided to us.

283
284 Ms. Luszczyk said your application is dated November of 2022. Not when the permit expired
285 prior to the permit expiring in June.

287 Mr. Cronin said Mr. Morrill said that there was one submitted timely, but it was amended and
288 corrected. With that document, which is after the date that it expired.

289
290 Mr. McLeod said that we had been requesting that for over six months now. And we've
291 requested it multiple times. And we have made of read off the timestamps where it has been
292 assured that you're going to bring it at the next meeting twice. And we're here and it's still not
293 here.

294
295 Ms. Bridgeo said we're here trying to have this and we're talking about getting this information,
296 literally while we're sitting here. It was, we got this package at very late a day before
297 information, asking to be presented as we sit here, and then talking about information we don't
298 have. To me that would indicate that we're sitting here without everything we need. I'm also
299 hesitant when I hear the date of correspondence started on June 19, 2023. Mr. Cronin had
300 correspondence June 19. And then is that correspondence in relationship to the letter? We
301 have a June 14. And I say we need all of that correspondence. If it's all related together
302 leading up to this, we need it all. I have pieces and parts now.

303
304 Laura Gandia said that if this board, this board has to make a determination regarding regional
305 impact, if you are making the determination that this project is one of regional impact, then the
306 advice is to continue this hearing, make the appropriate notifications and reschedule it once
307 other folks who are required to be noticed per statute have an opportunity to weigh in.

308
309 The Board agreed to go through the checklist to determine Regional Impact.

310
311 Statutory authority, refer to RSA 36:54 – 58, findings of Yes on one or more of the items below
312 indicates the need for a local land use board to make a determination that the development
313 proposal results in possible regional impact.

- 314
315 1. School impacts - does the development create significant new student population
316 affecting a regional school district?

317 Ms. Bridgeo – No.

318 Mr. McDonald - No,

319 Ms. Luszcz - no,

320 Mr. McLeod - no.

- 321 2. Traffic generation will the project generate more than 500 vehicle trips per day? Yes, or
322 no?

323 Ms. Bridgeo – No,

324 Mr. McDonald – This is the excavation permit now?

325 Ms. Luszcz: This is just excavation.

326 Mr. McDonald: As far I know, No.

327 Ms. Luszcz: Before I answer that, wasn't that in the performance guarantee of how many trips?
328

329 Mr. Richardson: Yes. And we did have Vaness perform that in the traffic study. They isolated
330 the trips for the...

331
332 Ms. Luszcz: well, you should have your logs, right? How many trips a day are you performing?
333 Or were performing when the site was active?
334

335 Mr. McLeod: It was 92.

336
337 Ms. Luszcz: Okay, and you both voted no already? Or you wanted the answer first.

338
339 Mr. McDonald: I voted no.

340
341 Ms. Luszcz: I'll vote no,

342
343 Mr. McLeod: No.

- 344
345 3. Road networks. Does the development provide the opportunity to create a more efficient
346 road network for the regional area? Or potentially affect regional travel patterns? Yes, or
347 no?

348 Ms. Bridgeo – No.

349 Mr. McDonald - No,

350 Ms. Luszcz - no,

351 Mr. McLeod - no.

- 352
353 4. Building size and this is the proposed building greater than thought 50,000 square feet
354 not well I want to read it to the public so we're not just there's nothing for them to look
355 at. Is the proposed building greater than 50,000 square feet and located within 2500
356 feet of a municipal line? There's no building so four is N/A.
357 5. Visual impacts - will the development create visual impacts to neighboring municipalities
358 such as light pollution glare or structures visible from neighboring municipalities? And a
359 yes or no. Not applicable.

360
361 Ms. Bridgeo: not applicable?

362
363 Ms. Luszcz: I would say it's not applicable.

- 364
365 6. Pollution - does the development proposed the operation of a facility or business which
366 would generate excessive amounts of air pollution wastewater discharge noise or
367 hazardous waste transport?

368
369 Mr. McLeod: Can we skip ahead a little bit because I think there's a question that is similar to
370 that one that is more applicable Do you mind if I read over your shoulder.

371
372 Ms. Luszcz: sure. Vote or not applicable? This is the pollution in regard to excessive amount of
373 air pollution, wastewater discharge of noise or hazardous waste transport?

374
375 Mr. McLeod: And I would say no.

376
377 Ms. Bridgeo: We that would depend on if you considered any sludge or any slurry waste
378 products so I'm gonna say that I'm not answering as far as yes or no on it because that would
379 depend on that criteria which so can you go to

380
381 Ms. Luszcz: Alright, well, we're going to skip six I think they want more information maybe?

383 Mr. McLeod: That makes sense.

384
385 7. Water supply impacts. - Will the development require a major impact wetland permit
386 from New Hampshire DES. Yes, or no?

387 Mr. McLeod – Yes

388 Ms. Bridgeo – Yes

389 Mr. McDonald – Yes

390 Ms. Luszcz – Yes

391 Will impacts to known aquifers occur yes, or no?

392 Mr. McLeod – Yes

393 Ms. Bridgeo – Yes

394 Ms. Luszcz – Yes

395 Mr. McDonald: Based upon the information we just received today, yes.

396
397 Does the project involve permitting for a large groundwater withdrawal? Yes, or no?

398
399 Mr. McLeod: No, not applicable?

400
401 Ms. Luszcz: I would just, is it alright, if I ask the applicant in relation to this question, or do I?

402
403 Mr. McLeod: I think the way that I understand the question is, are they drilling a well to draw
404 water out?

405
406 Ms. Luszcz: Do you have intentions of pulling groundwater out?

407
408 Mr. Richardson: We do not.

409
410 Ms. Luszcz: So, I will say no.

411 Mr. McDonald – No

412 Ms. Bridgeo – No

413 Mr. McLeod – No

414
415 Will, the development cause negative impacts to another community's municipal water
416 supply yes, or no?

417 Mr. McLeod – Yes

418 Ms. Luszcz – Yes

419 Mr. McDonald - Yeah. Based upon the of the information we out
420 yes.

421 Ms. Luszcz: I mean, I do I have to keep going. If we already get, yes?

422
423 Mr. McLeod: We should in case there's something that affects some other community
424 otherwise.

425
426 8. Conservation lands - Does the development about existing conservation lands,
427 Greenway or existing farmland such that coordination between municipalities could lead
428 to the creation or preservation of greenways? Or wildlife habitat areas? or prevent
429 fragmentation of forests, farms or other conservation lands? Yes, or no?

431 Ms. Bridgeo: My question is the Rails Trails a state park. If so, is that considered an... it's
432 federal? So, would that be considered an area that would be joined?

433
434 Mr. McLeod: Well, I'm not sure what impact it would have on communities outside of that.

435
436 Mr. McDonald: It doesn't mention State owned land.

437
438 Ms. Luszczyk: Municipalities?

439
440 Mr. McLeod: I would say no.

441 Ms. Bridgeo – No.

442 Mr. McDonald – No.

443 Ms. Luszczyk- No.

444
445 9. Economic impacts. Does the development propose the creation of business or industry
446 that would significantly impact regional economic development?

447 Mr. McLeod - Not significantly. No.

448 Ms. Luszczyk - Not significantly. I would say No.

449 Mr. McDonald – No.

450 Ms. Bridgeo – No.

451
452 10. Emergency Response - Does the proposal create a significant increased demand for
453 emergency services response, including mutual aid from an abutting community? Yes,
454 or no?

455
456 Mr. McLeod – No.

457 Ms. Luszczyk – No.

458 Mr. McDonald – No.

459 Ms. Bridgeo – No.

460
461 11. Historic or cultural resources? Does the proposed development have negative impacts
462 on historic or cultural resources that may have significance? regionally? Yes, or no?

463
464 Mr. McLeod - Not regionally. No.

465 Ms. Luszczyk – No.

466 Mr. McDonald – No.

467 Ms. Bridgeo – No.

468
469 Ms. Luszczyk: And other does the development create other regional impacts not listed in items
470 one through 11? Above? And we still have to go back to six on this one. Other regional
471 Impacts?

472
473 Mr. McLeod- Not that I am aware of.

474 Mr. McDonald - Not that I am aware of.

475 Ms. Bridgeo - Not that I am aware of.

477 Ms. Luszczyk: I'm not aware. And back to 6. Pollution - does the development proposed the
478 operation of a facility or business, which would generate excessive amount of air pollution?
479 wastewater discharge noise or hazardous waste transport? Yes, or no?
480

481 Mr. McLeod: So, I think that the way that this is written is, is that it's a no, because they're
482 talking about excessive amount of wastewater discharge, there really isn't. If any, there really
483 isn't any water that's used in this process. It would be, you know, surface runoff that's coming
484 off the site that that would be an issue. So, I don't know if it's actually a waste of an excessive
485 wastewater discharge.
486

487 Ms. Luszczyk: And you're not processing any hazardous waste on the lot?
488

489 Doug Richardson: No, we're not. And we don't use any water in the processing of the material.
490

491 Mr. McLeod: except dust control possibly.
492

493 Mr. McDonald – No.

494 Ms. Bridgeo – No.

495 Ms. Luszczyk: No. I would say no six is a no. So again, at the front findings of YES on one or
496 more of the items below indicate the need for local land use board to make a determination
497 that it does result in regional impact. We do have one two, we have three yeses. So, we will
498 need to,
499

500 Mr. McLeod: We'll need to determine which communities need to be advised.
501

502 Laura Gandia said to figure out what municipalities that are affected by this project. We need
503 to send them a copy of the meeting minutes of this meeting. And then the Regional Planning
504 Commission gets a copy of the meeting minutes as well, and a copy of the plan set and
505 application. And that cost of producing the plan set is born by the applicant.
506

507 Ms. Luszczyk: So, the Regional Planning Commission, I would also include the Lamprey River
508 advisory, correct, yes.
509

510 Mr. McLeod: This actually brings up something else was this application ever presented for the
511 excavation application? Was this ever presented to the Conservation Commission?
512

513 Mr. Richardson: No, it was not.
514

515 Mr. McLeod: Okay, so I think that needs to happen as well.
516

517 Ms. Luszczyk: Yeah, I do believe we have a regulation for that.

518 State and town statute RSA 155- E:3 application for permit. *Any owner or owner's designee*
519 *subject to this chapter shall prior to excavation of his land apply to the regulatory in each city or*
520 *town involved for a permit for excavation. If the area subject to this chapter is situated in an*
521 *unincorporated place, application shall be made to the county commissioners, the applicant*
522 *shall also send a copy of the application to the Conservation Commission, if any of the city or*
523 *town and we do have one such application shall be signed and dated by the applicant and*
524 *shall contain at least the following information.*

525
526 And I'm sure you have regulations. I won't bore the public but that.
527 So that's if the applicant is willing to entertain a continuance.
528

529 Mr. Cronin: Yeah, I mean, the section that you just stated. And I guess the earlier question
530 about the application, whether it's an application for an extension or a new permit, whether that
531 would apply, and I think we have to resolve that tonight. But yes, we're open to a continuance.
532

533 Mr. McLeod said this is the reason why we wanted the initial application information proof that
534 it was done prior to it expiring, because there is no permit now and it expired. There's a permit
535 application. So, there's nothing to extend.
536

537 Mr. McLeod said before the Board makes a motion, we need to figure out which communities
538 need to be advised. And the first one that comes to mind is Durham because UNH, Durham,
539 gets water from the Lamprey.
540

541 Ms. Luszcz said she definitely wants to rely on Town staff to make sure that all the mapping
542 and all the like Lamprey Rivers, whoever has that documentation of where all this water goes.
543

544 Ms. Luszcz said she would like to make a request of the applicant that she be CC'd to all
545 communications to New Hampshire DES. And to be sent previous conversations, emails,
546 letters, whatever they may be, so that she can share them with the board and receive them
547 contemporaneously. Especially in regard to the scope that the applicant has presented from
548 Gradient. Do you agree to adding the Chair of the Board to this communication?
549

550 Mr. Richardson agreed.
551

552 Mr. McLeod based on the emails that were sent to the town about the 1000s of yards of
553 processed material that's on that site. Since we have accepted this application, they do have
554 an application before the board now. He thinks that we can allow them to remove the
555 processed material, provided that there's no additional blasting or processing of the material
556 that's on site.
557

558 Ms. Luszcz asked for further discussion.
559

560 Ms. Bridgeo asked since the Town does not have anyone who's been able to go around and
561 regulate who will that be delegated to?
562

563 Mr. McLeod said if the have a noise complaint, then the Board would know that blasting or
564 processing was occurring.
565

566 Ms. Luszcz said she would like to add that the denial for excavation did not imply that the
567 applicant could not open the gates to let any of you vendors to remove their equipment.
568

569 Mr. Richardson said that We did not want to do anything that was not acceptable to the board.
570 So that's why when we were told what the diet denial of the application we shut down. They
571 shut down on May 18, 2023.
572

573 Ms. Luszczy said she doesn't want to hold anyone up or for them to lose money, that is not her
574 goal. Ms. Luszczy said she was concerned with the discussions that Onyx had with their
575 attorney regarding disregarding basically the denial and advising vendors to just go in and do it
576 anyway concerns her. She hopes that the applicant respects the board's decisions and why we
577 arrived at them. We don't have to issue a cease and desist on a denied permit, because
578 there's nothing just cease and desist. She just wanted to make sure that that's understood.
579

580 Laura Gandia: I'm just going to instruct the board since you have found the project as a
581 development of regional impact, it would not be prudent to move forward with a public hearing
582 or public comment because there are people that need to be notified as abutters that need to
583 have the opportunity to come in and weigh in. So once that notification is made, it somewhat
584 puts the brakes on it allows us to go back out and notify those folks that have not been notified.
585 So right now, the board should just limit it, discuss its discussion to the continuance and move
586 forward.
587

588 Poll: About allowing the vendor to haul only the materials that have already been processed.
589 There'll be no crashing, there'll be no processing of any kind.
590

591 Mr. McDonald: That as long as there's no further blasting, and processing, I'm on board with
592 that.
593

594 Ms. Bridgeo said that if we can get everything together, well, that's going on. And we can get
595 all of our paperwork and have a complete package, and all the answers and all of them this
596 time. I don't know how you put that in as a condition.
597

598 Laura Gandia: Allowing them to specify what activities as the regulator, you have that
599 enforcement ability to allow them to engage in certain activities pursuant to the regulations. So,
600 when you're making your determination as to what they can and cannot do. You need to make
601 the determination of whether or not that's in conformance with state statute in the town's
602 regulation, because you don't want to allow any applicant to do something that's not in
603 accordance with the town's regulations. So, whatever you're doing needs to be in conformance
604 with the town's regulations. I'm saying based on RSA 155a, the Earth Excavation regulations
605 that govern gives you the power to be the regulator, whatever activities that you want to allow
606 as the regulator? Don't have them be in violation of your regulations in state statute?
607

608 Ms. Luszczy: And would you agree, just removing materials is not in violation of any of our
609 ordinances?
610

611 Mr. Cronin said the regulator is going to permit the applicant to remove material that's already
612 been processed in accord with state statute and local regulation. No processing, blasting or
613 chipping is permitted, if you want to make sure that's emphasized.
614
615

616 Laura Gandia: You can put no other activities are permitted. And you may want to consider
617 delegating authority for compliance to your code enforcement officer in the interim, somebody
618 can go out there and take a peek to make sure that that's being done.
619

620 Ms. Luszczy said just for discussion the regulatory is going to allow for is permitting just allowing
621 the applicant to only haul already processed material from the site that exists as of 7/13/2023
622 and in accordance with state statute and local regs. No other activities are permitted.
623

624 **Motion:**

625 **Ms. Luszczy made a motion that the planning board as the regulator is allowing the**
626 **applicant to only haul already processed material from the site that exists as of**
627 **July 13, 2023. And in accordance with state statute and local regulations. No**
628 **other activities are permitted.**

629 **Mr. McDonald seconded the motion.**
630

631 **Discussion:**

632 **None.**
633

634 **A roll call vote was taken.**

635 **Ms. Bridgeo – Aye**

636 **Mr. McDonald – Aye**

637 **Ms. Luszczy – Yes**

638 **Mr. McLeod – Yes**
639

640 **The motion passed with a vote of 4 in favor, 0 opposed and 0 abstentions.**
641

642 **Motion:**

643 **Ms. Bridgeo made a motion that the applicant provide a monthly report.**

644 **Mr. McDonald seconded the motion.**
645

646 **Discussion:**

647 **Mr. McLeod asked what would be in the report?**
648

649 **Mr. McDonald said the number of trucks and yards hauled.**
650

651 **Ms. Luszczy said she would like it in yards since it was mentioned in yards.**
652

653 **Mr. Richardson said the report would include all SWIP reports because they are**
654 **maintaining them.**
655

656 **Ms. Luszczy asked Do we all agree that the reports would be in yards and how**
657 **often? Monthly, bi weekly or monthly? Is the SWIP monthly?**
658

659 **Ms. Bridgeo agreed to amend the motion to say monthly SWIP reports.**

660 **Mr. McDonald seconded the amendment.**
661

662 **Mr. McLeod commented I was thinking about is I went through the SWIP reports**
663 **that were provided to us. And there was virtually nothing in there about updating**
664 **or you know, reestablishing berms or anything like that. So, I would just say that**
665 **make sure that the person that's doing the SWIP is cognizant that we want to**
666 **know if there is barriers or stuff that are being replaced. We do want to see that in**
667 **the reports.**

668
669 **Mr. Richardson said the heavy rainfall that occurred a couple of weeks ago, we**
670 **just got a report that said some of these areas need to be cleaned up, we're**
671 **gonna go in and do that. And include that in the report. We could to prevent any**
672 **breaching of the storm water.**

673
674 **A roll call vote was taken.**

675 **Ms. Bridgeo – Aye**

676 **Mr. McDonald – Aye**

677 **Ms. Luszcz – Yes**

678 **Mr. McLeod – Yes**

679
680 **The motion passed with a vote of 4 in favor, 0 opposed and 0 abstentions.**

681
682 **Motion:**

683 **Mr. McLeod made a motion to continue ONYX Excavation Permit #2022-010**
684 **submitted by ONYX Partners LTD.**

685
686 **Mr. McLeod withdrew his motion.**

687
688 **Motion:**

689 **Mr. McLeod made a motion to continue ONYX Excavation Permit #2022-010**

690
691 **Mr. McLeod withdrew his motion.**

692
693 **Motion:**

694 **Ms. Bridgeo made a motion to continue ONYX Excavation Permit**
695 **Rehearing/Industrial Drive: A motion for rehearing has been submitted by John**
696 **Cronin, Esquire of Cronin, Bisson, & Zalinsky P.C. on behalf of ONYX Raymond**
697 **LLC. The motion for rehearing is in regard to the Excavation Permit Denial of**
698 **Application 2022-010 Onyx Excavation Permit. The property is located on**
699 **Industrial Drive and Raymond Tax Map 22 / Lots 44,45,46, & 47 and Raymond Tax**
700 **Map 28-3/Lot 120-1.**

701 **Mr. McLeod seconded for discussion.**

702
703 **Discussion:**

704
705 **Mr. McLeod made an amendment to the motion that NHDES be notified that the**
706 **Planning Board would like to see an assessment of the origin of the water at**
707 **sample location at LS-SW5-2023 and that surface water be included in the**
708 **assessment of arsenic concentrations in the surface water and sediment.**

709
710 **Mr. McDonald seconded the amendment.**

711
712 **Ms. Luszcz said the motion is to include the application to the Raymond**
713 **Conservation Commission wetlands permit application, all NHDES**
714 **communications and submissions. The hearing is continued until October 19,**
715 **2023 as amended.**

716 **A roll call vote was taken.**

717 **Mr. McLeod – Aye**

718 **Ms. Luszcz – Yes**

719 **Mr. McDonald – Yes**

720 **Ms. Bridgeo – Yes**

721
722 **The motion passed with a vote of 4 in favor, 0 opposed and 0 abstentions.**

723
724 Laura Gandia left the meeting at approximately 8:37pm.

725 The Board recessed for 5 minutes to regroup and returned at approximately 8:44 pm.

726
727 **Public Comment:**

728
729 Therese Thompson: I serve on the Lamprey River Advisory Committee for the town of
730 Raymond. And I'm gonna read some important notes in the letters that we sent to New
731 Hampshire DES. September last year, and of course, you also get these letters. So, one thing
732 is the Natural Heritage Bureau Report is dated September 29, 2021 and it's only valid until
733 2022. For species of concern Blandings turtles, wood turtle, spotted turtles, northern Black
734 razors, requires the applicant to consult with New Hampshire DES Fish and Game
735 Department. We also are recommending studies for the vernal pools and we're also concerned
736 about the beaver dam that disappeared. Of course, they made it back up there but so that
737 lagoon number three from the Rex Tannery. All that liquid went right towards the river and very
738 concerned about that. The possibility of 100-year storm should be taken into consideration
739 giving the vast amount of impervious surface. PFAS sampling should also be done. Effective,
740 some sort of effective nitrogen removal should be required, an Alteration of Terrain Permit will
741 also be needed. The loss of natural vegetation and filling of wetlands our habitat loss and
742 groundwater recharge is also another issue. This project will convert 31 acres of natural area
743 to impervious surface. We do not know if these wetlands are effectively providing nutrient
744 removal, but it can be assumed that they probably were to at least some degree, the increase
745 of nutrients into groundwater and ultimately to the Lamprey River is a major concern and must
746 be addressed. My last comment, the applicant will be required to pay a significant sum to the
747 ARM fund, which means Aquatic Resource Management for impacts of two high functioning in
748 one medium functioning vernal pool on the site and direct losses of wetlands and intermittent
749 streams and I actually called the DES about this ARM because I didn't know what this I've
750 never heard about this ARM before, fund. With the alteration of 31 acres, they would have to
751 over \$1.6 million to the ARM fund.

752
753 Ms. Luszcz asked who the letter addressed to other than New Hampshire DES?

754
755 Therese Thompson said the first one was Ridge Mauck. All our responses, Lamprey River
756 Advisory Committee. Our responses to letters are supposed to also go to the town that that
757 project planning board and Conservation Commission. I can email it to what you. And the
758 other one was Eben Lewis. I don't know why they sent it to two different people.

759
760 Ms. Luszcz suggested Ms. Thompson send the materials to the Town Staff, specifically
761 Christina McCarthy.

763 Mr. McLeod said to Ms. Thompson that he had reached out to Cons Comm about sort of
764 coordinating how we disseminate our information between the boards. And we wanted to
765 include Lamprey River in that somehow. You're here. So, one of the things that we were going
766 to try to discuss was maybe getting some dates where we're going to have a joint meeting with
767 the planning board and conservation. Would you would you be interested in joining a joint work
768 session.

769 Ms. Thompson responded "of course."

770
771 **Work Session:**

772
773
774 Mr. McDonald suggested working on the checklist and scope. There were 3-4 checklist that
775 need to be unified and combined and that is what the Board should concentrate on.

776
777 Ms. Luszcz suggested the checklist and the rules of procedure are what the Board should
778 concentrate on.

779
780 Ms. Luszcz said she had received a request to have the Board sign a set of plans tonight, last
781 minute and she had asked that the Conditions of Approval be attached as the Board had
782 previously voted on but she is unsure if the Board can sign the plans not knowing if all the
783 conditions have been met, and that was not provided so she is returning these plans until the
784 Board can determine that the Conditions of Approval have been met.

785
786 Ms. Luszcz also said that the site walk application 2022-008, for ONXY and GZA the date on
787 the calendar had been omitted. It is July 19, 2023 the public is invited but please adhere to the
788 rules of the site walk. It's highly recommended that you wear suitable shoes for this. That's a
789 very rocky and uneven surface work boots are strongly recommended.

790
791 Ms. Luszcz said she had requested where we stood with our Source Water Protection Plan,
792 Grant. And Maddie did respond that the grant actually is awarded to Rockingham Planning
793 Commission on behalf of the Town of Raymond to update our plan, so this was only dated July
794 12. She will be seeking the creation of a steering committee made up of representatives from
795 the town will meet regularly during the project to provide input to the content of the plan and
796 public outreach. The following groups are being asked to appoint at least one participant to
797 serve on the board no later than September 1 of this year. So, we have a little bit of time you
798 want to think about that. We are they asking for a planning board member in addition to the
799 relative boards. This is expected to take about a year through the end of December. The 2009
800 Source Water Protection Plan will be updated. Ms. Luszcz said she wanted to make a public
801 statement of appreciation to our board of selectmen unprecedented situation, and they stood
802 up, they grabbed the reins, and they are doing everything they can to fight for this town
803 working so very hard people that have jobs. And yet this is yet another full-time job. So, she
804 just publicly wanted to thank our board of selectmen for doing an outstanding job under grave
805 circumstances.

806
807 Ms. Bridgeo commented that she would like to say this town staff that has been helping and
808 filling in spots that they don't have to do it's not their job, but trying to also Yes, unprecedented
809 is a understatement for the rapid changes that occurred. But it looks like everybody's pulling
810 together. So that's good.

811 Ms. Luszczyk said there are five alternates available on the planning board. This is a great way
812 to you know, learn the mechanics of a board and directly impact the town. So please, all of
813 those people that came out for that Select Board hearing whether they put their name in or just
814 came out to participate, please consider putting in an application or if nothing else, come to
815 these meetings. Talk to us, we'd be more than willing to answer any and all of your questions.
816

817 **Motion:**

818 **Mr. McLeod made a motion to adjourn.**

819 **Ms. Bridgeo seconded the motion.**

820 **The Board unanimously voted to adjourn.**

821
822 Chair Luszczyk adjourned the meeting at approximately 9:00 pm.

823
824 The video of this meeting is to be preserved as part of the permanent and official
825 record.

826
827 Respectfully submitted,

828
829 Jill A. Vadeboncoeur
830
831
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833
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DRAFT



John G. Cronin
Admitted in NH and MA

July 11, 2023

VIA EMAIL

Attn: Chairman, Planning Board
Town of Raymond
4 Epping Street
Raymond, New Hampshire 03077

Re: Onyx Raymond, LLC

Dear Mr. Chairman:

We are writing on behalf of Onyx Raymond, LLC to request the recusal of Mr. James McLeod.

The basis for the request is that Mr. McLeod does not qualify under the juror standard or statutory standard for impartiality. We incorporate by reference all prior arguments made in the approval process for recusal. Mr. McLeod certainly has the right to have an opinion on land use matters, and he also has a right to voice his opinion and lobby for support in the public. Based on Mr. McLeod's social media postings expressing opposition to development in general, and this project in particular, there is no way he or any other conflicted member should sit in judgment of a land use matter.

There is no doubt that Mr. McLeod has passion for his agenda and commits his time and effort to the cause. However, land use boards are required to operate as a body and it is not usual or proper for individual members to conduct their own research outside of the public forum. The concern is greater when the research is undertaken without proper credentials or qualifications and results in public disclosure that slander the title held by private property owners.

We respectfully request that Mr. McLeod and any other conflicted members not participate in the hearing or decision making.

Thank you for your consideration.

Town of Raymond, Chairman, Planning Board
July 11, 2023
Page 2

Sincerely yours,
CRONIN BISSON & ZALINSKY, P.C.

By: *John G. Cronin*
John G. Cronin, Esquire

JGC:lma

cc: Brian Kaplan
Aaron Hinchliffe
Thomas Quarles, Esquire

Raymond Planning Board

July 13th, 2023

Town of Raymond

4 Epping Street

Raymond, NH 03077

RE: CBZ Letter dated July 11, 2023 on behalf of Onyx Raymond, LLC (the Applicant)

Fellow Board Members,

I am addressing the letter from John G. Cronin, Esquire regarding the, now habitual, request to recuse myself from participation in the July 13, 2023 re-hearing of application #2022-010.

The Applicant can not produce an instance where their name, that of their representatives, or their projects before the Planning Board have been used in my personal video productions - because none exist. The image and voice of Mr. Cronin used in a campaign video (<https://youtu.be/JYHWeLoZJSI>) was downloaded from the local Government Access recording on RCTV. The public castigation by Mr. Cronin (who remains unidentified in the video) was used to highlight the fortitude required to be a successful public servant of the community. The uninformed and inappropriate remarks directed at me in the recording were made *prior to* Mr. Cronin's belated disclosure that he was the legal counsel for the Applicant.

I am an advocate for appropriate development as my livelihood and a healthy economy are dependent on it. What is being intentionally conflated by Mr. Cronin is my commonly held and reasonable aversion to inappropriate development. Examples would include chemical recycling and refining facilities or gas stations in Raymond's wellhead protection zone. This *normal* view point is supported by a majority of the voting community as evidenced by results of the last town election.

There are two distinct sides to the Planning Board that Mr. Cronin should be aware of. The first is the legislative side; this is where we do our work on zoning, site plan regulations, rules and procedures, etc. and we may hold and express our individual opinions as we like. The second is the judicial side; where we hear applications, review the data, and make informed decisions based on our current laws and regulations and in this we are legally required to be consistent and impartial. This dual role has a clear and definitive demarcation which has been closely adhered to.

There is no factual basis for the, now fourth, request for recusal from the Applicant and it may be time to consider if the slanderous public statements and written accusations made by Mr. Cronin demand actionable relief.

I am not influenced by the habitual attacks on my integrity and my adherence to the oath I took to the Town of Raymond and I have no intention of recusing myself from any application in which I am not conflicted.

Thank you for your valuable time, be well.

Jim McLeod

Raymond Planning Board, Vice-Chairman



Town of Raymond, NH

PLANNING BOARD SITEWALK

Meeting Minutes of

Wednesday, July 19th, 2023 @ 5:00 pm
Onyx and GZA public site walk
Industrial Drive, Raymond, NH 03077

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Call to Order: Jim McLeod called the meeting to order at 5:00 pm.

Pledge of Allegiance: Recited by all in attendance

Roll Call:

Planning Board Members present:

- Jim McLeod (Vice-Chairman)
- Gretchen Gott
- Tricia Bridgeo (BOS Ex Officio)
- Bob McDonald
- Tom Daigle (Prospective Alternate)

Other attendees:

- Kathy McDonald (Conservation Commission, resident)
- Warren Gibby (Conservation Commission, resident)
- Therese Thompson, (Raymond rep to LRAC)
- Kera Clements (resident)

GZA attendees:

- Megan Murphy
- Jim Wieck

ONYX attendees:

- Todd Greenwood, ENAC
- John Kondziolka, Gradient
- Andy Bittner, Gradient
- Doug Richardson, Onyx Partners
- Aaron Hinchliffe, Onyx Partners
- Brian Kaplan, Onyx Partners

32 Anton Melchionda, Onyx Partners

33 Wayne Morrill, Jones & Beach

34 Eric Poulin, Jones & Beach

35

36

37 Mr. McLeod noted the purpose of the site walk meeting was primarily for GZA to observe the lay of
38 the land and ask question they need to complete the scope of work they have contracted. Gradient
39 provided a color map of the site to help navigate. It was decided a counter clockwise path around the
40 perimeter of the excavation site followed by accessing by the Wight Street lot.

41 Instruction was given regarding discussion of the site only when stopped. The walk proceeded in a
42 generally north direction along the access road along the forested wetland between Jackson Lumber
43 and the subject property. It was noted that no flow was observed by those in attendance Eric Poulin
44 noted the wetland buffer will be impacted by a future access road.

45 The walk continued to the beaver dam on the outlet side of Lagoon #3. Items of note were the
46 location of the historical berms, the general location of Wetland A, the general location of the plunge
47 pool, and discussion that Onyx can remove the beaver dam as needed per the conservation
48 easement.

49 The approximate location of the Tree Wells and plunge pool was pointed out by Eric Poulin.

50 The site walk continued uphill in an easterly direction following the counter clockwise path around
51 the site. At one point it was noted that the site elevation / floor would be about 5 feet above the
52 elevation we were standing.

53 The site walk continued east toward a "medium – functioning" vernal pool between the currently
54 excavated site and a clear cut portion of the lot. A larger "high- functioning/ heritage" vernal pool
55 was referenced and noted to be further east than the footprint of the building. The length of the
56 vernal pool was traversed and then a contingent of the site walk continued to the highest elevation
57 in the clear cut area. There was mention of DES application that encompassed the vernal pools. The
58 meeting is now moved back to the lower elevation then proceeded in a southerly direction
59 approximately at the extent of the proposed building footprint. Mr. Melchionda asked what we
60 wanted to do and see on site and make sure GZA gets to see everything they need. It was noted by
61 Mr. Wieck that they want to see, in addition to the ground surface layout, all the natural infiltration
62 areas as well as all the current vernal pools and surface waters features, the footprint of the building
63 and the location of all storm water drainage features. Mr. Wieck noted the concern about where
64 storm water was running off the site, where the break line was and how that could affect
65 contaminated ground water on the north side of the property. It was noted that, generally, the less
66 storm water infiltrating on the Lagoon #3 side of the site , the better. Mr. Wieck said they have had a
67 good tour so far in answer to Mr. Melchionda's concern.

68 Mr. Melchionda instructed Wayne Morrill to update on status of DES application. Mr. McLeod
69 advised that site walks should be confined to items related to the physical properties of the site and
70 that detailed questions and information need to be presented at a public hearing. Mr. Wieck asked if
71 the documents were on One Stop or could be provided and was answered in the affirmative.

72 The site walk continued to the most south eastern part of the walk Ms. McDonald asked if the berm
73 we were following channeled runoff directly to the medium vernal pool and was informed by Wayne
74 Morrill that she was correct and that the berm follows the natural flow path.

75 The location of the larger vernal pool was characterized and a high value intermittent stream that will
76 be impacted was pointed out by Wayne Morrill. The location where a previous excavation activity
77 has “cracked open” and drained a wetland feature was noted. The decision was made to continue
78 south to where a newly proposed well location and water tower are designated as well as a large
79 storm water infiltration pond.

80 The site walk returned to the gated pit entrance area. Member Gott noted that a spill was identified
81 in a central portion of the excavation site. Doug Richardson took a photo he agreed to forward to
82 staff. A question about what the Planning Board wants was again brought up by Mr. Melchionda. Mr.
83 McLeod answered, “From our perspective, we want to make sure that GZA sees everything that they
84 need see to be able to complete the work they have scoped out for you (Onyx), that’s the extent of
85 what we are doing today”.

86 The culverts that run between the east and west sides of Old Manchester Road were discussed.

87 Ms. Murphy indicated that GZA had seen everything they needed to on that portion of the site. The
88 meeting was suspended at about 6:35 pm and set to reconvene at 6:45pm on the Wight Street lot.

89 The meeting was reconvened at 6:45PM on Wight Street Lot#43 and the meeting headed east on to
90 town property Lot#120. Trisha Bridgeo had to leave the meeting for prior commitment with BOS at
91 about 6:55PM. MW-3(120) was misidentified as MW-6. The walk continued east over a hill to the
92 outflow of Wetland A and the connecting channel between Wetland A and Lagoon #3. Questions
93 were asked regard direction of flow and seasonal water levels. Black and orange silt socks were
94 noted along the sides of the connecting channel.

95 Well GZ-4C was discussed briefly, it was installed about 2003 and only had a single sample draw
96 from it prior to being dry. The walk continued to the edge of Lagoon #3 where beaver activity was
97 noted as well as where the outflow from the vernal pool on the excavation side runs into the lagoon.

98 The site walk continued to the area of sample SW5 that was taken from a seep between Lagoon #2
99 and #3. Mr. Greenwood questioned if the seep was a natural feature and suggested that it was
100 excavated to build the previously removed berms. The seep did not have standing water in the
101 portion that was observable from our vantage.

102 The site walk continued to the area below the outflow of Lagoon #3. The time was about 7:15 and
103 the sun was below the tree line, in addition to the distraction of the humidity and insects, the ground
104 was covered with dry leaves masking the uneven terrain. The point of discharge off the site was
105 noted to come in below the lagoon outflow. The iron eating bacteria had stained the rocks and plants
106 in the outflow area a rust color. A discussion of how the water flowed from that point to the box
107 culvert concluded and the site walk retraced its steps back to the overlook on Lagoon #3 to reunite
108 the attendees and return to the parking area. Member Gott requested a summary report on the
109 observations but in the interest of safety that discussion was postponed until the attendees were
110 assembled in the parking area.

111

112 The attendees congregated at Lot#43 and a brief synopsis of the portion of the walk including the
113 seeps and Lagoon #3 outflow area was given. A final question regarding the culverts was asked,
114 however the culverts are offsite and not directly a part of the GZA scope.

115 The participants were thanked for their fortitude in dealing with the terrain, the heat, and the bugs
116 to participate in the meeting.

117 The site walk meeting was adjourned at approximately 7:30PM by Mr.McLeod.

118

119 Minutes respectfully submitted on 7-24-2023

120 By: Jim McLeod Planning Board Vice-Chairman

121

122 A color map provided by Gradient, a photo of a spill by Mr. Richardson should be attached to the final
123 minutes.

Christina McCarthy

From: Douglas Richardson <doug@onyxpartnersltd.com>
Sent: Monday, July 24, 2023 5:56 PM
To: Christina McCarthy; Wayne Morrill
Subject: RE: Additional Sitewalk info

Christina;

Here is the copy of the site photo that Gretchen asked me to take

Fyi, Hartmann went out there the same night July 19th, 2023 and removed the material off site for disposal

The fuel tank on site is double walled, that is why a membrane was not in place under the tank.



Douglas Richardson | Onyx Partners Ltd
Executive Vice President - Development
200 Reservoir Street, Suite 306, Needham, MA 02494
Ph: 617-448-7948
doug@onyxpartnersltd.com

In order to organize and effectively sort/review/address, it is imperative that all subject lines begin with the City/Town and then State of the project.

From: Christina McCarthy <cmccarthy@raymondnh.gov>

Sent: Monday, July 24, 2023 4:08 PM

To: Wayne Morrill <wmorrill@Jonesandbeach.com>; Douglas Richardson <doug@onyxpartnersltd.com>

Subject: Additional Sitewalk info

Hello,

I have been asked to get "an "e" copy of the color map provided by Gradient and the photo taken by Doug Richardson to attach to the final copy?" of the site walk minutes. Thank you.

Christina McCarthy

Tax Collector

Town of Raymond

4 Epping Street

Raymond NH 03077

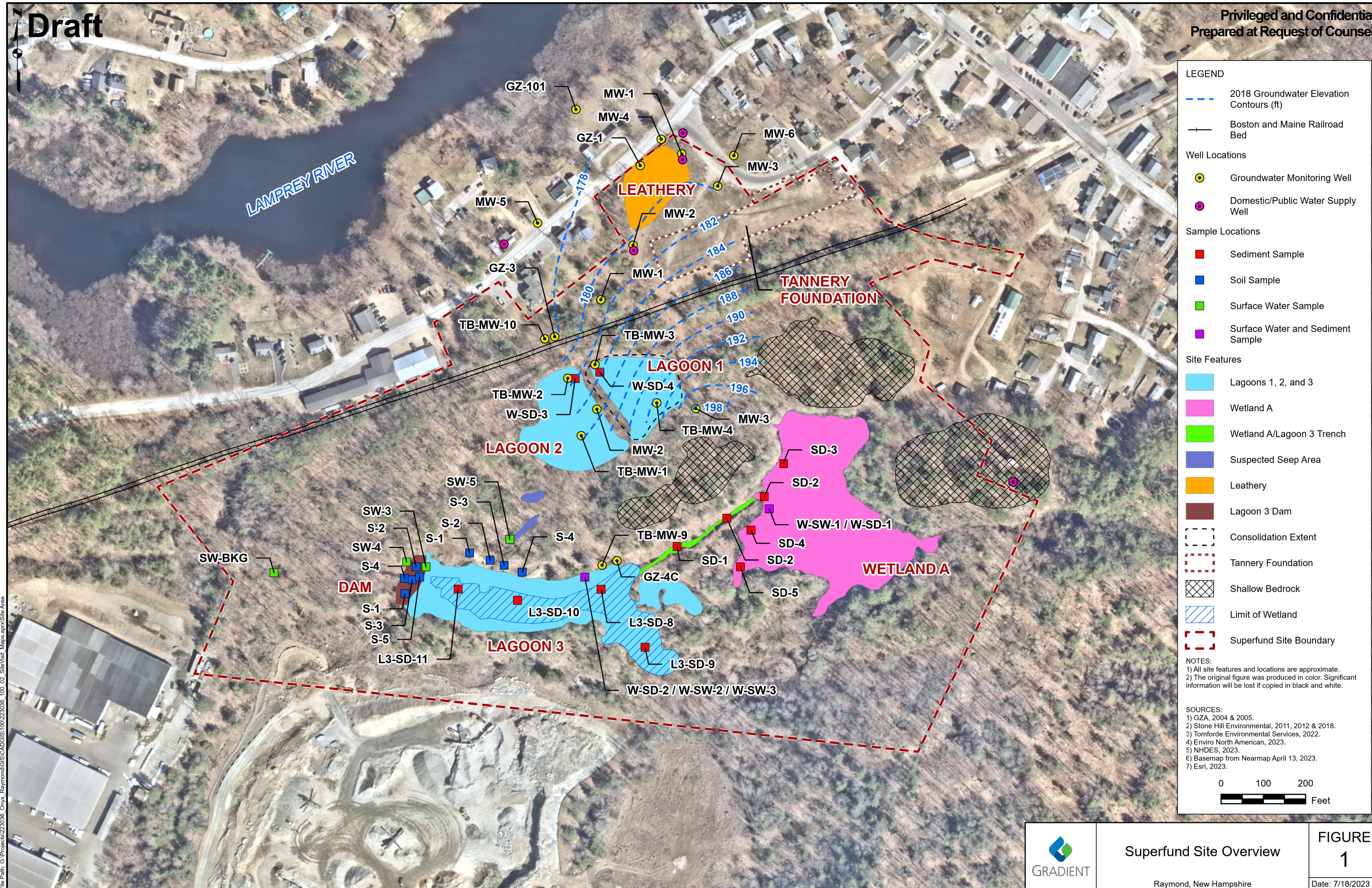
603-895-7016

cmccarthy@raymondnh.gov

TEAMWORK-coming together is a beginning, keeping together is progress, working together is success- Henry Ford

Draft

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Prepared at Request of Counsel



LEGEND

- 2018 Groundwater Elevation Contours (ft)
- Boston and Maine Railroad Bed

Well Locations

- Groundwater Monitoring Well
- Domestic/Public Water Supply Well

Sample Locations

- Sediment Sample
- Soil Sample
- Surface Water Sample
- Surface Water and Sediment Sample

Site Features

- Lagoons 1, 2, and 3
- Wetland A
- Wetland A/Lagoon 3 Trench
- Suspected Seep Area
- Leathery
- Lagoon 3 Dam
- Consolidation Extent
- Tannery Foundation
- Shallow Bedrock
- Limit of Wetland
- Superfund Site Boundary

NOTES:

- All site features and locations are approximate.
- The original figure was produced in color. Significant information will be lost if copied in black and white.

SOURCES:

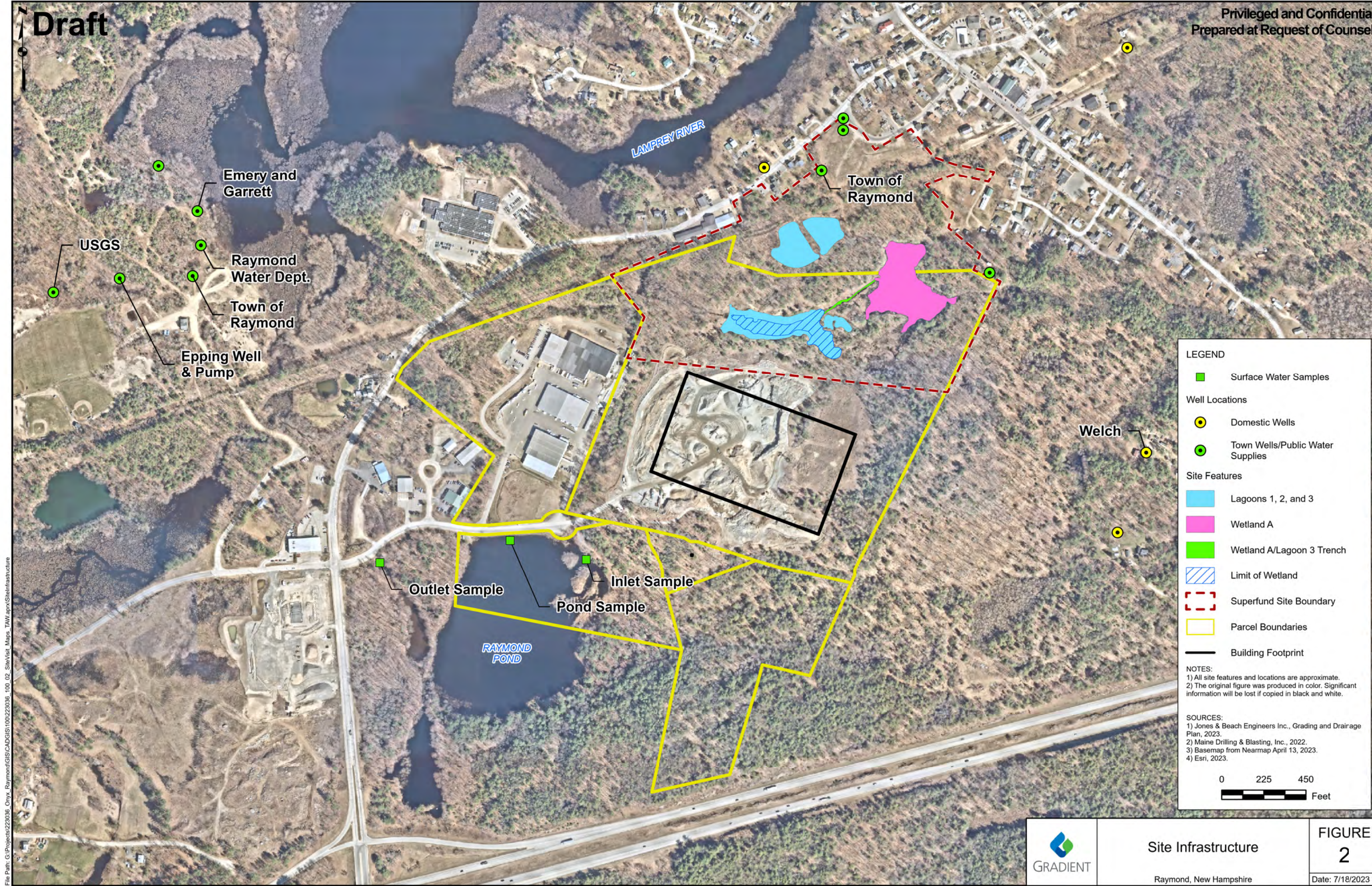
- GZA, 2004 & 2005.
- Stone Hill Environmental, 2011, 2012 & 2018.
- Tomforde Environmental Services, 2022.
- Enviro North American, 2023.
- NHDES, 2023.
- Basemap from Nearmap April 13, 2023.
- Esri, 2023.

0 100 200 Feet

File Path: G:\Projects\230306_Cnyx_Raymond\GIS\CADD\GIS\100_02_Site\Visit_Maps.aprx\Site Area

Draft

Privileged and Confidential
Prepared at Request of Counsel



File Path: G:\Projects\223036_Chryx_Raymond\CAD\CAD\SIS\100_02_SiteVisit_Maps_TAM.aprx\SiteInfrastructure

LEGEND

- Surface Water Samples

Well Locations

- Domestic Wells
- Town Wells/Public Water Supplies

Site Features

- Lagoons 1, 2, and 3
- Wetland A
- Wetland A/Lagoon 3 Trench
- Limit of Wetland
- Superfund Site Boundary
- Parcel Boundaries
- Building Footprint

NOTES:
 1) All site features and locations are approximate.
 2) The original figure was produced in color. Significant information will be lost if copied in black and white.

SOURCES:
 1) Jones & Beach Engineers Inc., Grading and Drainage Plan, 2023.
 2) Maine Drilling & Blasting, Inc., 2022.
 3) Basemap from Nearmap April 13, 2023.
 4) Esri, 2023.

0 225 450
 Feet

1 Planning Board Minutes
2 July 20, 2023 @ 7:00 PM
3 Media Center Raymond High School
4 45 Harriman Hill Road, Raymond, NH 03077
5

6 Planning Board Members Present:

7 Patricia Bridgeo
8 Jim McLeod
9 Dee Luszcz
10 Bob McDonald
11 Gretchen Gott
12

13 Planning Board Members Absent:

14
15 Staff Present:
16 None
17

18
19 **Pledge of Allegiance:** Recited by all in attendance.
20

21 **Meeting called to order:**

22 The meeting started at approximately 7:00 pm.
23

24 Ms. Luszcz said there were a couple of resignations from the Board. David Rice has resigned
25 the Board. He just said please accept this letter as formal notice of my resignation from my
26 position on planning board for health reasons. So, we do thank David for at least stepping up
27 in March and you know, trying to do right for his community. But of course, you know, we
28 certainly recognize and appreciate health issues. So good luck and be well.
29

30 **Motion:**

31 **Mr. McLeod made a motion to accept the letter of resignation from David Rice**
32 **with our thanks for his assistance to the Board.**

33 **Mr. McDonald seconded the motion.**
34

35 **Discussion:**

36 **None.**

37 **A roll call vote was taken.**

38 **Ms. Bridgeo – Aye**

39 **Mr. McDonald – Aye**

40 **Ms. Luszcz – Aye**

41 **Mr. McLeod – Aye**

42 **Ms. Gott – Yes**
43

44 **The motion passed with a unanimous vote of 5 in favor, 0 opposed and 0 abstentions.**
45

46 Ms. Luszcz also said Trisha Bridgeo resigned her elected Planning Board seat as of July 17,
47 2023, and in doing so she became the ex officio by the Board of Selectmen.
48

49 **Motion:**

50 **Mr. McLeod made a motion to accept the resignation from Trisha Bridgeo as a**
51 **sitting Planning Board Member.**

52 **Mr. McDonald seconded the motion.**

53
54 **Discussion:**

55 **None.**

56 **A roll call vote was taken.**

57 **Mr. McLeod – Aye**

58 **Ms. Gott – Yes**

59 **Ms. Luszcz – Aye**

60 **Mr. McLeod – Aye**

61
62 **The motion passed with a unanimous vote of 4 in favor, 0 opposed and 0 abstentions.**

63
64 We also received a volunteer application from Tom Daigle to be and alternate. He would like to
65 make a contribution to the growth and welfare to the town of Raymond, and willing to volunteer
66 to serve on the planning board. Tom Daigle has attended several town meetings, including
67 several planning board meetings. So, I would like to invite him up to the table.

68
69 Mr. McLeod said he had seen Mr. Daigle at the Board of Selectmen's Meeting and was very
70 impressed and is happy he has come forward to help out the Board.

71
72 Ms. Gott asked if the Board was looking at Mr. Daigle as a full Member.

73
74 Ms. Luszcz said she was going to propose that we do seat him as an alternate, have him sit
75 through three meetings as an alternate it gives him also a chance to get a feel of the board.
76 And then entertain a motion at that time if the board feels that he should be seated as a full
77 member.

78
79 Mr. McLeod said he thinks that is a great compromise. So, we waive the three meetings to
80 start and but then have three meetings before we make a decision on seating as a permanent
81 member.

82
83 Mr. McDonald said he concurred with Mr. McLeod.

84
85 **Motion:**

86 **Mr. McLeod made a motion for the Board accept the application of Tom Daigle as**
87 **an alternate to the Planning Board and waive the 3 meeting minimum.**

88 **Mr. McDonald seconded the motion.**

89
90 **Discussion:**

91 **None.**

92
93 **A roll call vote was taken.**

94 **Ms. Gott – Yes**

95 **Mr. McLeod – Aye**

96 **Ms. Luszcz- Aye**

97 **Mr. McDonald – Aye**

98 **Ms. Bridgeo – Aye**

99
100 **The motion passed unanimously with a vote of 5 in favor, 0 opposed and 0 abstentions.**

101
102 **Public Hearing:**

103
104 Ms. Luszcz said that Application #2022-015 White Rock LLA: has asked for a continuance until
105 August 17, 2023 but the Board is overloaded on that date and there might be staff shortages
106 and the Board will need to discuss this matter.

107
108 Mr. McLeod said that there are a couple of things on this, one of them is at a previous meeting
109 the board had been talking about abutter's notices. And through RSA, there's a certain legal
110 requirement, but we have our own planning board requirement. This is 6.4, abutter re-
111 notification policy. It says an applicant shall be required to pay for the cost of, of abutter
112 notification. If a public a public hearing is continued to a date more than 60 days from the
113 current date or the public hearing is continued more than three consecutive times. So, I know
114 that this application, we haven't taken it up yet. So, it's not strictly a continuance even though
115 that's how it's been referred to. But I think that they in the spirit of the policy that they should
116 have to re-notice the abutters prior to their next hearing.

117
118 Ms. Luszcz said since the case has already been made, because they already noticed the first
119 hearing. So, once they've noticed it for the first hearing the new to notice it. It is still a hearing

120
121 Ms. Gott said she is not sure that is the correct method. Ms. Gott is concerned about the fact
122 that we have not accepted it.

123
124 Mr. McLeod said we don't have any other scheduled meetings within 60 days. And we can't
125 continue it without beyond 60 days without their consent said you can't continue without what
126 their consent for a date certain beyond 60 days. So, we would have to add a meeting.

127
128 **Motion:**

129 **Mr. McLeod made a motion to require application 2022-015 White Rock, LLA to be**
130 **required to pay for the renotification of abutters prior to their next meeting**
131 **regardless of what that date is.**

132 **Ms. Bridgeo seconded the motion.**

133
134 **Discussion:**

135 **None.**

136
137 **A roll call vote was taken.**

138 **Ms. Bridgeo – Aye**

139 **Mr. McDonald – Aye**

140 **Ms. Luszcz – Yes**

141 **Mr. McLeod – Aye**

142 **Ms. Gott – Yes**

143
144 **The motion passed unanimously with a vote of 5 in favor, 0 opposed and 0 abstentions.**

145 Mr. McLeod suggested tabling setting a date, get back to them and see if October 5, 2023
146 works for them.

147
148 **Motion:**

149 **Mr. McLeod made a motion that the Board table the scheduling of application**
150 **2022-015 White Rock, LLA until the applicant can be contacted regarding a**
151 **rescheduling date.**

152 **Ms. Bridgeo seconded the motion.**

153
154 **Discussion:**

155 **Ms. Gott asked if the Board was going to offer them a date that they think might**
156 **be suitable.**

157
158 **Ms. Luszcz said Jim had suggested October 5, 2023.**

159
160 **A roll call vote was taken.**

161 **Ms. Gott – Yes**

162 **Mr. McLeod – Aye**

163 **Ms. Luszcz – Yes**

164 **Ms. Bridgeo – Aye**

165 **Mr. McDonald – Aye**

166
167 **The motion passed unanimously with a vote of 5 in favor, 0 opposed and 0 abstentions**

168
169 Mr. McLeod said he would like to notify staff that on September 7, and October 19, we have
170 two big applications. I would like to inform staff or whoever's going to do our scheduling that we
171 do not add any other applications for those meetings.

172
173 **Public Hearing:**

174
175 Application # 2022-008 Onyx Warehouse: has also asked for a continuance.

176
177 Mr. McLeod said they had a site walk on this site yesterday and there was information that
178 came up during the site walk that wasn't germane to the site walk but is going to be new to this
179 application, and He thinks that the Board needs that information before they come back to the
180 Board so the Board has an opportunity to review it. Mr. McLeod would like to schedule them
181 for August 3, 2023, it will not give them the GZA stuff but it will give them an opportunity to
182 present that information to us. And then we can continue that application to a date certain from
183 there. But we need to get that information that new information that they have officially from
184 them.

185
186 Ms. Gott said she would like to go after the date that they requested, Ms. Gott said she would
187 rather not move it up to the third, they specifically asked for the 17th, we cannot accommodate
188 the 17th, because there's already something going on, Ms. Gott suggested that we move it
189 perhaps to the 21st.

190
191 Mr. McLeod said the problem with the 21st is that it is outside of the 60 days and they are not
192 here to set a date certain beyond 60 days.

193 **Motion:**

194 **Mr. McLeod made a motion to continue application 2022-008 ONYX Warehouse**
195 **until August 3, 2023, at 7 pm, at Raymond High School Media Center, 45 Harriman**
196 **Hill Road, for the purpose of submitting new information and setting a new date.**
197 **Mr. McDonald seconded the motion.**

198
199 **Discussion:**

200 **None.**

201
202 **A roll call vote was taken.**

203 **Ms. Gott – Yes**

204 **Mr. McLeod – Aye**

205 **Ms. Luszcz – Aye**

206 **Mr. McDonald – Aye**

207 **Ms. Bridgeo – Aye**

208
209 **The motion passed with a vote of 5 in favor, 0 opposed and 0 abstentions.**

210
211 **Public Hearing:**

212 Application #2022-013- Earth Excavation Permit- Severino/Candia South Branch Brook: An
213 application for an Earth Excavation Permit has been submitted by Candia South Branch Brook,
214 LLC. The property is identified as Raymond Tax Map 38, Lot 34; 263 NH Route 27.

215
216 Tom Severino from Branch Brook LLC introduced himself to the Board here for the renewal of
217 our excavation permit. Map 7, lots 4 and 4A just as a summary of what I had made note of
218 from the June 8, 2023 meeting that was requested of us. One was to be sure the gate would
219 be closed, which we have and we have been maintaining it. There was no export of the non-
220 native material on the plans or is requested, we added the zone line to the sheet of plans. And
221 a note about that old monitoring well, that that's a historical note. And the last item, and
222 probably the biggest item was that DES would review all of Todd's information and that the
223 town would be kept in correspondence with that which I saw your name on the emails. So, it
224 looked like everything had gone back and forth between all parties from DES. From our review
225 of that it appeared to be all very positive from DES. And so, we are seeking approval of our
226 excavation permit this evening. open to comments, we would like to it seems that some in
227 some of the other meetings, we've had the discussions, it gets open to the public, but then
228 some of the meat and potatoes of those discussions comes out when the public sessions is
229 closed during discussion. So, there is something we need to comment on. I guess I just would
230 like to hear all that information while we're in our open discussion. So, we can comment on that
231 or answer that instead of I know sometimes the Board asks, can we answer that question,
232 because we're out of that session, but I'm not sure what questions or maybe, but we're happy I
233 feel we've concluded everything that was requested of us and like to hear the board's
234 comments.

235
236 Mr. McLeod said your consultant sent NHDES the reports and a letter, and we had
237 independently sent them a list of questions. That same list of questions was sent to our town
238 engineer to act as our third-party environmental reviewer. And when we followed up on that we
239 were sent a scope of work that they had done. And when we further followed up to find out
240 where that was in the progress, is when we found out that it said that the scope is a work was

241 halted and never performed per the email from Ron Severino on 6/20/2023. We just found out
242 about that. So, from my perspective, there's still a lot of open questions about this. I think we
243 should go down through the questions that we sent to NHDES and their responses so that we
244 can make a case for why my point of view differs from your point of view on where we are on
245 this.

246
247 Tom Severino said we do have that I have all of your questions from your letter. And I have
248 read all of their responses.

249
250 Mr. McLeod said on Page 1 of their response letter before they even start responding to our
251 questions, they say, we recommend that the Board hire an environmental consultant to insist
252 the town board with such a review. They requested that we get a third-party reviewer and our
253 RPP rep. Maddie also recommended it to the board, and the board voted on it. And we sent
254 them the questions, they came up with a scope of work, and then you denied it. So, we don't
255 have the benefit of our third-party review in order to continue your application.

256
257 Tom Severino said they were not tasked with that. When they left that meeting, they said had
258 they would really like DES to comment on that. That was the request from that night. We had
259 our expert work on it. We mentioned to you that night that we spent \$22,000 to date, or
260 whatever that odd number was that additional work in that second round with that additional
261 testing got his bill was 15,000 we are 30 plus thousand into this and we were not going to
262 spend another; we did get the report first from DES and had it needed a follow up.

263
264 Ms. Luszcz said they didn't know the Town was going to recommend a third party, maybe it
265 didn't happen at the meeting but it was the result of what we did agree on and that was DES
266 was going to be contacted and give their responses.

267
268 Tom Severino said they followed through with everything and DES had very positive
269 responses about arsenic. Even to put it into context they said to put arsenic into perspective,
270 one or more significant risks of arsenic exposure is in people's wells because all the drilled
271 wells are in bedrock, and that's where most of it they went on and on about how it is
272 background material, on our answers on these answers. It couldn't be any clearer. So, to have
273 another person dig into it, it just seems like we're never ending.

274
275 Ron Severino said he wrote that email and asked to clarify that he read the report and the
276 statement that it talks about asphalt, it also talks about, it's excluded from portions of the solid
277 waste, because of the recycling. It's just unless you can prove it's going into the ground, they
278 went on and on and on. It also was pretty clear that it's an allowed operation. Now, this testing
279 has gotten way out of control. And this can go on forever, because you're getting into one
280 expert says this, one expert says that. The bottom line is we were asked to test the water a
281 long time ago, our water is drinkable. After 25 years in there, our water is drinkable. And now
282 we're getting into all these different compounds that may or may not get into the soil. I can
283 bring up other cases. But we're involved in this all over this town, where we're guilty, till proven
284 innocent, that our operation is creating this. And I want to, I want to say that someone's got to
285 prove that we have arsenic traces out in the woods, that we're nowhere near we're working to
286 state, that's very, it's a common thing. We're not over any numbers that we can have. And it's
287 not in the water. This can go on and on and on. And you I feel that the board isn't the
288 enforcement operation, you're supposed to give a permit with conditions if you feel we need to

289 test our water more, or something like that. But this can go on to eternity. And to the point
290 where it just doesn't make any sense. This is this is trip number six in here. This is trip number
291 six. And we say well, I don't know you guys can prove you're not doing it. And that should to
292 me is not a legitimate argument. Someone's got to prove, you know we can we've been
293 operating it for years, we can continue operating. And still, somebody give me a monetarist
294 and say, oh, well, we can prove that you're contaminating here. But the but just because you
295 think we're going to do it is no reason to hold us up all this time. And \$35,000 into this thing,
296 when all is asked to do is do a water test is getting out of hand.

297
298 Ms. Luszczy commented that she would disagree that we are finding you guilty and you are
299 having to prove your innocence. She does think that this board has acted that way at all. In the
300 very many of the beginning hearings, there was a lot of confusion, old drawings, old data, and
301 she sympathizes with the applicant. COVID certainly didn't help the situation but it looked like
302 there was a lot of lacks in the in the previous years, it was kind of status quo somebody came
303 in for a permit, they just come stamp one and they got it. Knowledge is wonderful thing. Ms.
304 Luszczy said I guess it depends on what side of the table you're sitting on, we do have an
305 obligation to protect the water. And with all the information that has come out, maybe the
306 timing wasn't great for you guys. But we have to address all signs of contamination, DES sets
307 levels, because we all concur. There's arsenic in New Hampshire, in New England, but there
308 are acceptable levels. And then there's the times levels. I expressively said at the last meeting
309 when somebody else wanted more wells drilled, I said I don't want to bear that cost on this
310 applicant. If you recall, that is not the intent of this board. Testing is expensive. I understand
311 that. And Hindsight is 20/20. If I guess if we knew where we're going to be today, probably
312 would have had all those tests done the second meeting, right? So please just bear with us
313 too. We have a note to our fellow neighbors, and we have an oath to the general public.

314
315 Mr. McLeod said coming back to the scope of work was halted. We had requested that scope
316 of work for Dubois and King answer those questions because DES are the experts and they
317 are the authority when it comes to site remediation, and who has to do that and those sorts of
318 things. But we are the authority when it comes to our town regulations and we are the
319 enforcement for the excavation. We made it clear that we wanted a reply from DES as well as
320 D and K prior to making a decision on the application. We are the authority that approves the
321 application. And we wanted to do that based on the DES input as well as the other factors that
322 we have to consider outside of what is DES purview including our own local regulations. DES,
323 again, as well as Maddie, recommended using our own environmental consultant to assist us
324 with the review. DES did it no less than three times in their reply to us to use a third-party
325 reviewer. One of the other things that came up in here was regarding the asphalt and
326 regarding that they said handling of reclaimed asphalt may be subject to solid waste rules,
327 please contact Mark Condolis Jr. in the Solid Waste Management Bureau for questions copied
328 on this email. In questions number two Mr. McLeod assumed that that D and K would be
329 reaching out to Mark Condolis, Jr to get those answers on the asphalt and that hasn't been
330 done. We addressed our letter that we sent to NHDES to respectfully ask them to review it as
331 soon as possible in order to alleviate some of the financial burden that this process has caused
332 you. Mr. McLeod feels like the Board has been put in a position where the Board cannot make
333 that decision and until we have that information so you have further delayed being able to get
334 what you want and what we're trying to move forward for you. On Page 1 question 1 had to do
335 with had to do with other potential environmental impacts associated with moving excavated
336 material containing high levels of arsenic and other compounds around the site and off site.

337 And the answer was aggregates in quarried rock are literally the foundation of New
338 Hampshire's infrastructure. While there is always some potential for some environmental
339 impact arising from excavation and movement of material with naturally occurring arsenic, this
340 is something that occurs every day in a state where arsenic occurs naturally in the States,
341 rocks and soils. And they go on to state what you had stated. There is always a potential for
342 environmental impact. This Board recognizes that arsenic is ubiquitous within the state. Our
343 question had more to do with what is how once we know that something has been impacted
344 with arsenic, how are we supposed to monitor how that gets moved around? And that wasn't
345 fully answered here. Number 2 was regarding the asphalt which we just the answer was to
346 contact this other person at NHDES. But presumably, our third-party reviewer was going to do
347 that, but they never did. Mr. McLeod asked the applicant if they have a response from Mark
348 Condelis, Jr.?

349
350 Ron Severino responded that they just investigated the solid waste requirement and if you go
351 down under number nine of the solid waste requirements it says to collect, store transfer
352 process treat or dispose of waste concrete, cement, brick, other masonry materials, or
353 bituminous concrete provided that...

354
355 Mr. McLeod said they did not have that document but did read into the record an email from
356 Ron Severino to Christina McCarthy, and Tom Severino is cc'd on the email. Dated Tuesday
357 June 20, 2023. The email was sent the day after the DES response to the Board's questions,
358 the DES letter to the applicant and the D and K scope of work all came in on the 19th.

359 The response was on June 20 2023. At 6:39am. by Christina,

360 I have forwarded the email chain between Todd Greenwood and DES; it appears that
361 there is no issue with DES since the drinking water standards are met. And the limits
362 that exceed SRS are caused by natural conditions. The last round of testing has added
363 another \$15,500 to what was supposed to be just a water test. At this time, I do not
364 want to proceed with an escrow account for Dubois and King. The board indicated that
365 DES was the final say on this and do not feel that involving another party will settle
366 anything. We need a decision from the board and we need to follow best practice
367 measures going forward. Look forward to resolving this at the July 20 meeting. Thanks,
368 Ron.

369
370 Ms. Luszcz said we did not receive this at that time.

371
372 Mr. McLeod said that in the letter that you received from Jeff Martz it says reclaimed asphalt
373 may be subject to an NHDES is solid waste rules.

374
375 Ron Severino and Tom Severino said they looked it up. Ron said we can go round and round
376 when you get into the law. This is what I'm saying we could go. And but it all boils down to the
377 same thing. You "may be" it there's a "possibility" you can contaminate it says right in this
378 correspondence that we know that stuff's in there. You just need to do best practices and make
379 sure it doesn't get as long as it doesn't get into water. We're not concerned with it. We proved
380 it's not in the water. I don't know what else we can do, because we're gonna go on and on and
381 on.

382
383 Ms. Gott asked what RSA the applicant was referring to?
384

385 Tom Severino said it is not an RSA it is a booklet called Solid Waste Rules and they printed all
386 38 pages of the booklet. Tom Severino said that every pit has an asphalt pile, and everybody
387 reclaims. We wouldn't have done it for 30 years if we all said "Oh Geez maybe this should go
388 to waste management."

389
390 Ron Severino said it was located under 302. 03. Section B #9.

391
392 Ms. Gott asked when did they receive permission to have asphalt on the site. Ms. Gott said
393 she has asked this several times.

394
395 Tom Severino said it was brought up at the last meeting and did not remember the date.

396
397 Mr. McLeod said he believed it was in 2018.

398
399 Ms. Gott said you cited the variance and called that your permission. That was not the
400 permission. You never had permission for asphalt on that site. That was not your original pit
401 approval. It was not your excavation approval. It was never. The variance was for crushing and
402 processing. The variance was not for asphalt.

403
404 Ron Severino said that is why there was a variance and special exception and he is not sure
405 which is which. One was to be able to import materials to crush and then we needed one to be
406 able to crush. I'd say asphalt. It didn't specifically say asphalt. It didn't get specific. You can
407 read it. away, but that's we're not going to crush, sand. We're gonna crush whatever comes to
408 us. It wasn't illegal to bring it in.

409
410 Mr. McLeod said one of the other things that we had asked was please comment on the levels
411 of phosphorus and nitrates in table one, a summary of the groundwater quality data, including
412 possible sources other than septic leakage. And the answer was nitrates are not uncommon in
413 groundwater in sandy aquifers in New Hampshire at levels below the AGQS. Phosphorus
414 detected in groundwater samples may be the result of turbidity from the geologic formation
415 where the well was installed. For example, fine sand and silt particles. For a more detailed
416 analysis of sources at or near the subject property, and NHDES recommends the Board
417 consider hiring an environmental consultant. What this tells me is that the wells that you
418 installed, the monitoring wells that you had installed, because the previous ones had been
419 decommissioned. Now that they're in place, this is the sort of annual testing that will show that
420 well, is that phosphorus rising? Is it going down? Was it a onetime thing? Is it consistent? That
421 sort of thing? So, it's just a data point for now? And I'm fine with that. It's below the AGQS. And
422 so as far as I'm concerned, this question is settled. The next question four, please comment on
423 the levels of PFAS detected in table one: Summary of Groundwater Quality, data reference
424 USEPA proposed national standard MCL? And the answer is the PFAS levels are below the
425 State AGQS. In some instances, the PFAS are greater than the proposed EPA MCL's is the
426 EPA values are proposed and not enforceable, they have in parentheses. And we don't know
427 what standards will ultimately be adopted by the EPA. So, the reason that I bring this up is
428 because even though it's not enforceable by NHDES, that standard for PFAS is likely going to
429 be below the level of PFAS that you have there. Now, it doesn't apply today but the thing is
430 that you have to keep in mind is that we are we have to look at protecting the health and safety
431 of the town. Regulation hasn't caught up to the science on PFAS yet, the EPA and the general

432 consensus of the scientific community is that four parts per trillion is the is the enforceable
433 level of PFOS and once that comes into effect, your site will be out of compliance on that.

434
435 Ms. Gott said That's the problem. We cannot say enforce it. Now we recognize it. And the next
436 review, we can enforce it or if information comes to us. But we can't say anything about it.
437 Now, it's not part of the review.

438
439 Tom Severino said he agreed it is going to come up in the future.

440
441 Mr. McLeod said question 5, please comment on the on the SRS exceedances. The Board is
442 concerned with the direction of groundwater flow towards Lamprey River adjacent wetlands a
443 tributary and a public water system, PWS number 1972 27 D, recorded at the same street
444 address 263 route 27 And their answer was to see the email back to you folks. And so that's
445 addressed in that email.

446
447 Number 6 was please comment generally on test results from the composite sampling,
448 especially with respect to the test methodology is that a representative sample from is a
449 representative sample from eight locations mixed in a single sample tested actually a dilution
450 factor of eight. And based on what they said, here it is, but that's also how they do it.

451
452 Question 7 was based on the test results; would it be reasonable and prudent to also test the
453 surrounding wetlands surface water and sediment for these compounds to ensure pollution is
454 not migrating from the site? And the answer was NHDES, did not require further assessment
455 based on the information provided. And then again, refer back to the email that you received. It
456 said, if the board is looking for further technical opinions on this, and NHDES recommends
457 forwarding this question to the board's consultant, which we did, but we don't have an answer
458 from them.

459
460 And then the final question is who is responsible for determining that imported materials
461 contaminated with regulated substances are not in violation of state and local statutes? And
462 their answer was, as you noted that that question is potentially legal in nature and they're not
463 going to touch it with a 10-foot pole. That was from Jeffrey Martz, the Bureau Administrator of
464 the Hazardous Waste Remediation Bureau. That's important to note because in the letter that
465 they replied to you. And so, this, this will be the letter from Jeff Martz sent on June 19, 2023, at
466 8:26 am. And this is the last sentence on this page and it goes on to the next page. And it
467 says, *excuse me, our review of the document focused on an evaluation of whether the data
468 provided suggested a discharge of a regulated contaminant occurred that is subject to
469 regulation under NHDES ENVOR 600 contaminated site management rules.* And so, they
470 were looking at it from a specific set of rules the ENVOR 600. That's his purview. That's what
471 he was looking at. But we're not we're not limited to that. We have to look at everything that
472 falls within our purview. So, they didn't look at it through ENVOR 1700, which is the surface
473 water standards, because there hasn't been any surface water test done. But at our last
474 meeting, timestamp 1:48:27, I said, "I think it is I think it is a good idea to have the report
475 forwarded to NHDES for comment. And at 1:48:57. I said, "in addition to what we have found
476 here", that was referring to the report, "there still needs to be further classification of the site.
477 The wetlands have not been tested to see to make sure there's nothing that's running off the
478 site into the wetlands." The surface water and the sediments of the wetlands need to be tested.
479 I went on to say "I think NHDES is probably going to require that when they look at this report,

480 but I can't say that they didn't require it because they didn't look at it through the lens of
481 ENVOR 1700. They only looked at it through while they focused on ENVOR 600, which is
482 contaminated sites." Mr. McLeod further said he would have expected our third-party reviewer
483 to look at this report and this application through the lens of our local regulations where this
484 would have come up and we don't have the benefit of that. He thinks that before the Board can
485 make a decision on this, we will need a third-party review. We will need testing of the wetlands
486 and we will need to speak to will need to reach out to the Mark Condelis Jr. from the Solid
487 Waste Management Bureau.
488

489 Tom Severino said he has the utmost admiration of the Board but no run-off goes into this pit
490 and he knows the direction of the flow. That is why they agreed to review the thing. When
491 everything drains internally, we were originally asked to put the monitoring wells and we put
492 them in, and the water past meets drinking water standards. And you stated that your
493 obligation is to protect the water of the town. He doesn't remember exactly how it came out.
494 But and we meet that. So, then we reached out for more testing. Tom Severino said he would
495 comment that there was a lot of positive stuff, he read this letter and that's a great letter to get
496 back from DES, about the background of arsenic and it's prevalent in sandy gravels. It kind of
497 perplexed him that arsenic is so high. it was nice to hear from them, not nice, but that it's
498 prevalent in these natural gravel deposits that arsenic is going to be... he saw lot of positive
499 gravel has arsenic in it. It's just a naturally occurring thing. And yeah, gravel pits are
500 everywhere and moved everywhere and about the rock and about that it's the foundation of it's
501 going on everywhere. People are blasting crushing building roads. He saw a lot of positive
502 here that doesn't justify reaching out further if our water failed, we'd be having a different
503 discussion, like you guys need to dig deeper. And it didn't. That's all he is saying is how do we
504 justify reaching further.
505
506

507 Mr. McLeod said that drinking water is important to us. In our town of Raymond, Earth
508 Excavation Regulations, 1.20 Purpose and Scope Part C. Additionally, that is to protect natural
509 resources and the environment, now, you said that there was no reason to test that. But when
510 we were on a sidewalk there, the silt fence there hadn't been maintained for some time. Has
511 there ever been any testing of that wetland to see if anything had runoff in there?
512

513 Tom Severino said there was no reason to test that area.
514

515 Mr. McLeod said that presumably the silt fence was put there in the first place in order to keep
516 runoff from going in to the wetland and that had not been maintained. So that is the impetus for
517 wanting to know if anything has run off the site into that wetland. And the only way to be able
518 to determine that is through a water and sediment test.
519

520 Tom Severino responded that in the excavation business the silt fence gets set up when the
521 site is first dripped, because you are at grade, and things will run. So, the silt fence was set up
522 when we establish the site. Once you excavate the site, we're not going to reset that silt fence
523 water cannot get out of a 10-foot embankment anymore at the top of the bank, a drop of water
524 when it rains cannot leave that site. So, for us, it's common sense, we understand what we
525 need to maintain and what we don't need. We do it every day. So that's why the silt fence, it
526 was destroyed. We terminated it because it wasn't needed.
527

528 Ms. Bridgeo said thank you to Tom. One thing is, you do it every day. And you're correct. You
529 do it every day, we don't. But the one thing that from the beginning of when you open that pit to
530 now the one difference is that the crew of this is the change of use in crushing and bringing
531 materials in. The arsenic levels in the state, we know they're prevalent, we know that blasting
532 makes them released. And that is the concern because arsenic blasted is released. And there
533 are plenty of studies now saying that, and I know you're not blasting, I'm not trying to say you
534 are. But blasting rock does release the arsenic and that is where it would wind up in water. So,
535 we can all agree that the Granite State has arsenic. PFAS, PFOS all of that that's now, we see
536 it all the time isn't coming from the sand, the rocks, the natural materials even coming in and
537 mixing and crushing the rocks. PFAS is right now only a direct result from the one material
538 you're bringing in which are not the man-made materials being brought in. They're not coming
539 hazardous materials from anything that was on the site. Anything that is rock being brought up.
540 It's the asphalt in the materials and construction materials being brought in and crushed. It isn't
541 anything coming from the site. And I think everybody would agree with that. Those elements
542 aren't coming from typical excavation elements. And I think that we could all agree on that one
543 factor is that is the only source of that material is the only place those elements would come
544 from, not from anything within the pit, not from the natural occurring rock being brought in. I
545 keep hearing these things. And one was we did the monitoring wells, the monitoring wells were
546 supposed to be on the pit from the beginning, they had become un-operational and not
547 checked and you brought them back up and running, and you are trying to get to the point
548 where we can have an agreeable situation about what's going on. The wells, for whatever
549 reason were not being tested, we didn't have that data. You made just made a statement about
550 water flowing. And I guess you're right as you as it was dug down into a bowl, the water would
551 want to go to the bottom of that bowl. And you also have said what level you can excavate to.
552 But now sitting at the bottom of that bowl is asphalt, is materials that, again, are the only
553 sources for the hazardous. But the piles also that Jim, where he references that wetland when
554 we walked, water coming off the top of those piles that are up, it's going to come sheeting off of
555 those right down into the wetlands. So, I think that I hear a statement and then an argument
556 but if you look at the statement of the water, yeah, water can come off those piles and it can
557 sheet down into the wetlands. You said you know there's a berm there and everything and you
558 said to Cons Comm, that right away, you know that we would address that. Standing in the
559 middle of that pit in the bottom of that bowl and the smell alone, and wasn't that warm but a
560 decent temperature day, and to have a pounding headache very quickly, is because it's a non-
561 natural material, it wasn't the sand, it isn't the rock. It's the non-natural materials. And I think
562 this whole discussion is based around that aspect of not the work that you had done, not the,
563 the efforts that you've put forth to the questions that are left open to me are related to that
564 aspect of it. And Gretchen asking in a when did the asphalt and I think that's where this whole
565 conversation keeps coming back to.

566
567 Tom Severino said we are moving towards the closure of the pit we're getting at the end of the
568 pit. We just we couldn't move that material now from the last meeting. We want to process that
569 pile. They have read the regulations and they can look into some of that after but, we're like
570 factory just screened our loam there. And then once we get permission, we'd like to get the
571 loam. Now we want to process the Reclaimer get that out, because we could, we'll ship that to
572 a road job somewhere and use it and put it in as crush reclaim. We're almost thinking about
573 not reallocating those piles anymore, just and for both reasons. One, because it seems to be a
574 lot of the sticking point, more than like Trisha just said, the naturally the natural gravels It's
575 seems to be the bigger sticking point of the whole discussion. But again, that can be part of the

576 approval that we phase that out. and because we're getting to the end of the pit, and we'll
577 probably either sell the property or whatever will happen, whatever someone will do with that
578 property to develop it, but it would be in the way to finish off that pit.
579

580 Mr. McLeod said from my perspective, if there was a condition of approval, that there would be
581 no more importation of not having manmade materials or non-natural materials. And there is a
582 limited test of the area of the wetland that is below that loam pile, then, then I would I would be
583 willing to forego a third-party review. That being said, that additional testing, if you're going to
584 do something else with the site later at least we've got a data point that we can refer to later
585 on. So, if it turns out that there's going to be a warehouse or housing or something else there
586 and there's a test there later and it comes up something that you'll be like, okay, well that isn't
587 us because we had this test done.
588

589 Ron Severino said We can't just stop importing because we need to find yet another location,
590 we need like a year. Suppose it is a five-year permit which really, we're gonna get four
591 because we're already a year or a year has already gone. I could guarantee we wouldn't be
592 here in four years trying to do this again, because we wouldn't be doing it there might be a little
593 bit of sand to come out. But basically, we just want to finish out. They have to dump it
594 somewhere, and if we're operating, it doesn't sit there that long it comes in, we flush it, we take
595 it out. but to say don't bring any more in would like tomorrow, it won't be a big problem, we
596 need time to phase it out at least at least a year to stop bringing it in or something like that. I
597 can't just say no. We have been operating for a long time.
598

599 Tom Severino said that I don't think too many people would voluntarily say, hey, I'll terminate
600 my use of that particular use and processing and importing in a pit. That's our hub. And we're
601 happy to do that we just need and I just hate when I promise too early. I'd rather like have the
602 timeframe and be ahead of that. But I just wouldn't want to, like Ronnie says, we literally have
603 to go find a spot near our shop and make a new pile. You know, it would take time to get that
604 reallocated. But I think that's a would be a great compromise.
605

606 Ron Severino said we still need conditions to test water, and still have to do the yearly review.
607

608 Mr. McLeod said they have done a lot of work on this site. They have tried to comply. There are
609 a lot of positives to take away from this. the water, the groundwater quality, there isn't horrible,
610 or it's below the AGQS, which means that you could drink it. Mr. McLeod said he felt like we
611 were very close to wrapping this up. It had been mentioned that this has been continued six
612 times. That wasn't because the Board wanted to drag this out those continuances were also
613 contingencies continuances that you had asked for. If we get that third party, have you. But
614 without it and with without an assurance that there's going to be no importation of non-natural
615 material, then I think that we need that third party review before we can make a final decision.
616

617 Ms. Gott said she believes this is an extension of TRC. TRC had not finished the work
618 because they did not have all these materials. So, asking for the third party, Dubois and King,
619 that's an extension of our TRC work, which we always ask for. So, to me, it makes perfect
620 sense and complete sense to have this review. I appreciate the effort to wrap it up. And that's a
621 choice you folks do marketing wise, I do not appreciate having the non-natural materials on the
622 site. I'm concerned about that.
623

624 Ron Severino said that he still feels like he has some grandfathered rights and they are not
625 starting from scratch. If this is a new application, you could run me right through the wringer.
626 We're just trying to renew a permit we're not we already have the plans.
627

628 Mr. McLeod said that their permit expired prior to them applying for the permit that's before us
629 today. So there, we don't have an extension. It's that permit has expired. This is a new permit.
630 We're looking at this as if it is a new permit.
631

632 **Public Comment:**

633 None.
634

635 Ron Severino said he thinks they should get a compromise because it's either get some kind of
636 conditional approval or denial so that they can move to the next step. Because if he going to
637 spend money, it's not going to be with engineers anymore.
638

639 **Deliberation:**

640
641 Mr. McLeod said that the compromise to not bring in any more non-natural material and do a fill
642 that data gap over on the wetland would have been acceptable to me. But where they want to
643 continue to import on natural material, Mr. McLeod doesn't feel like he can make a decision
644 without a third-party review. The question was whether or not the materials can be tested as
645 they're brought in. But the problem is, is that the material itself is the contamination. So, it's the
646 it's the asphalt, it's the actual ingredients of that that are creating the exceedances. That's
647 where it's coming from. So, we already know that it's contaminated. Because that's the nature
648 of the product itself.
649

650 Ms. Luszcz said they are containing that it can't get out of the bottom of that pit. There's no
651 way to ascertain what's going to happen with the material. And the one off even off that
652 material is that that's a lot of the concern.
653

654 Mr. McDonald said that if the applicant were to set a date of getting rid of the manmade
655 materials brought in, during that time, if there are going to be materials pull until it ceases. Is it
656 and I don't know the answer this question, is there something that can be put under future piles
657 during this timeframe, that would help mitigate any runoff from the from the manmade
658 materials.
659

660 Mr. McLeod said that from his perspective the material that's on there now should be
661 processed and removed and used somewhere. If you're going to bring in more material than
662 that, is sort of it really is a sticking point. And we haven't had the benefit of a third-party review
663 for from them from an engineer to tell us if it's okay to do that or not do that. Mr. McLeod is fine
664 with taking the material off. But if they had made material is going to continue to come onto the
665 site, then he wants our engineers to review it, and give us some sort of guidance on that.
666 Beyond what we have already. It's been requested by Rockingham Planning Commission; it's
667 been requested by NHDES, and it's been requested by members of this board. Mr. McLeod
668 noted that in the Raymond Earth Excavation Regulations amended 2017. This is Article Seven,
669 Minimum and Express Operational Standards on page seven. Under part A, the final sentence
670 says *in addition, reasonable conditions as deemed necessary by the board and which are*
671 *more stringent than these minimum standards may be imposed pursuant to RSA 155 E 8. We*

672 have the authority to require certain things and if they're deemed reasonable, DES and our
673 Rockingham Planning Commission has deemed it reasonable that we seek out the right advice
674 of a third party, environmental scientist or wording that they used to assist us in making this
675 determination. Mr. McLeod said he thinks that is what the Board should be doing and requiring
676 a condition of approval or if the applicant was to voluntarily proceed with the sediment and
677 water testing of that wetland on the west side of the property.
678

679 Ms. Bridgeo said for clarification if no manmade material is brought in, then we would expect a
680 timeline. So would ask for a timeline that the material that's is processed and remove if you
681 want a timeline, whether it be the year, and so would also part of that be that who is going to
682 be the person to go over to do that check from date certain from what so we need to be very
683 clear on.
684

685 Mr. McLeod said we are the enforcement for all excavation in Raymond.
686

687 Ms. Bridgeo said that if materials are to be continued brought in, then you do not want you
688 want the review prior to any more materials brought in.
689

690 Mr. McLeod replied correct.
691

692 Poll: Is the Board in agreement that we would even though the applicant has already said that
693 they're agreeable to it, to have sediment and water surface testing done of the just the northern
694 wetlands that is the concern?
695

696 Ms. Bridgeo said she made it very clear that the material has to be processed and it has to be
697 taken out, and the timeframe they gave to process it. First and it has to be taken out my and
698 then the timeframe they give to process it. My area would be that if it was going to be bringing
699 more material in I don't and we don't have the rest of the information. I'm in the same thing if
700 we're processing and moving forward with the any natural and no more manmade. Yeah, I
701 don't see any reason to ask for any other testing than the three, the surface and the surface
702 water and groundwater on that in the soil on the wetlands here. And if we are, if they're saying
703 they kind of bring in more materials and process, then I think the questions have to be
704 answered, as to is there anything that needs to be done?
705

706 Mr. McLeod said if they insist on bringing new material in, we're going to have to determine
707 whether the variance and the special exception have expired or not. And to Gretchen's point,
708 we'll have to determine whether or not asphalt is specifically included in that. So, there's one,
709 we're going to have to dive into it, if there's going to be non-natural material brought onto the
710 site, we're going to have to continue to, to look at it until we're all satisfied.
711

712 Ms. Luszcz said we have some notes of concern and our conditions a few may obtain
713 sediment and water surface testing of the Northern wetlands on a drawing midway between
714 the top and bottom on IC1. And the center between the notations AL1 and AL2, then in the
715 same wetland, but to the left of AL1 and to the right of AL2 for a total of three surface water
716 tests and three sediment tests. It seems like most have expressed that processing the existing
717 materials. And moving them from the site is probably a good thing. Asphalt processing will
718 cease in a year.
719

720 Mr. McLeod said 12 months should be an adequate time to process the material and get it off
721 the site.

722
723 Ms. Luszcz said her 4th note says third party review will be required when or if new material is
724 brought in.

725
726 Tom Severino said they just wanted more time to get it out of there and get it crushed up. They
727 are willing to stop bringing stuff in. We're willing to concede and not haul the asphalt in here
728 anymore. It just sounds like there was a lot of heartache over that.

729
730 Ms. Luszcz said to confirm, we're kind of superseding that 3rd party review because they've
731 already agreed to have the water, the sediment and the surface water tested, and wetland A,
732 which is a big concern of the Board. So that will be reviewed by somebody else. That was the
733 big sticking point. Right. And then obviously the constant processing of asphalt was a big
734 concern. They're agreeing to stop any new non-manmade. Just to summarize sediment water
735 surface testing of the Northern wetland, and process the existing materials and move from the
736 site, which should take about 12 months, no manmade materials will be processed after ...
737 conditions would be that the processing of the existing materials and moved from the site by
738 July 30, 2024. And that's 10 more days than a year but I think it gives us a cleaner date. No
739 manmade materials will be imported to the site as of July 20, 2023.

740
741 Tom Severino asked if there would be a duration on the testing too, like rehab 90 days or
742 some duration to complete. I can even say if we didn't complete it, then the permit is void or
743 something. But just that probably should be a deadline for us.

744
745 Mr. McLeod said he is happy to give them 90 days to do that.

746
747 Ms. Bridgeo aske they specify who those results are going to go to. Please put down who you
748 want to present it to.

749
750 Mr. McLeod said it should be town staff and the Chair.

751
752 Ms. Luszcz said she was just going to add at the end for a total of three surface water and
753 sediment tests with the test results presented to the chairman of the planning board and town
754 staff within 90 days.

755
756 Ms. Gott asked What about the remainder of the work on the site? The asphalt pile is only one
757 section of what may or may not be going on the site. What other activities are going to be
758 allowed? Is there a length of period at length of time for a permit? You know, as they've
759 mentioned that permits are generally five years, we're whether or not we're in the fourth year,
760 whatever. Is there other work that's going to be allowed to go out on that and what is the scope
761 of that work?

762
763 Mr. McLeod said the permit is for five years the application was done last year. So, there would
764 be four more years left for them to do whatever they wanted on the site.

765
766 **The Board came out of deliberative at approximately 9:20pm.**

768 **Motion:**

769 **Mr. McLeod made a motion to continue application #2022-013, An Earth**
770 **Excavation Permit, for Severino Candia South Branch Brook, until August 3, 2023,**
771 **at 7pm at the Raymond High School Media Center, 45 Harriman Hill Road, with the**
772 **stipulation that there is to be no importation of non-natural materials but all other**
773 **excavation processes can proceed.**

774 **Mr. McDonald seconded the motion.**

775
776 **Discussion:**

777 **None:**

778
779 **A roll call vote was taken.**

780 **Ms. Bridgeo – Aye**

781 **Mr. McDonald – Aye**

782 **Ms. Luszcz – Aye**

783 **Mr. McLeod – Aye**

784 **Ms. Gott – Yes**

785
786 **The motion passed with a vote of 5 in favor, 0 opposed and 0 abstentions.**

787
788 **Approval of Minutes:**

789 **July 6, 2023**

790
791 **Mr. McLeod said on line 386 the word ‘stranger’ should be ‘stronger’.**

792
793 **Motion:**

794 **Mr. McLeod made a motion to accept the minute of July 6, 2023 as amended.**

795 **Mr. McDonald seconded the motion.**

796
797 **Discussion:**

798 **None:**

799
800 **A roll call vote was taken.**

801 **Ms. Bridgeo – Aye**

802 **Mr. McDonald – Aye**

803 **Ms. Luszcz – Aye**

804 **Mr. McLeod – Aye**

805 **Ms. Gott – Yes**

806
807 **The motion passed with a vote of 5 in favor, 0 opposed and 0 abstentions.**

808
809 **Public Comment:**

810
811 **Therese Thompson said she apologizes for leaving the site walk last night early. The humidity**
812 **had a really negative effect on me. Ms. Thompson wants the town to know And I'll tell the**
813 **Conservation Commission at some point. That every week, once a week, I go to the Riverside**
814 **Park parking lot and pick up litter and garbage. Ms. Thompson asked when an applicant**
815 **applies for a project do you require them to apply to DES prior to making a decision?**

816 Ms. Luszczyk replied only if it warrants, it's when contamination is found or an issue.

817
818 Ms. Thompson said she didn't know that the Secretary, the Lamprey River Advisory Committee
819 mails, our letters to the town Conservation Commission and planning board. She thought she
820 communicated by email or something. Do you guys get our letters of our comments to the
821 DES? You don't. In the future, can she just email to the chair of the Conservation Commission
822 and Planning Board?

823
824 Ms. Luszczyk responded saying absolutely.

825
826 **Staff Updates:**

827
828 Ms. Bridgeo said she had a package in front of her that is the Board of Selectmen's Package
829 for the New Hampshire DES Wetland Bureau Minor Impact Dredge and Fill for an application,
830 and it was received without a date, it says July 2023. And it was actually received July 17,
831 2023. And these are the butter notices. And then this is the complete package here. I didn't
832 realize that this package was the Board of Selectmen's package. But I did notice that that
833 application was one that the Planning Board had asked for. So, I went and asked the question
834 of staff, the Board of Selectmen has this is this the stop gap of why is this it's sitting in an area
835 that's not relative to the people that have it. There was a second copy in our Planning
836 Department. But that one was not to leave the building and be given to because I wanted to
837 give my copy to you, Madam Chair, because we need the information. So why I'm here and
838 bringing this up is we have repeatedly asked, and I'm hearing comments about wetlands
839 permits and such. And they do exist, and they do come in to the town hall. We need to rapidly
840 fix the situation that this information, which we need and have asked for has a link between the
841 town and our Board. I did ask staff to please get electronic copies of this to you madam chair
842 so that the Board could have a copy of this. And I went in searched to say where do these files
843 go on the Board of Selectmen side. And I have yet to have found the location of where this
844 information would be stored, or to be honest, the relevance of except for the ex officio coming
845 here, what it would have had being put in our town hall with our town manager even I don't
846 think that that is an appropriate place for this information of such importance to the Board. So,
847 we don't have to discuss this in more detail. But it is something that since we need this
848 information, we need to fix this.

849
850 Mr. McLeod asked if that information should be going to the Conservation Commission also.

851
852 Ms. Bridgeo said she thinks that Lamprey River would also want this information.

853
854 Mr. McLeod said when we do our checklist, does it say in there that we require an electronic
855 copy of all submissions? Because it should.

856
857 Ms. Bridgeo said Mr. McDonald had passed out a legal notice stating that on July 13, 2023,
858 State of New Hampshire Department of Environmental Service Water Division Concord, New
859 Hampshire notice of public hearing, and I would like to say thank you to Bob, for having
860 located this. And this is in the Union Leader on Tuesday July 18. Per RSA 482 -A:8.
861 Environmental WT 202, Environmental -C 205.03. The New Hampshire Department of
862 Environmental Services wetland Bureau is providing notice of a public hearing scheduled for
863 July 28, 2023 commencing at 10am. The hearing will be held at the New Hampshire

864 Portsmouth Regional Office Pease international trade port 222 International Drive Suite 175
865 Room A Portsmouth. The purpose of this public hearing is to receive public comments
866 regarding New Hampshire DES application number 2022 - 02474 submitted by Onyx Partners
867 LLC proposing to impact approximately two acres of wetlands for the construction of a 550,000
868 square foot commercial warehouse associate associated parking drainage features the
869 location of the proposed project is Industrial Dr., Raymond tax map 22 lot 45. The public
870 hearing will be digitally recorded and made part of the New Hampshire DES application 2022 -
871 0247 for members of the public may submit written comments to the to be included in this
872 application hearing as follows. Email wetlands application public comments at DES. New
873 Hampshire.gov, first class mail New Hampshire DES, 29 Hazen Drive, Concord, New
874 Hampshire hand delivered during the application all written comments must include application
875 2022 - 02474 to ensure the written comments are included in the records of this application
876 hearing. Prior to the conclusion of the hearing, a party may request the record to be left open
877 for a specific specified length of time for the filing information not available at the hearing.
878 Otherwise, the record will be closed at the end of the hearing. The file will be made available
879 for review at the Office of New Hampshire DES, 29 Hazen Dr., Concord, New Hampshire
880 during regular business hours. And why? I say Kismat. With they're going to have this and the
881 draft versions we may have though. And I'm not we may have that. Because we had asked for
882 some of these, we may have them available to us. I have not fully looked through I didn't have
883 a BOS version. But we may have a version. And I think that since it's some of the materials
884 that we've been asking and asking for. Procedurally, how are we going to ensure that we this
885 information that wetland information that we asked from the board, we need to figure out how
886 that information will be coming to the Board so that we know of the information? I don't think
887 that there's a path. And I'm not going to go into the specifics of it. It's not the application. It's
888 that's a notification. It's knowing how we get a procedure.

889
890 Ms. Luszc said she would not that they need to look up what the Board's checklist and
891 requirements are to file wetlands permits because applications because I don't think Planning
892 Board members should have to trot all the way to Portsmouth to attend a DES hearing.

893
894 Ms. Bridgeo requested if there is a procedure can it please be distributed.

895
896 Mr. McDonald read from the site plan regulations that on the second page of the checklist. It's
897 under Other. Number six, it says six full size copies of all plans 10 copies of all plans in 10 by
898 17 format and digital copies of plans, and three copies of all studies. That's what it currently
899 says.

900
901 **Motion:**

902 **Ms. Bridgeo made a motion to appoint James McLeod to the Water Committee.**
903 **Ms. Luszc seconded the motion.**

904
905 **Discussion:**

906 **So it should be noted that I've been approached ever since I put in my letter of**
907 **resignation from the water planning committee, that the reason that I had done it**
908 **was because I didn't like the appearance while we were debating water towers**
909 **and how to proceed, that I was using the committee to form my own agenda. Now**
910 **that the town is aligned with a process, I think that I can help that process more**

911 by being on the board. I did it for the benefit of the town, and I would accept an
912 appointment back to that for the benefit of the town.

913
914 **Ms. Gott asked Ms. Bridgeo if the membership been established for the**
915 **committee and who is expected to be on that committee? Have the Selectmen**
916 **established what the membership of this committee will be?**

917
918 **Ms. Luszcz said it will Planning Board members only with some citizens and a**
919 **Cons Com Member.**

920
921 **A roll call vote was taken.**

922 **Ms. Bridgeo – Aye**

923 **Mr. McDonald – Aye**

924 **Ms. Luszcz – Aye**

925 **Mr. McLeod – Yes**

926 **Ms. Gott – Yes**

927
928 **The motion passed with a vote of 5 in favor, 0 opposed and 0 abstentions.**

929
930 **Motion:**

931 **Mr. McLeod made a motion to allow the Water Planning Committee to add two**
932 **additional members, as they see fit by vote of the committee. To allow them to**
933 **have up to 7 members.**

934 **Ms. Luszcz seconded the motion.**

935
936 **Discussion:**

937
938 **Mr. McLeod said he doesn't have anything in mind for those two (positions) but**
939 **he imagines it will be two citizens.**

940
941 **Ms. Luszcz said the more input from the community the better.**

942
943 **Mr. McLeod said he doesn't want it to get cumbersome, but adding two more**
944 **members to the committee would think would make it a stronger, more effective**
945 **committee.**

946
947 **A roll call vote was taken.**

948 **Ms. Gott – Yes**

949 **Mr. McLeod – Aye**

950 **Ms. Luszcz – Yes**

951 **Mr. McDonald – Yes**

952 **Ms. Bridgeo – Aye**

953
954 **The motion passed with a vote of 5 in favor, 0 opposed and 0 abstentions.**

955
956 **Ms. Luszcz said that although she was unable to attend the site walk due to her work**
957 **schedule, she understands that there was an invite from Anton, to members of the Board to**
958 **that they may visit his site at any time. Ms. Luszcz would like to clarify that individual board**

959 members may visit a site with permission from an applicant, so long as they are accompanied
960 by a town staff member. And as long as there is no quorum of the board, and then the
961 provisions of RSA 91 A do not apply. Ms. Luszczyk cannot recall any recent past and is not using
962 the past as the go to but she would like to recommend that board members do not attend sites,
963 either with a town staff or by themselves.
964

965 Ms. Gott said that there have been times that it's been necessary because Planning Board
966 members were totally unable to be there. We have worked around people's schedules to do
967 that. There is no way that people should be on the site without it announced ahead of time and
968 arranged and with town staff.
969

970 **Board Member Updates:**

971
972 Ms. Gott said they had a point a few months ago that all contacts with legal be the board be
973 notified about all contact with legal we had voted on that and agreed upon it. I'd like to have
974 that continue so that we know what contacts are. We don't have an idea. I want to know when
975 Maddie is going to be here. I think it's important for us to have that awareness. We want to
976 know when legals going to be here. I think that's important to know. And contacts, we had
977 agreed as a board that we would have that information.
978

979 Ms. Luszczyk said the board is copied on all the emails and your agreement with town staff to be
980 included in those as on you. We've repeatedly said that I cannot print every single email.
981

982 Ms. Gott said she is able to get hard copies hard copies of everything. It's been given to her as
983 long as but she has not seen those hard copies. And she just wanted to make sure. She will
984 check to make sure that that town office knows that I want to I read reaffirm that. But I want to
985 make sure all contexts with legal are noted for all of us.
986

987 Mr. McDonald said there was a webinar today Working Up the Planning Board put on by the
988 Legal Services of the New Hampshire Municipal Association. It was excellent. So, if anyone
989 wants a copy of this, I can email it to Christina.
990

991 Ms. Gott said she did not get her question answered about knowing when Maddie will be here?
992 You know, she had been consistently at all our meetings. Now all of a sudden, she's not.
993

994 Ms. Luszczyk responded somebody signed a contract, they really redesign the contract. So,
995 she's not coming to every meeting, we still need to get I need to sit with the Select Board to
996 understand the contents of that contract. There's just so much going on town hall.
997

998 Ms. Gott said we do need to understand to hear what the contents are, or what the contents
999 would be of that contract and how often she will be here. So, if we could have that report, that
000 would be great.
001

002 Ms. Luszczyk said she was given a set of plans and asked for all of the conditions of approval
003 that were contain in all the plans to be listed out on one sheet and was given the answer of
004 they are in the performance agreement. The next meeting is August 3rd and they will have
005 Severino for a quick approval and ONYX in here to continue their hearing and give us new

006 material. There is a site walk at 5:30, first, at Elated Canine, then Back at 7pm for an
007 application for Domino's.

008 **Motion:**

009 **Mr. McLeod made a motion to adjourn.**

010 **Mr. McDonald seconded the motion.**

011
012
013 **Discussion:**

014 **None:**

015
016 **The motion passed unanimously with a vote of 5 in favor, 0 opposed and 0 abstentions.**

017
018 Chair Luszczyk adjourned the meeting at approximately 9:59 pm.

019
020 The video of this meeting is to be preserved as part of the permanent and official
021 record.

022
023 Respectfully submitted,

024
025 Jill A. Vadeboncoeur
026
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DRAFT