



TOWN OF RAYMOND

Planning Board Agenda

June 22, 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-

Request for Rehearing for Onyx Excavation Gravel Permit

3. Public Meeting-

WORK SESSION –

Discussion by Planning Board members of various topics pertaining to rules/regulations ETC.

3. Public Comment

4. Approval of Minutes

- 05/04/2023 (amended version)
- 05/11/2023 (amended version)
- 06/08/2023

5. Other Business

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

* 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

June 22, 2023

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

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)
ADDED MEETING	June 22, 2023 Site walk Onyx and GZA Industrial Dr. (5pm) Work session (7 pm)
June 01, 2023	July 06, 2023 2023-003 Elated Canine, LLC 2023-004 Miendl Road-Design Review
June 15, 2023	July 20, 2023 2022-013 Severino Excavation Permit 2022-015 White Rock LLA 2022-008 Onyx Warehouse
July 06, 2023	August 03, 2023 2021-015 Domino's Extension Request
July 20, 2023	August 17, 2023
August 03, 2023	September 07, 2023 2022-009 Jewett Warehouse
August 17, 2023	September 21, 2023
September 07, 2023	October 05, 2023
September 21, 2023	October 19, 2023
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
June 22, 2023
Site Walk@ 5 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 2022-008 Onyx Warehouse

Thursday, June 22, 2023 at 5 PM a site walk will be conducted by the Raymond Planning Board for Onyx Warehouse and GZA at the end of Industrial Drive. The purpose of the site walk is for GZA to assess the site conditions based on the May 11, 2023 public hearing. Property is located on Industrial Drive at Raymond Tax Map 22 / Lots 44,45,46,& 47 and Raymond Tax Map 28-3/Lot 120-1.

Work boots are highly recommended as this is an excavated site with a lot of uneven earth/rocks.

* 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.



Cronin
Bisson &
Zalinsky P.C.
Attorneys at Law

722 Chestnut Street | Manchester, NH 03104
p. 603.624.4333 | f. 603.623.5626
www.cbzlaw.com

John G. Cronin
Admitted in NH and MA

May 25, 2023

MOTION FOR REHEARING

VIA OVERNIGHT MAIL WITH DELIVERY RECEIPT

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

Re: Excavation Permit Denial – Onyx Raymond LLC
Land Off Industrial Drive, Raymond, NH

Dear Chairman:

Our office represents Onyx Raymond LLC (“Applicant”) in connection with its efforts to develop the above referenced property. We understand the Planning Board considered the request for an extension/reissuance of an Excavation Permit at its meeting on May 18, 2023 (Case #2022-010). The Planning Board voted to deny the request. The decision was announced at the hearing, but a formal notice of decision with findings has not yet been published.

In this matter, the Raymond Planning Board serves as “Regulator” as that term is defined and referenced in NH RSA 155-E:9. Lacking the Notice of Decision with reasons for denial, the Applicant files this Motion for Rehearing within ten (10) days of the hearing as a procedural placeholder with the expectation that the Motion will be supplemented when the Notice of Decision is received. Without benefit of the Notice of Decision, it is clear a rehearing is warranted for the following reasons:

- The denial was spearheaded by James McLeod, a member that is clearly conflicted according to both the juror standard and statutory standard. Mr. McLeod’s anti-development agenda is clearly evinced in his social meeting postings.
- The due process standard was violated when Mr. McLeod presented an adversarial work product, created sometime prior to the meeting, at the start of the meeting. The failure to provide the work product or notice of its existence prior to the meeting deprived the Applicant of a meaningful opportunity to respond.

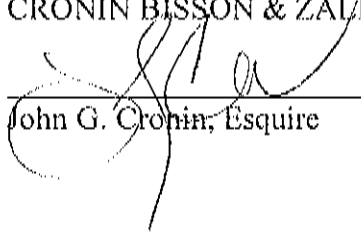
Town of Raymond
Planning Board Chairman
May 25, 2023
Page 2

- Arsenic is naturally occurring and ever-present material in New Hampshire and does not provide a basis to delay or stop development or frustrate the use and enjoyment of private property. According to the DES, arsenic is not a compound of concern that prohibits development.
- The Application meets the criteria for the issuance/extension of the permit.
- The decision appeared to be made in advance of the meeting. The timing of the motion to deny was also suspect.
- The hearing should have been continued to allow the Applicant to respond.

The Applicant reserves the right to amend and supplement this Motion for Reconsideration.

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

By:



John G. Cronin, Esquire



Cronin
Bisson &
Zalinsky P.C.
Attorneys at Law

John G. Cronin
Admitted in NH and MA

June 14, 2023

Planning and Zoning Department
Town of Raymond
4 Epping Street
Raymond, NH 03077

Re: Onyx Raymond LLC – Supplemental Request for Rehearing

Dear Administrator:

Enclosed herewith please find the Supplemental Request for Rehearing filed on behalf of Onyx Raymond LLC.

Thank you for your consideration.

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

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

JGC:lma
Enclosure

STATE OF NEW HAMPSHIRE

**TOWN OF RAYMOND
PLANNING BOARD**

**In re: Land Off Industrial Drive,
Raymond, New Hampshire**

SUPPLEMENTAL REQUEST FOR REHEARING

NOW COMES Onyx Raymond LLC (the “Applicant”), by and through its attorneys, *Cronin, Bisson & Zalinsky, P.C.*, and hereby requests that the Town of Raymond Planning Board (the “Board”) conduct a rehearing in this case. In support of its request, the Applicant supplements its rehearing request of May 25, 2023 as follows:

1. The Applicant owns the 123.52 acres of real property located off Industrial Drive (the “Property”).
2. The Applicant is in the process of permitting a warehouse distribution center.
3. On May 18, 2023, the Applicant attended the Board meeting for the extension/reissuance of an Excavation Permit (Case #2022-010).
4. Before the Applicant could present its request, Board Member Jim McLeod presented a pre-written report that outlined his personal opinions on whether the Property was contaminated or not.
5. Member McLeod’s report used portions of reports created by certified experts and material provided by the Applicant.
6. Member McLeod concluded that the level of arsenic on the Property “is most likely due to excavation activities.”

7. Member McLeod did not provide any credentials that he has the required training or certification to make such a conclusion.

8. Member McLeod's conclusion directly contradicted the report provided Todd A. Greenwood, P.G., President of Enviro North American Consulting, LLC.

9. Mr. Greenwood, P.G. determined that the high arsenic levels in the surface water and sediment was likely natural.

10. Member McLeod's report was not provided to the Applicant or its representatives before the meeting.

11. The Applicant and Mr. Greenwood attempted to respond to Member McLeod's concerns, but did not have time to read the report.

12. The Applicant raised the issue of timing, but was told by the Chairwoman Dee Luszc that issue was addressed and would not be talked about.

13. Member Gretchen Gott questioned whether the Board could ask the Applicant to cease operations until more testing was done.

14. Madeleine Dilonno, Circuit Rider Planner, RPC, recommended that the Board find an expert to peer review Mr. Greenwood's report.

15. The Board, minus Member Gott, did not entertain this idea.

16. Member McLeod motioned to deny the Excavation Permit Request and cited his own research as the basis for the denial.

17. Member McLeod's motioned passed by a vote of 5-1 with Member Gott being the only no.

18. Member Gott attempted to state her reasons for voting no, but was stopped by Chairwoman Luszc.

19. The Applicant is now unable to proceed with its operations and must incur further costs because of this delay.

JURISDICTION

20. Prior to filing an appeal with the Superior Court, an aggrieved party is required to submit a request for rehearing to the ZBA. NH RSA 677:2; NH RSA 677:3.

POINTS OF ERROR

Error I: Member McLeod's Participation

21. RSA 673:14, I states:

No member of a zoning board of adjustment, building code board of appeals, planning board, heritage commission, historic district commission, agricultural commission, or housing commission shall participate in deciding or shall sit upon the hearing of any question which the board is to decide in a judicial capacity if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens, or if that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law. Reasons for disqualification do not include exemption from service as a juror or knowledge of the facts involved gained in the performance of the member's official duties.

22. To meet the criteria of the Juror Standard under New Hampshire law, a person may not be "prejudiced to any degree regarding the case." See RSA 500-A:12(f).

23. Member McLeod is an outspoken critic of development in Raymond.

24. Member McLeod frequently posts on social media and posts videos on YouTube stating his negative feelings towards development in Raymond.¹

25. Many of these videos include the Property and the Applicant.

¹ <https://www.youtube.com/@jimcleod8764>

26. In one video, Member McLeod uses the Applicant's attorney, John Cronin, as part of a campaign video.²

27. Member McLeod has also stated in multiple meetings that he has researched the Property on his own and made determinations without consulting his fellow Board members.

28. Member McLeod drafted his own report to contradict the report of the Applicant's expert.

29. He did so without providing the report to the Applicant before the meeting.

30. The Applicant is required to produce all material it will provide to the Board at least one week before the meeting.

31. Member McLeod's conduct is not only egregious, but a clear violation of the Applicant's right to Due Process.

32. The Board used the pre-written work to draft its findings of fact.

33. It is well settled law that "mere participation" of a disqualified member is enough to invalidate a board's decision because "it [is] impossible to estimate the influence one member might have on his associates." Winslow v. Town of Holderness Planning Board, 125 N.H. 262, 268 (1984).

34. Member McLeod violated his duties as a Planning Board Member by participating in this vote.

35. As such, the Applicant is entitled to a rehearing on the Excavation Permit Application without Member McLeod's participation.³

² <https://youtu.be/JYHWcLoZJSI>

³ The Applicant is also aware of other Board members independently conducting research and contacting the Department of Environmental Services ("DES"). The Applicant received emails from Member Tricia Bridgeo to DES in a Right to Know Request. Member Bridgeo did not disclose the emails to the Board or the Applicant.

Error II- The Board did not provide
an adequate basis for dismissing an expert report.

36. The New Hampshire Supreme Court has that land use board members can base conclusions on “their own knowledge, experience and observations in addition to expert testimony.” Continental Paving, Inc. v. Town of Litchfield, 158 N.H. 570, 575-76 (2009) (internal quotations and citations omitted).

37. The exhibits provided to a land use board are not turned into “personal knowledge” through members using the information to “educate themselves.” See Id.

38. The New Hampshire Supreme Court in Continental Paving upheld a lower court ruling that the Litchfield Zoning Board of Adjustment acted unreasonable when it did not give any weight to two expert opinions, but gave weight solely to abutters and general facts provided that were directly addressed in the expert reports. See Id. at 577.

39. Similarly in this case, the Board did not give due weight to Mr. Greenwood’s expert opinion that the arsenic levels were likely natural and not caused by the Applicant’s excavation or blasting.

40. The Board relied on the report of Member McLeod.

41. Member McLeod is not an expert qualified to determine the origin of arsenic on the Property.

42. Member McLeod is not a certified geologist.

43. Mr. Greenwood is a certified geologist.

Member Bridgeo should also recuse herself from the vote as her conduct has violated her duties. Member Bridgeo seconded Member McLeod’s motion to deny.

44. Member McLeod is not qualified to draft an expert report to contradict that of a qualified expert.

45. The Board could have hired an expert to review the material and delay a vote, but chose not to.

46. The inappropriate actions of the Board were raised by both Member Gott and Madeleine Dilonno of the Rockingham Planning Commission.

47. Both were ignored.

48. The State of New Hampshire has a strict licensing and testing procedure for Geologists under RSA 310-A:125.

49. As such, the Board acted inappropriately by ignoring an uncontradicted expert opinion and the Applicant's Excavation Permit Application should have been granted.

Error III- The Board should have approved
the Applicant's Excavation Permit

50. The Property has natural high levels of arsenic.

51. The Property is similar to many properties throughout Southern New Hampshire and has been in continuous operation for 10 years with prior excavation permits renewed.

52. The Applicant excavation activity has not increased the arsenic levels.

53. The Board provided no basis to stop the excavating and delay the project.

54. The Board's actions have cost the Applicant great expense.

55. The Applicant was not provided the necessary time to present its application.

56. As such, the Excavation Permit must be granted and the Applicant must be allowed to continue working on the Property.

REQUESTS FOR RELIEF

The Applicant respectfully requests that:

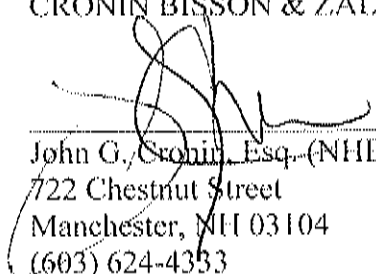
- A. The Board grant this Request for Rehearing;
- B. Member McLeod recuse himself due to his clear bias against development and specifically, development on the Property;
- C. Member Bridgeo recuse herself due to her bias against development and specifically, development on the Property; and
- D. The Board vote to approve the Applicant's excavation permit.

Respectfully submitted,

Onyx Raymond LLC
By Its Attorneys
CRONIN BISSON & ZALINSKY, P.C.

Dated: June 14, 2023

By:



John G. Cronin, Esq. (NHBA #6818)
722 Chestnut Street
Manchester, NH 03104
(603) 624-4353
jcronin@cbzlaw.com

Christina McCarthy

From: Jim McLeod <jimrpb@gmail.com>
Sent: Monday, June 5, 2023 7:50 PM
To: resi resi
Cc: conscomchair@raymondnh.gov; Christina McCarthy; Madeleine Dilonno
Subject: Re: Conservation-Planning-LRAC

Christina,

Will you please add this correspondence and any replies that follow to our next work session packet ?

Thank you, be well.

Jim
RPB VC

On Mon, Jun 5, 2023 at 7:38 PM resi resi <99theresethompson@gmail.com> wrote:

My concern is, any board reviewing a project without the applicant contacting/applying to the NH DES first, if any wetland types are affected by the proposal.

This is why LRAC shares their letters to local boards after or during their review of proposals.

Therese Thompson

><{{{}}> =^..^=

On Mon, Jun 5, 2023 at 7:24 PM Jim McLeod <jimrpb@gmail.com> wrote:

Conservation Commission Madam Chair Kent,

Greetings, Jan. Speaking for myself and the Planning Board it is our hope that this correspondence finds you well.

The Planning Board, in concert with our other responsibilities, is in the process of a substantial review of our rules and procedures. A gap in the lines of communication between the Planning Board, the Conservation Commission, and the Lamprey River Advisory Committee has been recognized. In an effort to engage in a more comprehensive and contemporaneous dialogue I respectfully, on behalf of the Planning Board, request to be added to your agenda for this purpose. The ultimate goal is to develop a procedure that benefits all parties. The applicants deserve procedures that incorporate definitive requirements, clear expectations, and allow for reasonable flexibility for an extraordinary exception. The Conservation Commission deserves to have access to any part of an application it deems necessary to fulfill its duty of advising the Planning Board. It is the responsibility of the Planning Board to develop these procedures. It was suggested a joint work session could be beneficial, though, just a short conversation and some context is sufficient for this discussion. I am going to be listening to what you need, and what you want, in order to make your recommendations to the PB. Additionally, we can discuss any topic you like; are there any Zoning items on your wish list leftover from last year that you want us to look at, that sort of thing. I suspect I will only need 10-15 minutes of the ConsComs time in order to bring next steps back to the Planning Board. However, I watch all the ConsCom meetings and am delighted to attend in person for the duration and remain available, at your discretion, during that time.

It is felt that participation from LRAC is very welcome in this process and the Planning Board is eager to collaborate. Therefore, presumptively, I have included Therese Thopmson, the Raymond representative to the LRAC, in this correspondence. It is the desire of the Planning Board to consider any suggestions from LRAC with the respect

and scrutiny they dictate. The advice and recommendations of the Conservation Commission and LRAC are weighed heavily by the Planning Board and we extend our gratitude for your contribution to this process and your service to the community.

We look forward to your response and wish you well.

Jim McLeod
RPB Vice Chairperson and on behalf of the Board

*** Conscom officers and all PB with email B'ccd ***

Christina McCarthy

From: Jim McLeod <jimrpb@gmail.com>
Sent: Wednesday, June 14, 2023 10:20 PM
To: conscomchair@raymondnh.gov
Cc: Christina McCarthy; Madeleine Dilonno; resi resi
Subject: ConsCom and PB discussion (PB members and CC officers bcc'd)

Good Evening All,

I met with the Conservation Commission this evening and discussed the items the Planning Board indicated were important for us to address. I recommend watching the 6-14-2023 ConsCom meeting on RCTV, but briefly here are some highlights.

CC would like to share minutes with the PB and TRC , these minutes frequently add important context to a project. CC is interested in having representation on the TRC. It was noted that conservation concerns can sometimes conflict with public safety, or other concerns, something that would be recognized in real time at the TRC review. CC would like to be included in the agenda for PB sitewalks. If we provide contact or distribution list CC will send notification on the CC sitewalks as well. CC would like to be informed about TRC meetings. The sooner CC is involved in the review process the better. CC is amenable to a joint worksession. The PB should offer a couple dates and maybe a short list of topics we want to discuss. CC can reply with confirmation and a short list of topics they want to cover. CC will develop a checklist that they would require when considering a project for the PB. Some items noted were signed plans including Wetland Function and Value assessment/delineation and Mitigation Plan. CC noted some items they are considering for Zoning include; No Net Loss, Conservation Subdivision, Clarifying text, and Zone G cross referencing. Some things that were worthy of further discussion included ARM projects, and, perhaps, a local variation based on NNL, as well as LRAC communication channels.

The Conservation Commission treated me with graciousness and respect, and came to the meeting prepared and ready to coordinate with the PB for our mutual benefit. I want to extend my gratitude to the Conservation Commission, on behalf of the Planning Board, for hosting me at your meeting. In an effort to further our communication and in service to the town, I plan to petition the Select Board for an appointment to the Conservation Commission.

Respectfully,

Jim McLeod
RPB, VC

Rock Blasting and Water Quality Measures That Can Be Taken To Protect Water Quality and Mitigate Impacts

2019

**Prepared by
Brandon Kernen
NHDES Drinking Water and Groundwater Bureau**

Ensuring safe and adequate drinking water supplies requires maintaining the quality and availability of present and future water supply sources, because in the long run it is less expensive and more protective of public health to prevent contamination than it is to treat water to meet health standards, and it is less expensive to use existing sources than it is to develop new ones. New contaminants of concern continue to emerge, potentially requiring more costly treatment of source waters if they have not been adequately protected. Municipalities and water suppliers have crucial roles in managing activities that affect source water quality and availability. NHDES' primary role is to provide technical and financial assistance and to enforce state regulations that serve to protect the state's sources of drinking water. Effective protection relies on the combined efforts of the state, water suppliers, municipalities, businesses, institutions and individuals whose activities have the potential to affect source water quality and availability.



**New Hampshire Department of
Environmental Services
29 Hazen Drive; PO Box 95
Concord, NH 03302-0095
www.des.nh.gov**

Rock Blasting and Water Quality Measures That Can Be Taken To Protect Water Quality and Mitigate Impacts

Blasting of crystalline bedrock can contaminate water resources. There are two primary methods by which the quality of groundwater could be changed by blasting crystalline rock. These are summarized as follows.

- 1) **Contamination of Groundwater Resulting from a Release of a Regulated or Unregulated Substance to the Groundwater.** In some instances, materials such as detonators and explosives are not entirely combusted during blasting and result in the release of soluble substances into the groundwater. Releases of these substances can occur during a number of blasting related activities, including:
 - a. Incomplete combustion within the blasting borehole.
 - b. The injection of substances used for blasting into blasting boreholes that intersect a fracture network resulting in the release of substances beyond the influence of blasting area.
 - c. Poor storage, transfer and handling procedures of substances associated with blasting.
 - d. Residual substances associated with blasting occurring on the face of blasted rock materials located at the blasting site, or when a stockpile of waste rock comes into contact with precipitation, which results in the substances being leached into the groundwater.

Contamination of groundwater caused by the release or spillage of blasting chemicals has been occasionally associated with the detection of nitrate and nitrite. To a lesser extent, volatile organic compounds and semi-volatile organic compounds have been detected at blasting sites. It is likely that some substances associated with blasting may not be typically analyzed as part of standard laboratory drinking water analysis resulting in limited data describing the occurrence of these constituents within groundwater.

- 2) **Agitation of the Subsurface May Cause Turbidity in Groundwater to Increase.** Blasting may cause a shaking loose of silt, sand and rock particles, and chemical precipitates that line fracture surfaces in the subsurface which can result in increased turbidity in water derived from a bedrock well. High turbidity can damage household equipment and fixtures, be aesthetically unpleasing to drink, and increase concentrations of various metals and other contaminants. Water samples with high turbidity may exhibit high metal concentrations. This is because metal ions on flocculants or colloidal particles (particles suspended in groundwater) that carry metals may release the metals as the pH of the water changes in the plumbing system of the home. Release of metal ions may also be due to acidic preservatives used in sample collection bottles that dissolve the solid particles associated with the turbidity into

solution. Turbidity caused by rock blasting would most often be a short-term and self-correcting problem as loose particulates wash out or settle (typically less than a year in duration after blasting ceased).

The New Hampshire Department of Environmental Services (NHDES) has developed the following:

- 1) Model language to be included in municipal blasting ordinances and applied to all rock blasting activities. In general, existing municipal blasting ordinances do not address the potential for impacts to water resources. Instead, ordinances tend to focus on the protection of nearby structures and other health and safety issues. The model language requires that any entity conducting blasting related activities use appropriate best management practices to protect water quality.
- 2) Model language that municipalities can consider incorporating into local site plan review regulations and excavation regulations for projects that excavate more than 5,000 cubic yards of bedrock via the use of explosives. The model language would enable municipalities to:
 - a. Require water quality monitoring.
 - b. Require blasting plans demonstrating compliance with the blasting ordinance.
 - c. Impose reasonable fees associated with third party review of:
 - i. Blasting plans.
 - ii. Water quality monitoring studies.
 - iii. Blasting related activities during construction.

This information is included as Attachment A.

EXISTING LEGAL AUTHORITY TO REGULATE BLASTING ACTIVITIES TO PROTECT WATER QUALITY

Municipalities

For most site development, subdivisions and utility installations, local government has a primary role in planning and project approval, inspectional services, permitting of public works and in the provision of public safety services during construction operations (Local Government Center 2005)

RSA Chapter 155-E, Local Regulation Excavations, provides local control of aggregate operations in the state. These operations sometimes utilize blasting to prepare bedrock for crushing into aggregate material. The local planning board typically regulates these activities. Pursuant to RSA 155-E:8, conditions may be placed upon the operation of this activity. Such conditions could include controls relating to conduct of blasting activities and monitoring for the protection of adjacent properties. Attachment A of this document contains suggested language that can be included in a municipal excavation regulation to monitor and better protect water resources near blasting activities.

RSA 31:39, Power to Make By-laws, authorizes municipalities to adopt municipal by-laws including those that regulate blasting to ensure blasting activities utilize best management practices to protect public health and property. Some communities have utilized this authority to develop blasting ordinances. Attachment A provides model language to include in a blasting ordinance to better protect water resources.

RSA 147, Nuisances; Toilets; Drains; Expectoration; Rubbish and Waste, provides health officers with authority to make regulations relating to the public health, subject to the approval of the selectmen. RSA 147 also provides selectmen with the authority to investigate nuisances and other causes of danger to the public health.

RSA 674:43 authorizes municipal planning boards to adopt site plan review regulations. A site plan is a plan that may be required to be submitted to the planning board prior to use/development of a particular tract of land. The plan often requires depiction of proposed buildings, parking areas, landscaping, drainage and other installations on the plot, and their relationship to existing conditions such as roads, neighboring land uses, natural features, public facilities, ingress and egress roads, interior roads, and similar features. Site plan review is an extremely important review process to insure appropriate uses are planned in an orderly way without interference with other uses. Site plan review regulations may only be established in municipalities that have established subdivision regulations and zoning ordinances.

Attachment A contains suggested language that can be included in a site plan review regulation to monitor and better protect water resources.

State

State law (and related regulations) does not specifically identify requirements for addressing the potential for impact to groundwater associated with blasting rock. However, several provisions in current laws and existing regulations offer protection to groundwater and surface water resources.

Granite or rock quarries that will produce dimension stone are regulated pursuant to RSA Chapter 12-E by the state through the Department of Natural and Cultural Resources (DNCR). RSA 21-O:12 states that the State Geologist shall assist DNCR in its review of mining permit applications. A permit is required before mining operations commence, and one of the conditions specifically authorized by RSA 12-E:4 is the provision of a blasting plan. RSA 12-E:4 also requires that the Commissioner of DNCR impose conditions to ensure that public health will be protected prior to issuing a mining permit.

NHDES can proactively or reactively utilize its authority pursuant to Env-Wq 404- Underground Injection Control (which incorporates by reference federal regulation 40 CFR 144, Underground Injection Control Program) to regulate the injection of substances into the subsurface that results in endangering public health. To date, NHDES has utilized its authority under Env-Wq 404 sparingly to address blasting issues when information is collected or submitted by the public that suggests blasting activities may have caused water quality impacts. Staff at USEPA Region 1 have indicated that if an injection activity causes mobilization of a substance to drinking water supplies and endangers public health, that 40 CFR 144 is applicable.

NHDES can proactively utilize its authority pursuant to RSA 485A to protect surface and groundwater from impacts associated with blasting if approval to alter the terrain in accordance with RSA 485-A:17 (Terrain Alteration) is required for a project.

If blasting results in a release of a substance that violates the Ambient Groundwater Quality Standards of the state, then Env-Or 600, Contaminated Site Management rules, would be applicable. These rules would require: 1) a site investigation; 2) delineation of contamination; 3) development and implementation of a remedy to address the groundwater quality violations caused by blasting; and 4) groundwater monitoring until groundwater quality complies with the Ambient Groundwater Quality Standards.

All blasting projects that utilize more than household quantities of regulated substances must comply with state regulations for the [Best Management Practices for Groundwater Protection](#) (Env-wq 401). Projects that refuel equipment on-site must also comply with the best management practice regulations as well as fuel storage tank regulations. See the NHDES fact sheet "WD- DWGB-22-6-Best Management Practices for Fueling and Maintenance of Excavation and Earthmoving Equipment" for more information.

ATTACHMENT A

WATER RESOURCES AND BLASTING – MODEL LANGUAGE FOR MUNICIPAL REGULATIONS AND BLASTING ORDINANCE

Add Under Municipal Site Plan Review Regulations and Excavation Regulations

NOTE: The suggested language below can be considered for both municipal site plan review regulations and excavation regulations in a municipality to address blasting activities. Because certain excavations involving blasting, such as projects pertaining to dimension stone production and building construction, are statutorily exempt (per RSA 155-E:2-a Other Exceptions) from municipal excavation regulations, it is recommended that the language be included to both the site plan review regulations and excavation regulations. When adding the model language below to the excavation regulations, it may be necessary to replace “planning board” with the name of the appropriate governing body (e.g., selectman, board of adjustment) that administers the excavation regulations in the municipality.

“Where the Planning Board is concerned that rock blasting activities that will excavate more than 5,000 cubic yards of bedrock may impact drinking water supplies, the Board may require the applicant to: 1) Develop blasting plans that demonstrate compliance with the “Blasting Ordinance”; and 2) Perform such studies as may be necessary to develop a water monitoring program to assess the potential for adverse impact on the quality or quantity of drinking water supplies.”

“Reasonable fees may be imposed by the regulator to cover its administrative expenses and costs of special investigative studies, review of documents and other matters including review of an applicant’s blasting plan and baseline and ongoing groundwater monitoring requirements associated with site plan review applications that propose blasting. The applicant shall reimburse the municipality for the cost of such third party review engineers or consultants.”

Add Under “General Regulations” section of a Municipal Blasting Ordinance

Municipal blasting ordinances typically stipulate requirements for many issues associated with blasting including safety requirements and the protection of structures. The language below is intended to only address water resource protection. Municipalities may seek technical and legal assistance, and review blasting ordinances in other municipalities to address other aspects of blasting that are not addressed in the language below.

A. Best Management Practices for Blasting. All activities related to blasting shall follow Best Management Practices (BMPs) to prevent contamination of groundwater including preparing, reviewing and following an approved blasting plan; proper drilling, explosive handling and loading procedures; observing the entire blasting procedures; evaluating blasting performance; and handling and storage of blasted rock.

- (1) Loading practices.** The following blasthole loading practices to minimize environmental effects shall be followed:

 - (a) Drilling logs shall be maintained by the driller and communicated directly to the blaster. The logs shall indicate depths and lengths of voids, cavities, and fault zones or other weak zones encountered as well as groundwater conditions.
 - (b) Explosive products shall be managed on-site so that they are either used in the borehole, returned to the delivery vehicle, or placed in secure containers for off-site disposal.
 - (c) Spillage around the borehole shall either be placed in the borehole or cleaned up and returned to an appropriate vehicle for handling or placement in secured containers for off-site disposal.
 - (d) Loaded explosives shall be detonated as soon as possible and shall not be left in the blastholes overnight, unless weather or other safety concerns reasonably dictate that detonation should be postponed.
 - (e) Loading equipment shall be cleaned in an area where wastewater can be properly contained and handled in a manner that prevents release of contaminants to the environment.
 - (f) Explosives shall be loaded to maintain good continuity in the column load to promote complete detonation. Industry accepted loading practices for priming, stemming, decking and column rise need to be attended to.
- (2) Explosive Selection.** The following BMPs shall be followed to reduce the potential for groundwater contamination when explosives are used:

 - (a) Explosive products shall be selected that are appropriate for site conditions and safe blast execution.
 - (b) Explosive products shall be selected that have the appropriate water resistance for the site conditions present to minimize the potential for hazardous effect of the product upon groundwater.
- (3) Prevention of Misfires.** Appropriate practices shall be developed and implemented to prevent misfires.
- (4) Muck Pile Management.** Muck piles (the blasted pieces of rock) and rock piles shall be managed in a manner to reduce the potential for contamination by implementing the following measures:

 - (a) Remove the muck pile from the blast area as soon as reasonably possible.
 - (b)) Manage the interaction of blasted rock piles and stormwater to prevent contamination of water supply wells or surface water.

(5) Spill Prevention Measures and Spill Mitigation. Spill prevention and spill mitigation measures shall be implemented to prevent the release of fuel and other related substances to the environment. The measures shall include at a minimum:

(a) The fuel storage requirements shall include:

1. Storage of regulated substances on an impervious surface.
2. Secure storage areas against unauthorized entry.
3. Label regulated containers clearly and visibly.
4. Inspect storage areas weekly.
5. Cover regulated containers in outside storage areas.
6. Wherever possible, keep regulated containers that are stored outside more than 50 feet from surface water and storm drains, 75 feet from private wells, and 400 feet from public wells.
7. Secondary containment is required for containers containing regulated substances stored outside, except for on premise use heating fuel tanks, or aboveground or underground storage tanks otherwise regulated.

(b)) The fuel handling requirements shall include:

1. Except when in use, keep containers containing regulated substances closed and sealed.
2. Place drip pans under spigots, valves, and pumps.
3. Have spill control and containment equipment readily available in all work areas.
4. Use funnels and drip pans when transferring regulated substances.
5. Perform transfers of regulated substances over an impervious surface.

(c) The training of on-site employees and the on-site posting of release response information describing what to do in the event of a spill of regulated substances.

(d) Fueling and maintenance of excavation, earthmoving and other construction related equipment will comply with the regulations of NHDES [note these requirements are summarized in WD-DWGB-22-6: "Best Management Practices for Fueling and Maintenance of Excavation and Earthmoving Equipment" or its successor document.

1 Planning Board Minutes
2 May4, 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 Gretchen Gott
10 Dee Luszcz
11 Dan Roy (Alternate)
12 Bob McDonald
13 Dave Rice
14

15 Planning Board Members Absent:

16
17 Staff Present:
18 Madeleine Dilonno - Circuit Rider Planner, RPC
19
20

21 **Pledge of Allegiance:** Recited by all in attendance.
22

23 **Meeting called to order:**

24 The meeting started at approximately 7:00 pm.
25

26 **Roll Call:**

27 Tricia Bridgeo, Bob McDonald, David Rice, Dee Luszcz, Jim McLeod, Maddie Dilonno,
28 Rockingham Planning Commission, Gretchen Gott.
29

30 Mrs. Luszcz announced that the Select Board has not chosen their ex officio member.
31

32 **Approval of Minutes:**

33
34 **2/2/2023 minutes**
35

36 Mr. McLeod commented that on line 216 he withdrew his motion and Ms. Bridgeo
37 withdrew her second but that was contingent upon the applicant adding documentation
38 to the application to confirm that they had filed prior to the expiration of their permit and
39 that explanation be added to the minutes.
40

41 Mrs. Luszcz requested that all minutes must include the statement that all videos must
42 be preserved for 5 years as part of the permanent record.
43

44 Dan Roy joined the meeting as an alternate at approximately 7:08 pm because there is
45 no ex officio seated Mr. Roy cannot be seated as a voting member for this meeting.
46

47 **Motion:**
48 **Mr. McLeod made a motion to accept the minutes of February 2, 2023, as**
49 **amended.**

50 **Mr. McDonald seconded the motion.**

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

52 **Ms. Gott - Yes**

53 **Mr. McLeod – Yes**

54 **Mrs. Luszcz – Yes**

55 **Mr. Rice – Yes**

56 **Mr. McDonald – Yes**

57 **Ms. Bridgeo - Yes**

58 **The motion passed with a vote of 6 in favor, 0 opposed and 0 abstentions.**

59

60 **2/16/23 Minutes**

61

62 Ms. Gott requested that the letter that Mr. Reed had read be attached to the minutes.

63

64 **Motion:**

65 **Mr. McLeod made a motion to accept the minutes of February 16, 2023, as**
66 **amended.**

67 **Ms. Bridgeo seconded the motion.**

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

69 **Ms. Gott - Yes**

70 **Mr. McLeod – Yes**

71 **Mrs. Luszcz – Yes**

72 **Mr. Rice – Yes**

73 **Mr. McDonald – Yes**

74 **Ms. Bridgeo - Yes**

75 **The motion passed with a vote of 6 in favor, 0 opposed and 0 abstentions.**

76

77 **3/2/2023 Minutes**

78

79 Ms. Bridgeo commented that the attachments were misprinted and need to be
80 corrected. There was some kind of printing error.

81

82 McLeod corrected line 419 adding the word second to the document.

83

84 Ms. Gott would like to note on page 5 on line 219 she said the PD has told the Board
85 several times that they cannot enforce non through traffic. Ms. Gott said that she was
86 incorrect. In talking with the Police Chief, they can enforce, and they do stop people.
87 That is something that is different from what they have been told previously.

88

89 Mr. McLeod said on lines 49 – 52 that they accept the documents that Mr. Cronin
90 provided at that meeting.

91

92

93 **Motion:**
94 **Mr. McLeod made a motion to accept the documents that Mr. Cronin**
95 **provided at the 3/2/23 meeting and asked that they be made part of the**
96 **record.**
97 **Mrs. Luszc seconded the motion.**

98
99 **Discussion:**
100 Ms. Gott said that she thinks that should be done during an Onyx hearing.

101
102 Maddie Dilonno said that attorney Quarles has that information.

103
104 Mr. McLeod said that he is all about transparency and he believes that
105 information that he provided to the Board was regarding the issue that their
106 lawyer had with stuff that he had done, and he feels that everyone should be
107 cognizant of that, and they should have access to that information.

108
109 **Mr. McLeod retracted the motion and Mrs. Luszc retracted the second.**

110
111 **Mr. McLeod would like to add the documents that Mr. Cronin brought to the 3/2/23**
112 **meeting be attached to minutes as part of the record.**

113
114 **Poll:** Would you prefer to where it relates to Jim what is that Board's feeling on that?

115
116 Mr. Rice: Transparency is best.

117 Mr. McDonald: I agree with Jim. I think it should be part of the record.

118 Ms. Bridgeo: We can attach them.

119 Mrs. Luszc: It was brought up at this meeting and presented at that meeting. It
120 goes to these minutes.

121 Ms. Gott: I believe it is a discussion that we are having now that we didn't have
122 completely at that time. So, I am going to say no. It is important to have that
123 information and it should be attached to this meeting's minutes in reference to
124 that. Because otherwise we are doing it after the fact as far as I am concerned.

125
126 Mrs. Luszc said she would vote to have them attached to this set of minutes (3/2/23)
127 for clarity.

128
129 **Motion:**

130 **Mr. McLeod made a motion to table the minutes of 3/2/23 until they have a**
131 **clean copy of the attachments.**

132 **Mr. Rice seconded the motion.**

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

134 **Ms. Gott - Yes**

135 **Mr. McLeod – Yes**

136 **Mrs. Luszc – Yes**

137 **Mr. Rice – Yes**

138 **Mr. McDonald – Yes**

139 **Ms. Bridgeo - Yes**
140 **The motion passed with a vote of 6 in favor, 0 opposed and 0 abstentions.**

141
142 **3/9/2023 Minutes**

143
144 **Motion:**
145 **Mr. McLeod made a motion to accept the minutes of March 9, 2023, as**
146 **amended.**

147 **Ms. Bridgeo seconded the motion.**

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

149 **Ms. Gott - Yes**
150 **Mr. McLeod – Yes**
151 **Mrs. Luszcz – Yes**
152 **Mr. Rice – Yes**
153 **Mr. McDonald – Yes**
154 **Ms. Bridgeo - Yes**

155 **The motion passed with a vote of 6 in favor, 0 opposed and 0 abstentions.**

156
157 **3/23/2023 Minutes**

158
159 Mr. McLeod amended line 217 to strike the number 9 and the date so that it reads
160 January 26, 2023.

161
162 Ms. Gott would like to add a statement to page 1 line 46 that she made a comment of
163 concern about the extension of lapsed permits with on going work.

164
165 **Motion:**
166 **Mr. McLeod made a motion to accept the minutes of March 23, 2023, as**
167 **amended.**

168 **Ms. Bridgeo seconded the motion.**

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

170 **Ms. Gott - Yes**
171 **Mr. McLeod – Yes**
172 **Mrs. Luszcz – Yes**
173 **Mr. Rice – Yes**
174 **Mr. McDonald – Abstain**
175 **Ms. Bridgeo - Yes**

176 **The motion passed with a vote of 5 in favor, 0 opposed and 1 abstention.**

177
178 **4/6/2023 Minutes**

179
180 Ms. Bridgeo amended line 218 – 223 stating discrepancies in the lot numbers and to
181 add lot number 23.

182
183 Mrs. Luszcz on page 5 line 209 the minutes say Mr. Campbell seconded the motion but
184 the notes say that Jim seconded the motion.

185 Mr. McLeod amended line 257 by striking the word 'not'.
186

187 Ms. Gott, on page 5 line 196 she would like to note that she was looking at the wrong
188 application.
189

190 **Motion:**

191 **Mr. McLeod made a motion to accept the minutes of April 6, 2023, as**
192 **amended.**

193 **Mr. McDonald seconded the motion.**

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

195 **Ms. Gott - Yes**

196 **Mr. McLeod – Yes**

197 **Mrs. Luszcz – Yes**

198 **Mr. Rice – Yes**

199 **Mr. McDonald – Yes**

200 **Ms. Bridgeo - Yes**

201 **The motion passed with a vote of 6 in favor, 0 opposed and 0 abstentions.**
202

203 Mrs. Luszcz said at the next meeting the Board will address the tabled minutes of March
204 2, 2023, and they will have 2 maybe 3 more sets.
205

206
207 **Public hearing:**
208

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

215 Mr. McLeod said that he has an issue with accepting documentation presented by the
216 applicant the night of the meeting. It has been nearly 5 months and the Board has not
217 had time to review it. Mr. McLeod feels like the Board should not be accepting any new
218 information this evening.
219

220 Ms. Bridgeo and Mr. McDonald agreed with Mr. McLeod's issues with accepting new
221 documentation.
222

223 Ron Severino, owner of Severino/Candia South Branch Brook, said that he just received
224 the information, and it took him a long time to get the information he was providing.
225 They had to put new wells in costing him thousands of dollars and he just got the
226 information back.
227

228 Ms. Gott is very concerned that the Board does not have all the information to make an
229 informed decision and concerned about the lapsing permit, and the continuing work.
230 This is not the only pit that is doing this, so it is not fair to single out this pit when we are

231 allowing it with other pits. The Board needs to fix this problem and fix it soon. Ms. Gott
232 feels that they need to set a date with the Planning Department and with the applicants
233 of excavation projects and say past this date the permit is no longer valid. In the past
234 June has been a date for review. Ms. Gott is uncomfortable going past that without a
235 permit.

236
237 Mr. McLeod agrees with Ms. Gott, and it is in the regulations in **Article 15 A.**
238 **Enforcement Part II - Mandatory annual compliance hearings shall be held on the**
239 **second Thursday of every June.** Mr. McLeod said that he feels it is the Board's legal
240 responsibility to deny this application at this time because if we don't then operations
241 are going to continue without a permit and the Board needs information to make sure
242 that the operation is not effecting the ground water, that there is no contamination on
243 the site that is going to effect the town. 2 months is an appropriate amount of time to get
244 wells tested and that was agreed upon by the applicant when we continued the
245 application in December. Additionally, the Board never asked for new wells to be drilled,
246 the Board was only looking for the existing monitoring wells to be tested. That in
247 addition to testing the existing piles, the test logs, the high-water table test results, there
248 were supposed to be items added to the map, to the plan the weren't added and a few
249 other items. Drilling the wells may have taken a long time but these other items could
250 have been provided tonight. Mr. McLeod's fear by allowing this operation to continue the
251 way it is the Board is doing it without the knowledge of whether or not it is harming the
252 town. It is against RSA:155 E 10 that gives the Board the authority to enforce these
253 regulations.

254
255 Ms. Gott said she does not believe that the Board should deny at this point. The Board
256 has culpability as well for this being delayed. This has been going on for two-three years
257 at least that the town has not done its job. Ms. Gott said she is not willing to deny it
258 completely because the Board has some responsibility in this as well as a Planning
259 Board. Ms. Gott said now she is not willing to extend a permit and now the Board needs
260 to do its job properly. Ms. Gott feels that the Board needs to schedule a meeting, they
261 need to give us the information, and the Board needs to make a decision. Ms. Gott
262 suggested May 25, 2023, to review it, so a decision can be made by the end of June.

263
264 **Motion:**

265 **Ms. Gott made a motion to schedule a meeting on May 25, 2023, to review**
266 **the application.**

267 **Mr. McLeod seconded the motion.**

268
269 **Discussion:**

270 Mr. McLeod said that he would not agree to a date that the Board needs to
271 conduct its own business. This application had nearly 5 months to bring the
272 Board the information in a timely manner and they brought it to the Board tonight.
273 Mr. McLeod said that he was here when their permit expired and was here when
274 they applied for it.

275

276 Mrs. Luszcz said that they don't go searching out applicants to say hey you need
277 to reapply. So, it is upon each and every person to know what the rules and
278 regulations are, with their business, and when to apply. This applicant knows he
279 needs to have a permit to operate.

280
281 Ms. Gott commented that the Town's responsibility was to have gone out by June
282 of every single year and visit this pit and issue a report to the Planning Board.
283 The Town did not do that. They did not ask for it either as they should have. It
284 was a mutually poorly run operation at that point. There was fault on both sides.
285 We have traditionally said the second meeting of the month would be a work
286 session. That is when we should have that. Ms. Gott proposed that they bring in
287 all of the excavations on May 25, 2023, and get it done so they can do it by June
288 30th.

289
290 **A roll call vote was taken.**

291 **Ms. Bridgeo – No**
292 **Mr. McDonald – No**
293 **Mr. Rice - No**
294 **Mrs. Luszcz – No**
295 **Mr. McLeod – No**
296 **Ms. Gott – Yes**

297 **The motion did not pass with a vote of 1 in favor, 5 opposed, and 0 abstentions.**

298
299 Mr. Ron Severino said this was started in 1998 and he has been in 13 times to renew
300 this pit. All 13 times he has never had to go through an application process. He thinks
301 the Board is wrong in the fact that the Board won't accept the application so they can
302 get to the real discussion of what he needs to do.

303
304 Mrs. Luszcz said that the application has been accepted and the Board has not granted
305 the permit.

306
307 Mr. McLeod clarified his statement that he wasn't accepting the information that was
308 being provided tonight and that should have been given to the Planning Department 10
309 days prior.

310
311 Mr. Ron Severino said he would have provided the information sooner if he had it. Mr.
312 Severino said he knows that the Board did not ask for new wells, but the wells are 25
313 years old and when the people came out, they could not get the proper samples out of
314 them.

315
316 Tom Severino of Severino Trucking Company explained that they just got that report
317 after all the steps were taken to provide it. It wasn't a disrespect that they just took their
318 time, it was because it literally took them all that time to get the report. They spent
319 \$14,000 between the borings and the testing they just need to time to hand it to the
320 Board. So the town never prompted you in any way, a letter never went out? Tom, Ron
321 and Gretchen Gott all answer in the negative.

322
323 Ron Severino said that they were always told what to do and when to do it right up until
324 Covid. Then they had a 5-year permit, so they didn't go years without doing it. It was
325 only last year that this came up and they did not hear anything from the Town. They
326 probably should have followed up.

327
328 Ron Severino said getting to the point they have all the major stuff as far as water and
329 sampling and stuff, and there is all this talk about piles and things that are not on the
330 plan but that is what he wanted to discuss tonight. There was a discussion that said
331 they had a reclamation on one plan and then it went away. They did have an area in the
332 front that they had reclaimed and when they got the variance to start bringing materials
333 in and using the area it is not really reclaim because they are using it. They didn't put it
334 back on there because they are going to have to reseed that area when they get done.
335 Mr. Ron Severino didn't say he would put that on, he said he would check that out. As
336 far as the location of the piles, that part he does not remember. He expected those
337 things to be in his performance agreement. He wasn't going to go back over the last 10
338 years and identify where everything came from, stuff is coming and going all the time.
339 He agreed that they would do logs and keep track of where it is coming from and do
340 periodic testing.

341
342 Mr. McLeod said that part of the responsibility of running the pit is to have wells that are
343 functioning. The tests from the existing piles do not need to be drilled for those piles
344 exist. The Board was also supposed to get some historical test logs. That is not
345 something that would need to be created that should be something they have on file
346 that could have been provided. As far as the reclamation area, if there was reclamation
347 and it was gone then there is nothing to put on the drawing then that is perfectly
348 understandable. The concrete refuse pit that was requested to be put on there was not
349 on the drawing that they received. The Board had requested a list of imported and
350 exported material and how that material is going to be processed which could have
351 been provided in weeks.

352
353 Mr. Ron Severino said that the material that is on the site has never been tested. He
354 said there are no requirements to test to in the regulations. Mr. Ron Severino said they
355 did have the testing company look at the piles and they said that there is nothing in
356 these piles that they need to be concerned with.

357
358 Mr. McLeod said they were looking for PFAS testing, RCLA, those are the conservation
359 heavy metals, and a blast series. At time stamp 1:29:17 in the December 15, 2022,
360 minutes, "Mrs. Luszcz said so we don't have any standard testing when we take
361 substance from another location and bring it to Raymond is just not anonymous." At
362 1:29:28 Mr. Ron Severino said that "We are testing all the time... it's not done here.
363 Every job, we work on their testing materials. It's in today's environment, we just don't
364 dig stuff up and dump it everywhere. So, there's a lot of control on that ..." it goes on.
365 Mr. McLeod stated that they gave the impression that the materials were tested before
366 they were brought in.

367

368 Mr. Ron Severino said they are not allowed to take that material off that site if there is
369 anything wrong with it.

370
371 Mr. McLeod stated that the Board can ask for any testing that they deem necessary in
372 order to protect the safety of the Town, and right now PFAS is an unknown, so it is
373 important for the Board to make sure the materials that they have been importing are no
374 contaminated.

375
376 Mr. Ron Severino said they tested for a lot of stuff, but they did not test for PFAS. The
377 end result was that they could drink that water.

378
379 Mrs. Luszcz pointed out that the response from the applicant that they are still actively
380 performing at the area. Referring to RSA 155-E:10 it does state that the Planning Board
381 or its duly authorized agent shall visit the site once a year to inspect the site and its
382 condition. It does state they are supposed to meet the second Thursday of every June
383 for compliance review.

384
385 Ms. Gott commented that maybe 5 years ago made a change instead of the Planning
386 Board going out and visiting sites annually that Planning Staff that did that and came
387 back and gave the Board a report.

388
389 Ms. Bridgeo stated that there was a notice to excavate which goes to the Town with a
390 date of 5-3-22 and was signed by 4 members. The town did send out and they did have
391 to reapply, so the fact that the Town had no involvement isn't true. It was signed on 5-
392 09-22. It was signed by both parties. Ms. Bridgeo further commented that things coming
393 in and out of properties can cause quite a bit of harm to our water. The Mottolo Pig
394 Farm is an example of that. That is why we watch what is coming and going.

395
396 Mr. Rice commented that he did some research and there actually is some PFAS in the
397 sealant in the asphalt.

398
399 Ms. Gott stated that our process it says 2010 but the Town did change the process
400 more recently than that. It is something that will have to be asked of the Planning Office.

401
402 Mr. McDonald wanted to restate why they ask for the existing monitoring wells to go
403 down. One of the important reasons is found on page 16 in the Town of Raymond's
404 Earth Excavation Regulations. It is important for this Board to know the seasonal high
405 water is.

406
407 Mr. Tom Severino said the old well were not usable to test from. There were 3 and they
408 did a fourth because that was they way the hydrogeologist wanted them. The 3 old ones
409 were destroyed.

410
411 **Public Comment:**

412 No one came forward for public comment.

413

414 **Deliberation:**

415 Mr. Mcleod said his first inclination was to deny the application because the Board did
416 not have the information that they had requested. Most of that was mitigated by what
417 the applicant said tonight but the Board still does not know about the PFAS
418 contamination. Mr. McLeod said that they don't know if there is contamination on that
419 site or not and have been operating without a permit for nearly a year. The only way he
420 feels like he could agree to a continuation is if the applicant volunteers to cease
421 operations until the Board has the information and has educated this at the continuation
422 date.

423
424 Mrs. Luszczyk would be inclined to have the Board make a motion to continue to
425 Thursday, June 8, 2023, but it has to be complete.

426
427 Mr. McLeod would like PFAS testing done, 537.1 modified test, or the 535 test, the
428 RCRA, the 8 heavy metals, and the blasting series, phosphates, and nitrates.

429
430 Mrs. Luszczyk would also like to see the logs dating from when the permit expired, June 1,
431 2022, to April 30, 2023. Mrs. Luszczyk would like to see where it came from, who it came
432 from and if there is any testing that was done.

433
434 Mr. McDonald would like to see ground elevations across the entire pit.

435
436 Mr. McLeod quoted from the Earth Excavations Regulation section XIV part 8 regarding
437 coming into compliance with the Board's current regulations.

438
439 *If at the end of the permit term, the project is not completed, the applicant may submit a new*
440 *permit application in accordance with the requirements of Article XIII of these Regulations. Such*
441 *application will conform to the regulations in place at the time of the new permit application,*
442 *except that excavations in existence as of May 20, 2010, need not fully comply with current*
443 *Regulations unless and until they submit a new permit application in 2012. The Board or its*
444 *designee may waive applicable portions of the submission requirements if the Planning Board*
445 *determines that application materials submitted for any prior permit ...*

446 The idea here is that any operation after 2012 has to come into compliance with their
447 reapplication.

448
449 Mrs. Luszczyk asked since this application was to be permitted for 23 to 24 do the Board
450 have them pay for another permit for 23 to 24 he is on the cusp of a new year.

451
452 Maddie Dilonno said she would follow up on that issue.

453
454 **Motion:**

455 **Mr. McLeod made a motion to continue application 2022-013 Earth**
456 **Excavation Permit, Severino/Candia South Branch Brook, until Thursday,**
457 **June 8, 2023, 7pm at the Raymond High School Media Center, 45 Harriman**
458 **Hill Road.**

459 **Ms. Bridge seconded the motion.**

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Discussion:

Ms. Gott asked if the applicant is allowed to continue to work under whatever auspices he was working under.

Mrs. Luszczyk said they will be testing for PFAS and if there is any contamination they will cease operations. Mrs. Luszczyk asked the applicant for their guarantee on that, and they agreed. The agreement is if there is any contamination they will cease operation. They have to have the test results to the Board 10 days before the meeting.

The Board agreed that would be a fair agreement by the applicant.

A roll call vote was taken.

- Ms. Gott - Yes**
- Mr. McLeod – Yes**
- Mrs. Luszczyk – Yes**
- Mr. Rice – Yes**
- Mr. McDonald – Yes**
- Ms. Bridgeo - Yes**

The motion passed with a vote of 6 in favor, 0 opposed and 0 abstentions.

Public Meeting:

Application #2023-002-Onway Lake Development/Sargent Drive: In accordance with RSA 676:4 II(b) and Section 3.03.02 of Raymond Site Plan Review Regulations the Planning Board will engage in a nonbinding design review discussion with an applicant, Joseph Coronati of Jones and Beach Engineers, and authorized representatives on Thursday, May 04, 2023, at 7:00 p.m. in the Raymond High School Media Center (library). The discussion will be regarding a proposal for a phased buildout of the property at Onway Lake to include an open space subdivision and age restricted development. The property is located at Tax Map 20/Lot 58 & Tax Map 26/Lot 1, at 15 Sargent Drive. Per RSA 676:4 II(b), the Planning Board may engage in nonbinding discussions with an applicant beyond conceptual and general discussions which involve more specific design and engineering details; provided, however, that the design review phase may proceed only after identification of and notice to abutters, holders of conservation, preservation, or agricultural preservation restrictions, and the general public as required by subparagraph I(d). The board may establish reasonable rules of procedure relating to the design review process, including submission requirements. At a public meeting, the board may determine that the design review process of an application has ended and shall inform the applicant in writing within 10 days of such determination. Statements made by planning board members shall not be the basis for disqualifying said members or invalidating any action taken.

Mr. McLeod made a point of order stating that this is a process question. This is a design review, and this doesn't encompass the entire site plan regulation. The site plan regulation reads:

504 *Upon submission of an application to the Community Development Department, once all*
505 *required fees have been paid, a Zoning Determination is conducted to ensure conformity with the*
506 *Town Zoning Ordinance. Upon receipt of a successful Zoning Determination, the application*
507 *will be scheduled for a public hearing with the TRC to review the technical aspects of the plan.*
508 *Once the TRC determines the plan is substantive enough to move forward, a public hearing with*
509 *the Planning Board is then scheduled.*

510 Mr. McLeod said that this type of application should probably be going to TRC based on
511 the regulations.

512
513 Maddie Dilonno explained that this is a preliminary design review and conceptual nature
514 at this point. The purpose is to get the Board's non-binding feedback.

515
516 Mrs. Luszczyk begged to differ, the state regulations and the Board's regulations are very
517 specific that they are to go to TRC even on a design review. Mrs. Luszczyk said they rely
518 on the Board's 3rd party review for guidance.

519
520 John Bosen, from Bosen and Associates, stated that 3.03 reads for completed
521 applications for site plan approval. Statute RSA 676.4 gives jurisdiction to the Planning
522 Board to do a conceptual and a Design Review after it goes to the Planning Board then
523 it goes to TRC.

524
525 Mr. McLeod said that the RSA 676.4 that you mention, that gives the Board the
526 responsibility, but this Board has deferred the responsibility to the TRC

527
528 Mr. Coronati said It's also not how the board has handled that in the past. The design
529 reviews have always been very general in nature. The TRC is detailed. They don't even
530 let us go to the TRC until we have a full design with drainage; something for them to
531 review; road grades for the fire department, drainage design for Dubois & King.

532
533 Mr. McLeod: But this project has been before the TRC previously.

534
535 Mr. Coronati: No they have not been before the TRC regarding this project. We have
536 met with department heads numerous times and have been before this board for
537 multiple design reviews. This is still conceptual in nature, and really just an introduction
538 to what we're proposing. The idea for us tonight is to hear from the abutters as well as
539 the Board, take your feedback and incorporate it into the plans.

540
541 Chariwoman Luszczyk: When was the last time you were before the board?

542
543 Mr. Coronati: They were before the Board on June 3, 2021. Since then, they met with a
544 couple people from staff and also did a lot more work on the site.

545
546 Mr. McLeod stated that it is not conceptual if there is an address associated with it or a
547 plot. Mr. Chairwoman Luszczyk explained the difference between conceptual and design
548 review. She asked how many people from the public were here for this application.
549 Mr. McLeod noted that this is how things were done in the past and we don't believe that is

550 the way they should be moving forward. That is no reason to penalize this applicant. Mr.
551 McLeod does not believe that this will be the process going forward.

552
553 Ms. Gott said she did not agree with Mr. McLeod's statement.

554
555 Mrs. Luszc said that is for future discussion but noted

556
557 Ms. Bridgeo said that June 3, 2021, has no relevance or bearing on what the Board has
558 before it. This is a completely different application.

559
560 Ms. Gott believed that there is one abutter missing from the abutters list. The Onway
561 Lake Association.

562
563 Maddie Dilonno read the abutters list.

564
565 Mrs. Luszc asked Maddie to address the Onway Lake Association as an abutter.

566
567 Mr. Joe Coronati of Jones and Beach Engineer introduced the property owner Matt
568 Silverstein and Attorney John Bosen representing the applicant. Mr. Coronati explained
569 that they have attempted to keep some of the old density that was granted on this
570 property from years past. They have taken a new look at the property and come up with
571 what is allowed on the site based on the Zoning. The two things that they are proposing
572 are single family subdivisions and a section of the property that will be 55 and over age
573 restricted housing units. The main entrance is off of Sargent Road, there are 15 existing
574 homes on the site currently and are shown on the plan. They are looking to split the
575 project into multiple phases. It is about 330 acres and has a lot of amenities already
576 constructed. The first phase would be looking at doing a 38 lot, cluster subdivision, with
577 no age restriction, for single family homes. 65 acres of open space would be associated
578 with phase one of the development.

579 Phase two would be looking at the area where a lot of the existing infrastructure is
580 already there. Onway Lake is the upper right of the plan. These would all be single
581 family units with the 55 and over component to them.

582 Phase three would be toward the Lake side of the property. These would be single
583 family homes with the 55 and over component. Part of this plan would have a secondary
584 connection to the site. There are a couple of options but the one that might be most
585 beneficial to everyone is the would be a connection onto the end of Scribner Road.
586 They also have the option of Levitt Road which connects to Green Road. The Fire Chief
587 would prefer access to Scribner to provide a turnaround for the emergency equipment.
588 This development has a beach front and a dock on the Lake.

589
590 **Public Comment:**

591
592 Sean Bilodeau, property owner on Scribner Road, asked if the second access is an
593 emergency access or a constant access because it is a very narrow road.

594

595 Mr. Coronati said his understanding was that the Town has been looking for a
596 turnaround at the end of that. That would not be for emergency only it would be full
597 access.

598
599 Robert Senegal, 36 Scribner Road, had concerns about the foundation of an old Inn that
600 abuts his property that is a mess. He was also concerned about the washing out of the
601 area when it rains.

602
603 Judy Williams, (Address Unknown), asked what the bedroom capacity would be and
604 whether there would be an impact on the schools.

605
606 Mr. Coronati said that the 38 individual house lots would be 3- and 4-bedroom homes,
607 and the 55 and over units are two-bedroom units targeted to people without school age
608 children. 80% of the units have to be 55 or older.

609
610 Judy Williams asked if the whole development would have access to Onway Lake.
611 Mr. Coronati responded saying it would be through the Beach Association and the land
612 that they own.

613
614 **Deliberation:**

615
616 Mr. Rice commented that there is only one way to get onto the highway and that is from
617 Scribner Road, and that would cause more problems to exit 4.

618
619 Mrs. Luszczyk said there would be a traffic study and they will have more detail at that
620 time.

621
622 Mrs. Luszczyk asked if these units would be conforming to the new warrant article that just
623 passed in March?

624
625 Mr. McLeod responded saying it is 900 square feet for a two bedroom and 600 square
626 feet for a single bedroom unit.

627
628 Mr. Coronati said these would be larger.

629
630 Mr. McDonald said that he is assuming that this is residential B.

631
632 Mr. Coronati confirmed that it was and that in the yield plan all of the units are two acres
633 in a conservation subdivision.

634
635 **Other Business:**

636
637 **Board Updates:**

638
639 Mrs. Luszczyk stated that they must schedule legal training soon.

640

641 Mrs. Luszczy reminded the Board the June 8, 2023, they are going to hear the Severino
642 Excavation and on May 11, 2023, is the GZA and ONYX discussion session.

643
644 Mr. McLeod requested an extra meeting on May 25, 2023, as a work session.

645
646 Mr. Roy said he was a little disappointed with this meeting, the way the conversation
647 went, and ask that the Board equally divide the time between applications.

648
649 Mr. McLeod read a letter given to the board by a resident concerning the rust color
650 substance on the plants and water coming off the Mega X excavation. Submitted by
651 Russell Hammond. (See attached)

652
653 Mrs. Luszczy announced that there are 4 open seats for alternates to the Board and you
654 must attend 3 meeting prior to being considered.

655
656 Ms. Bridgeo commented that she would like those at home to please attend the
657 Selectmen's meetings and she would like to thank everybody that has been coming to
658 the meetings. Monday's Selectmen's meeting is a continuation of water and will be
659 helpful for the Town.

660
661 **Adjournment:**

662
663 **Motion:**
664 **Mr. McLeod made a motion to adjourn.**
665 **Mr. Rice seconded the motion.**
666 **A roll call vote was taken.**

667 **Ms. Gott - Yes**
668 **Mr. McLeod – Yes**
669 **Mrs. Luszczy – Yes**
670 **Mr. Rice – Yes**
671 **Mr. McDonald – Yes**
672 **Ms. Bridgeo - Yes**

673 **The motion passed with a vote of 6 in favor, 0 opposed and 0 abstentions.**

674
675 Chair Luszczy adjourned the meeting at approximate 9:58pm.

676
677 The video of this meeting is to be preserved as part of the permanent and official
678 record.

679
680 Respectfully submitted,

681
682 Jill A. Vadeboncoeur

683
684 **Attachments:**

685

- Letter from Russell Hammond

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DRAFT

TOWN OF RAYMOND EARTH EXCAVATION REGULATIONS
ADOPTED 05/20/2010

I want to know what the rust color is on the plants and in the water coming off the Mega X Excavation.

ARTICLE XV: ADMINISTRATION

Russell Hammond 5/4/2023



A. Enforcement

1. The Planning Board or its duly authorized agent is responsible for the enforcement of these regulations, as provided by RSA 155-E:10. The Board shall visit the site once a year to inspect the site and its condition. The Code Enforcement Officer or other qualified inspection agents appointed by the Planning Board may visit the site for compliance inspections at any time. The Board or its agents may visit the site at any time and without limitation in response to complaints or to respond to any health, safety or public welfare concerns.

2. Mandatory annual compliance hearings shall be held on the second Thursday of every June. The purpose of a Compliance Review is to:

- ensure an applicant's continued compliance with the Excavation Permit;
- review progress on the excavation site;
- inform the Planning Board of any changes in conditions or other factors that may encourage or delay progress on the site.

Any inspections which the Planning Board determines are necessary to conduct compliance review shall be done in accordance with Article XV(B) of these Regulations. In cases where the Planning Board finds that an applicant is out of compliance with its Excavation Permit, it may assess penalties, suspend or revoke the permit in accordance with Article XV(F) of these Regulations. A Compliance Review can be called at any time the Planning Board determines a review is needed.

3. An excavation permit may be suspended or revoked for any applicant who has violated any provision of the permit, the Town's Earth Excavation Regulations or of Chapter 155-E, or made a material misstatement in the permit application upon which the permit was granted. Such suspension or revocation shall be subject to a motion for a rehearing and appeal in accordance with RSA 155-E:9.

B. Site Inspections

1. **Authorized Inspectors:** The Planning Board shall designate an employee of the Town or other qualified agents to carry out inspections of excavation sites. The Town will submit to the applicant a list of the Town's employees or agents authorized to carry out inspections, and the applicant shall communicate this information to its employees on the site. For inspection purposes the Town or its agents shall have the right to gain access to the site during hours when the site is in operation to carry out unscheduled inspections.

2. **Inspection Agents:** The Raymond Planning Board may contract with a qualified professional consultant, as determined to be appropriate by the Board, at the expense of the applicant, to provide inspection services, testing services and other such services as the Board, at its discretion, may require to ensure compliance with any permit to operate a gravel pit within Raymond.

1 Planning Board Minutes
2 May 11, 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 Gretchen Gott
10 Dee Luszcz
11 Dan Roy (Alternate)
12 Bob McDonald
13 Dave Rice
14

15 Planning Board Members Absent:

16
17 Staff Present:
18 Madeleine Dilonno - Circuit Rider Planner, RPC
19
20

21 **Pledge of Allegiance:** Recited by all in attendance.
22

23 **Meeting called to order:**

24 The meeting started at approximately 7:00 pm.
25

26 **Roll Call:**

27 Gretchen Gott, Maddie Dilonno, Rockingham Planning Commission, Daniel Roy
28 Alternate, Jim McLeod, Dee Luszcz, Dave Rice, Bob McDonald, Tricia Bridgeo.
29

30 Mrs. Luszcz announced that the Select Board has not chosen their ex officio member.
31

32 **Public Hearing –**

33 Application # 2022-008 - Onyx Warehouse/Industrial Drive: A SITE PLAN application is
34 being submitted by Wayne Morrill of Jones & Beach Engineers, Inc. on behalf of ONYX
35 Partners LTD. They are proposing to construct a 550,025 S.F. industrial distribution
36 warehouse with associated loading docks, truck parking, and employee vehicle parking.
37 Property is located on Industrial Drive and Raymond Tax Map 22 / Lots 44,45,46, & 47
38 and Raymond Tax Map 28-3/Lot 120-1. This public hearing is to discuss the findings of
39 an environmental study provided by Steven Lamb of GZA with the applicants and the
40 Planning Board.
41

42 Anton Melchionda, Eric Poulin from Jones and Beach, Todd Greenwood from Enviro
43 North American Consulting and John Kondziolka from Gradient Corp introduced
44 themselves.

45 Mr. McLeod said that there has been new information that has come out since they set
46 this meeting up.

47 Anton Melchionda stated that what is important to ONYX is what is important to the
48 Board. Conversations have come up about environmental conditions on the site and
49 what that means to the impact of how they are going to create a drainage structure.
50 There were certain preexisting conditions that they were all discussing. They would like
51 to hear from GZA to understand what was there and what was found.

52 Steve Lamb, Principal at GZA and Jim Wieck consultant with GZA, introduced
53 themselves. Mr. Lamb explained that they have some history at the site having done
54 some Brownfields investigations 20 years ago. It is a Brownfield site under the State's
55 review, where the proposed development is somewhat on the periphery of a lot of the
56 historic activities of leather tanning, and such were performed. There is very limited data
57 on the portion of the property that ONYX is developing on. They reviewed it in
58 consideration of how the redevelopment could impact the surface water and
59 groundwater regimen, and how it could impact known or unknown conditions of a
60 Brownfields site. In looking at the historic data and the proposed development; a
61 significant aspect was the amount of stormwater it would create. ONYX has modified
62 the drainage plan in a positive way. GZA recommended the installation of ground water
63 monitoring wells, the calculation of hydraulic conductivity, so that ONYX could
64 demonstrate as part of the application the quantitative aspects of the water balance.
65 Because it is a Brownfield site and because there is a potential for contamination
66 conditions on the property GZA though it would be prudent to collect groundwater
67 samples in areas where they are discharging stormwater flows. They are concerned
68 with the mobilization of sediment or the contaminated soil that may be impacted by the
69 historic wastewater operation.

70 Mr. McLeod said that the report will be available to read the recommendations that are
71 in the letter. On page 4 of the GZA Technical Review letter it says *The Town has public*
72 *water supply wells to the west of the Onyx property that could be sensitive to*
73 *mobilization of potential contamination.* That is why the Board has always been
74 concerned about this.

75 Mr. McDonald stated on page 5 of the GZA Technical Review letter could they define
76 **stormwater infiltration galleries.**

77 Mr. Lamb explained that there are a number of terms that are used for general
78 infiltration into the ground and that is a term that they are using for all of those features.

79 Mr. Lamb continued to say they have received revised stormwater drainage plans and it
80 concentrated on the western part of the property away from the historic lagoon. GZA

81 thought this was positive. They still have concerns about the capacity of these systems
82 and how they perform in different storm events. They still stand by the
83 recommendations that they made in their letter. They did find that the redesign was an
84 improvement that would lessen the potential for mobilization. The challenge for GZA is
85 the lack of data in the area of the proposed development.

86 Mrs. Luszczyk to summarize said that the letter that GZA submitted still stands. (See
87 attached)

88 Eric Poulin said a lot of the data GZA is looking for he can provide, and he is happy to
89 provide some additional information on the systems.

90 Mr. Greenwood said that testing was done on March 16, 2023.

91 Mrs. Luszczyk asked the applicant with their own study did they find contamination and
92 Mr. Rice asked what chemicals are in the ground as well.

93 Mr. Greenwood said he does not think that they can answer that at this point because
94 they have given the study to DES for their review. They did find impacts, but they are
95 not ready to say there is contamination until they hear from DES. It was submitted to
96 DES on April 14, 2023.

97 Mr. Melchionda asked what the Board wants as opposed to what DES mandates them
98 to do?

99 Mrs. Luszczyk commented that she knows that this is at the State level and the Town has
100 regulations and as a Planning Board obligations to when contamination is found we
101 shall not move forward. So, the Board does have to have all of the questions answered
102 before they can move in the direction they want us to go in.

103 Ms. Bridgeo asked Mr. Melchionda if they have ever built a development on a Town's
104 wellhead, The Town's aquifer, and a Federally protected river?

105 Mr. Melchionda said the answer is yes to every one of them independently.

106 Doug Richardson introduced himself of ONYX Partners. He said it is a run-on sentence
107 and to break it down into 3 parts. The site here is not on a well or well radius protection.
108 They do have a well protection district that just touches the southern part of the parcel.
109 104 acres. It is nowhere near the tannery. It is nowhere near the development of the
110 warehouse building. Mr. Richardson further stated in Concord New Hampshire the
111 largest tannery in New Hampshire was cleaned up, it had chromium, and dirty soils
112 adjacent to the river, it now has a medical office building and 48 apartment units right on
113 the contamination.

114 Mr. Melchionda asked what is important to the Board so that they understand what is
115 here, what they do about it and for everyone in the town to understand whether it is him

116 as a developer or someone else building a building anywhere in the town, He wants
117 good information, to understand what is in the soil, and to understand what is going to
118 be done to make sure what was there before is improved if that is possible at a
119 minimum is not made worse by the development. We are looking for guidance so that
120 we can accomplish that.

121 Ms. Gott said that ONYX referred to impacts rather than contamination until they hear
122 from DES. What impacts have been found?

123 Mr. Kondziolka said that arsenic and chromium were both detected and can be found on
124 the April 14, 2023, letter. They speciated the sample so there was chromium 6 and
125 chromium 3 for DES to review. PFAS were not detected in surface waters and sediment
126 samples collected from wetland A. PFAS were detected at low levels in lagoon #3.
127 There doesn't seem to be a significant source of PFAS in the area tested. The results
128 were found on pages 6 and 7 of the report.

129 GZA responded to the April 14th study. Mr. Lamb stated that the information seems
130 consistent with some of the historic data that has been collected at the site. The sample
131 location was not in an area that was typically in concern for them. It really wasn't too
132 relevant as to how they were looking at the data and the site impacts. It did appear to be
133 generally consistent with historic data from the area.

134 Ms. Bridgeo asked if some of the blasting might be the cause for some the levels of
135 arsenic in the reports.

136 Mr. Lamb said they didn't look at the blasting, so they don't know, but it can be
137 increased by site activities or manufacturing activities.

138 Mr. Rice asked how much chromium was actually found in the ground.

139 Mr. Kondziolka said that chromium 6 was non detect in the table. On page 11 table 2.
140 Chromium 3 was detected in surface water up to 16 micrograms per liter and in
141 sediment samples up to 61 hundred milligrams per kilogram.

142 Mr. McLeod commented that if you look historically it was just read off of page 6 from
143 the conclusions there is actually a quote from GZA's 2005 SSI notes on arsenic
144 background concentration of 21 mg/kg in sediment and states that "*elevated*
145 *background arsenic concentrations of the magnitude occur in New Hampshire due to*
146 *the occurrence of arsenic in the bedrock.*" Mr. Mcleod said that quote continues on to
147 say that the exceedances beyond that are moderately higher than that indicted
148 significant risk to human health and that those metals are likely attributable to the site.
149 The tests that were done in 2003 in lagoon #1 and lagoon #2 never exceeded 6,000
150 mg/kg in chromium 3. So, the level of chromium 3 that is in lagoon #3 now appears to
151 have a higher concentration of contaminant of chromium 3 than lagoon #1 and lagoon
152 #2 did 20 years ago when they were originally tested. For the record 61hundred

153 milligrams per kilogram is 6 times the remediation standard. The Board will have to wait
154 for NHDES to get back to the applicant and then come back before the Board.

155 Mr. McDonald said he would like to see a map contain lagoon #3 and all the testing and
156 the 1 well monitoring well location. He would like to see a map of the entire area and a
157 map for each individual area where it is located.

158 Ms. Gott asked if ONYX looked at the beaver dam below lagoon #3 to see if it was
159 overtopped and how regularly do they do observations of that area.

160 Eric Poulin responded by saying that they do regular SWIP inspections on site. His
161 inspector has not mentioned anything abnormal from a water standpoint, but he could
162 follow up with him.

163 Mrs. Luszczyk asked what would happen if it goes over since it comes from lagoon #3?

164 Eric Poulin said that the inspector's primary function is from an erosion standpoint. If the
165 Town wanted the beaver dam to be removed they could.

166 Mrs. Luszczyk asked what is your experience with PFAS and whether the numbers
167 shouldn't be going up at this late stage should they?

168 Mr. Lamb responded saying there is very limited data, but it does appear that the
169 historical activities of the site contribute to PFAS.

170 Mr. Rice asked with the levels of Chromium 3 in the future how harmful will those be to
171 the people's drinking water in town and downstream?

172 Mr. Lamb said he did not think it would cause a drinking water problem.

173 **Public Comment:**

174 Warren Gibby asked if since they are redirecting more water through the culverts are
175 those culverts going to be able to handle new amounts of water?

176 Eric Poulin from Jones & Beach explained that in the post condition stormwater flows to
177 the north are reduced and the volume is going down. The reason for the drop is the
178 ponds. They are able to hold onto that water because there is an increase because of
179 the additional impervious and roof but they are able to hold onto it and release it in a
180 controlled fashion.

181 Warren Gibby commented that if you have a dirty sponge and the water hits the top of it
182 the top stuff runs off of it; is that going to kick off all of the stuff out of the sponge and let
183 it go down the streams?

184 Eric Poulin from Jones & Beach explained that there are a number of things that occur
185 before water gets into the pond itself. They call them pretreatment systems and those
186 are designed to get the sediment out of the stormwater before they are putting the water
187 back into the ground.

188 Warren Gibby (member of the public) asked if the State checks to see if the
189 maintenance is being done or is it left up to the Town?

190 Eric Poulin from Jones & Beach said there is a certain level of State review and there
191 are periodic inspections especially during construction. Some of the biggest threats to
192 these systems are at the very beginning. A lot of times the Towns will do their own
193 inspections.

194 Kathy McDonald (member of the public) commented that the reason the townspeople
195 are concerned about this particular project is we have already had some dealings with
196 other developments being built near Brownfield sites where the water flow going
197 through bedrock actually changed direction a new development had to be serviced by a
198 new water system. They had to run the new waterline up Blueberry Hill. That is why we
199 are very concerned about water flow, contamination, and new developments. To run the
200 new water line was a cost of over 4 million dollars.

201 **Public Hearing:**

202 Mrs. Luszczyk commented that it is clear that GZA is standing behind their study and
203 indicated that they definitely want more monitoring wells.

204 Mr. McLeod read the recommendations that GZA made from page 5 of the Technical
205 Review Summary Letter dated April 6, 2023.

206 *Due to the limited environmental data for the portion of the proposed property to be*
207 *developed, and the presence and potential presence of contamination in off-site*
208 *locations associated with the former tannery operation, as well as uncertainty with*
209 *regard to the alteration of surface water and groundwater dynamics associated with the*
210 *proposed development, GZA recommends additional hydrogeologic investigations and*
211 *analysis be conducted to evaluate anticipated changes to groundwater and surface*
212 *water flow and potential impacts to contaminated media with the implementation of new*
213 *stormwater infiltration systems at the Onyx property. Based on GZA's review of*
214 *historical information, and the current stormwater management design plans, we*
215 *recommend the following:*

216 1. Advance at least one soil boring within the footprint of each proposed stormwater
217 infiltration gallery and infiltration pond.

218 a. Field screen soil samples from the boring(s) using a photoionization detector.

219 b. Collect soil sample(s) for analysis of volatile organic chemicals (VOCs) and
220 Resource and Recovery Act (RCRA) metals.

221 c. Collect soil sample(s) for grain size distribution and hydraulic conductivity
222 estimation.

223 Mr. Greenwood commented on the first recommendation saying that the existing
224 conditions are an aggregate quarry and is not sure they are going to find enough soil to
225 field screen where there suggest spots are.

226 Eric Poulin said that the soil they are going to be using is on site, but it is the soil that is
227 to the east.

228 Mr. Melchionda asked the Board how do they fulfill the request of the Board based on
229 the fact the whole area is solid bedrock.

230 Mr. McLeod stated that if they are in agreement with the recommendations that they
231 have the actual plan will have to come later. We thought that you thought that these
232 recommendations were required at all. If they don't have an issue with them being
233 required then they don't really need to go through the list.

234 Mrs. Luszc said that they know the site and know where there is still soil not bedrock
235 you have some great experts that can take from the recommendation and test the soils
236 especially in those concentrated sites. Without GZA having to expand on that any
237 further.

238 Mr. Wieck of GZA explained that the focus of their work is really trying to understand the
239 effects of the infiltration of stormwater on ground water flow and transport and to that
240 end we're also concerned about the effects of the infiltration on the direction of
241 movement of groundwater. And so our recommendations at assumed that there would
242 be saturated soils there, which there may or may not be. So, we don't, we wouldn't be
243 focusing necessarily on trying to evaluate the quality of the soil throughout the site. And
244 in any remnant pockets necessarily. There could be ones that were appropriate to
245 based on the discussion we've had earlier about this flow of surface water, but more
246 concerned about understanding the quality of the groundwater in this movement. And
247 so with these changes that we understand, are different conditions now that we
248 understand, you know, we would want to revisit our recommendation relative to modern
249 walls, not necessarily that, that we would change our recommendation to have them we
250 think they are important, but the locations of the wells might be different, I think for us to
251 be able to offer any helpful recommendations regarding that we would want us to look at
252 the calculations that were brought up earlier this evening as being available. And look at
253 the site conditions as well, if it was the board's desire that GZA provide any further
254 comment on those, but I did just want to make sure that everyone here understood that
255 our approach was not to the goal was not to characterize all the soils of the site, such
256 that you will now seek out remnant soil pockets and test them.

257 Mr. McLeod said this really goes to number 2. Which is:

258 2. Complete the soil boring(s) as a groundwater monitoring well extending 10 ft.
259 below the water table.

260 a. Collect groundwater sample(s) from each monitoring well for analysis of
261 VOCs, RCRA metals, and PFAS.

262 b. Perform hydraulic conductivity testing at each newly installed monitoring
263 well.

264 Even if there is no soil there they are looking for a monitoring well.

265 Mr. Greenwood said they will probably be bedrock wells because he doesn't think there
266 will be enough saturation and soil for an overburden well.

267 3. Perform hydrogeologic analysis.

268 a. Develop a groundwater contour plan.

269 b. Estimate hydraulic conductivity of subsurface soils.

270 c. Develop soil boring logs.

271 d. Develop a site conceptual model of subsurface conditions.

272 4. Perform numerical groundwater modeling, which should include simulations of:

273 a. Predevelopment baseline conditions.

274 b. Modelled stormwater infiltration conditions with proposed infiltration
275 galleries.

276 c. Numerical groundwater mounding assessment.

277 i. Water table mounding.

278 ii. pre-and post-construction simulated groundwater contours.

279 Mr. Lamb said that that recommendation kind of put some context with what were the
280 challenges here because the site post conditions are going to be a lot different than they
281 are now. And so, you have to come up with a way to simulate what the conditions are
282 out there that do not exist now and then add the addition of the stormwater system. So,
283 if you're going to add 10 feet of soil over this entire site to accommodate the infiltration
284 of water, then you need to do that estimate hydraulic conductivity and simulate your

285 groundwater flow condition in the conditions that result from stormwater infiltration. And
286 like we didn't anticipate that scenario, when we were preparing this memo.

287 5. Provide technical and engineering details to support the design of the
288 stormwater infiltration galleries. The analyses will provide engineering estimates
289 of the water balance for stormwater for each system detailing the amount of
290 infiltration versus surface water leaving the ONYX property. The analyses should
291 estimate the groundwater mounding beneath each stormwater system.

292 6. Provide key elements of a Soil and Groundwater Management Plan that will
293 guide earthwork activities across the ONYX property in anticipation of
294 encountering contaminated media if the investigation information indicates
295 contamination conditions.

296 Mr. Rice asked if this site was always Down to bedrock?

297 Mr. Greenwood responded saying that ONYX bought the property with an existing
298 quarry.

299 Mr. Rice asked if the soil was tested before it was trucked off the property?

300 Mr. Melchionda said they would find out from Hartman.

301 Mr. McLeod asked if there is any other testing that the Board hasn't been made aware
302 of if they could have that information when it is available to them.

303 7. Provide a plan that describes how the existing monitoring well network will be
304 protected during site development.

305 Poll: Would the board like to go on a site walk when GZA is present?

- 306 • Ms. Bridgeo: I don't have an answer.
- 307 • Mr. McDonald: I think the plan that GZA needs to look at the data and develop
308 the next step and at that point I would love to go on a site walk.
- 309 • Mr. Rice: I am in agreement with that as well.
- 310 • Mrs. Luszcz: I am in agreement.
- 311 • Mr. McLeod: I am in agreement, but I am concerned about the applicant has
312 indicated that they would like them to go on site. They have indicted that they
313 would like to go on site but how is that negotiated fee wise.
- 314 • Mr. Roy: I am in agreement with what I have heard.
- 315 • Ms. Gott: A site walk please.

316 Mr. McLeod asked Mr. Lamb when they were negotiating with the town for to do this
317 work for the Board. Was there any clause for you to be able to continue if there was
318 more or does this need to be renegotiated?

319 Mr. Lamb said we've pretty much exhausted our budget for what the work we put in so
320 far. And so, we would propose another level of effort and have you consider that.

321 Mrs. Luszcz said obviously they would need to send a proposal to the Town to review
322 the new data and a site walk from there.

323 **Approval Of Minutes:**

324 **Motion:**

325 **Mr. McLeod made a motion to table the minutes from April 20, 2023, to May**
326 **18, 2023. Mr. Rice seconded the motion. A roll call vote was taken.**

- 327 • **Ms. Gott – Yes**
- 328 • **Mr. McLeod – Yes**
- 329 • **Mrs. Luszcz – Yes**
- 330 • **Mr. Rice – Yes**
- 331 • **Mr. McDonald – Yes**
- 332 • **Ms. Bridgeo – Yes**

333 **The motion passed unanimously with a vote of 6 in favor, 0 opposed and 0**
334 **abstentions.**

335 **Other Business:**

336 **Staff Updates:**

337 Maddie Dilonno reminded the Board that it needs to schedule legal training.

338 Mrs. Luszcz recommended May 25, 2023, at 6pm, for legal training for 1 hour.

339

340 Ms. Gott said she would prefer no limit on the time with legal.

341

342 **Board Member Updates:**

343

344 Ms. Gott said at the last meeting she had said that there was an abutter that was
345 missing. The mail receipt that was in her packet is incorrect. The missing abutter is
346 ONWAY LAKE ASSOCIATION not ONWAY LAKE CONDOMINUMS.

347

348 Ms. Gott also commented that she had not received notice that there was supposed to
349 be a non-meeting at 6:15pm tonight. That was cancelled.

350

351 Mr. Roy said he was not noticed either.

352

353 Mrs. Luszcz told Mr. Roy he would not have been noticed because he is an alternate.

354

355 Mrs. Luszczy said that the June 8, 2023, meeting will have Severino which is their final
356 hearing, and the ONYX Excavation is on for May 18, 2023, so they will actually be
357 beating the June deadline for this year. They are still waiting to hear from staff whether
358 it is a 2-year or 5-year permit. These are the only two applications and they will both be
359 heard on time. Mega X is ancillary to the construction of the project, so it is not
360 considered an excavation site.

361 Mr. McLeod said he is not sure where they left the Water Planning Committee as far as
362 appointments. They have two openings on the committee that need to be filled.

363
364 Ms. Gott stated that there has been a problem in the past for not having meetings at
365 times that people are normally available. Sunday morning is not a normal time to have
366 committee meetings. The location needs to be at a public place such as the High
367 School that is accessible to all.

368
369 Mr. McLeod said it was properly noticed and he had reached out to NH Municipal
370 Association to ask if it was appropriate to hold a meeting outside of town property and
371 there is no issue with it provided that it has full access to the public.

372
373 The request for the Water Committee Members was tabled.

374
375 Mrs. Luszczy said You will notice on the next agenda. We've briefly talked at the
376 beginning of the meeting how I'm trying to also for the public's reference, instead of just
377 putting, let's say Onyx warehouse on the agenda, we're indicating the application
378 number that goes with that. And it's also on the front. So, you have the application
379 number and name in the public hearing portion. And on your calendar. Also, what I've
380 done is, I've know I've been losing track of some of these applications being continued
381 time and time again, your next agenda will show an application and how many times
382 and what dates it's been continued. Because I think it's really important for the public
383 also to see, we only read the abutters on the first hearing. So that second hearing looks
384 like a first hearing and we're not reading abutters people think we're not reading
385 abutters. So, I think it's just a good notation.

386
387 Ms. Gott made a request to indicate how long you are planning on spending on each
388 thing as an organizational tool.

389
390 Mr. McDonald said he attended the first Cemetery Committee last Wednesday. He said
391 there needs to be an alternate appointed in case he can't attend. It meets one a month.

392
393 Ms. Bridgeo said she went to RPC last night and the discussion was on land Trust's
394 from Manchester ADU's, and Harmony Homes discussed what they did for their homes
395 in Dover and Durham. I can put together maybe a quick synopsis, I need to bring it over
396 to the Select Board as well, they should hear about that, but it's more than 30 seconds.
397 And it was a lot of information about different ways they're trying to do. Well, it's not
398 called Workforce Housing, they call it Affordable Housing. The second thing that I
399 would like to bring up is we need to really put on our schedule to have when we're going
400 to be going over rules and procedures, get that site plan update, I would like a hard

401 copy of it. I would like to also get on the schedule, even if it's tentatively the master plan,
402 CIP, impact fees, and the other one that we need to really put on there. And we need to
403 discuss now is growth management and relationship to water.

404
405 Mr. McLeod said that next Tuesday, May 16, 2023, is the training for PFAS groundwater
406 source protection. Mr. McLeod said he would send the information via email.

407
408 **Adjournment:**

409
410 **Motion:**

411 **Mr. McLeod made a motion to adjourn the meeting.**

412 **Ms. Bridgeo seconded the motion.**

413 **A vote was made.**

- 414
- 415 • **Ms. Gott – Yes**
 - 416 • **Mr. McLeod – Yes**
 - 417 • **Mrs. Luszcz – Yes**
 - 418 • **Mr. Rice – Yes**
 - 419 • **Mr. McDonald – Yes**
 - **Ms. Bridgeo – Yes**

420 **The motion passed unanimously with a vote of 6 in favor, 0 opposed and 0**
421 **abstentions.**

422 Mrs. Luszcz adjourned the meeting at approximately 10:00pm.

423
424 The video of this meeting is to be preserved as part of the permanent and official
425 record.

426
427 Respectfully submitted,

428
429 Jill A. Vadeboncoeur

430
431 **Attachments:**

432 None.

433
434
435
436
437
438
439
440
441
442
443

444
445

DRAFT

Raymond: Planning Board Committee Meetings

3 messages

Legal Inquiries <legalinquiries@nhmunicipal.org>

Tue, May 2, 2023 at 11:12 AM

To: "jimrpb@gmail.com" <jimrpb@gmail.com>

Good Morning Jim:

The Right-to-Know Law requires that public meetings be open to the public, and that requires meetings to be held in places that are accessible to the public. This does not mean that public meetings can only be held at property owned and operated by the town, just that the public's right of access cannot be impeded by inability to gain access to private property. In that regard, when conducting site visits on private property the planning board should be sure to obtain written permission from property owners to permit access by board members, staff, consultants and members of the public. RSA 674:1, IV addresses this issue as follows:

IV. The planning board, and its members, officers, and employees, in the performance of their functions may, by ordinance, be authorized to enter upon any land and make such examinations and surveys as are reasonably necessary and place and maintain necessary monuments and marks and, in the event consent for such entry is denied or not reasonably obtainable, to obtain an administrative inspection warrant under RSA 595-B.

Stephen Buckley**Legal Services Counsel****NH Municipal Association**

25 Triangle Park Drive

Concord NH 03301

Tel: (603) 224-7447

Email: legalinquiries@nhmunicipal.org<https://www.nhmunicipal.org/federal-funding-and-resources><https://www.nhmunicipal.org/legal-services>

From: Jim McLeod <jimrpb@gmail.com>**Sent:** Monday, May 1, 2023 12:44 PM**To:** Legal Inquiries <legalinquiries@nhmunicipal.org>**Cc:** Jim McLeod <jimrpb@gmail.com>**Subject:** Planning Board Committee Meetings

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe

Good Afternoon NHMA,

I serve as Vice-Chair of the Raymond Planning Board.

Can Planning Board and/or sub-committee meetings be held off town owned property? We occasionally have town meetings in churches and frequently have public meetings on site walks that are not on town owned property.

Follow-up , if meetings must be held on town owned property do all the meetings that happened off town property become "null"?

Thank you for clarifying this issue for us, be well.

Jim McLeod

Raymond PB VC

* PB and WPC member bcc'd - do NOT reply , I will forward any response, ty! *

Jim McLeod <jimrpb@gmail.com>

Tue, May 2, 2023 at 6:34 PM

To: Legal Inquiries <legalinquiries@nhmunicipal.org>

Cc: Jim McLeod <jimrpb@gmail.com>

Bcc: macpark1@comcast.net, Dee Luszcz <DL.raymondpb@gmail.com>, Dennis Campbell <dcampbell@raymondnh.gov>, kevin.pratt@leg.state.nh.us, Dan Roy <droy8661@gmail.com>, TRICIA BRIDGEO <silhouettefarm@comcast.net>, ernie20034@gmail.com

Good Afternoon Stephen,

Thank you for the edification. Our committee meeting was accessible to, and attended by, the public in addition to the proper noticing and posting, so I believe we are on solid legal ground.

Thanks again, be well.

Jim
RPB VC

PB and WPC bcc'd

[Quoted text hidden]

Kevin Pratt <Kevin.Pratt@leg.state.nh.us>

Tue, May 2, 2023 at 8:11 PM

To: Jim McLeod <jimrpb@gmail.com>

Great, good follow up.

On May 2, 2023 6:33 PM, Jim McLeod <jimrpb@gmail.com> wrote:

Caution! This message was sent from outside your organization.

[Quoted text hidden]

1 Planning Board Minutes
2 June 8, 2023 @ 7 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 Bob McDonald
9 Dave Rice
10 Dee Luszcz
11 Jim McLeod
12 Gretchen Gott
13

14 **Planning Board Members Absent:**

15
16 **Staff Present:**

17 Madeleine Dilonno-Circuit Rider Planner-Rockingham Planning Commission ("RPC")
18

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

21 **Meeting called to order:**

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

24 **Roll Call:**

25 Getchen Gott, Planning Board, Maddie Dilonno, Rockingham Planning Commission, Jim McLeod, Vice
26 Chair Planning Board, Dee Luszcz, Chairman of the Planning Board, Dave Rice, Planning Board, Bob
27 McDonald, Planning Board, Trisha Bridgeo, Planning Board.
28

29 Mrs. Luszcz explained that the selectman board still has not assigned or appointed their ex-officio, so
30 there are 6 full seats for the makeup of the Planning Board.

31 We are in need of alternates. So, if you're interested, please come to one of our meetings so we can talk
32 about it but you do need to attend three meetings before formally being entertained a candidate for an
33 Alternate position.
34

35 **Public Hearing:**

36 Application 2022-13 Earth excavation permit- Severino/Candia South Branch LLC an application for an
37 earth expedition excavation permit has been submitted by Candia South Branch LLC. The applicant is
38 proposing the permitting of an existing excavation operation the property is identified as tax map 38 lot
39 134 located at 263, New Hampshire Route 27. This application has been continued several times since
40 November 3 of 2022.
41
42
43
44

45 Tom Severino, introduced himself for Severino trucking company with his brother Ron Severino and Todd
46 Greenwood, President of Enviro North American Consulting LLC. that the water and soils testing at the
47 site. When we were here at our last meeting, we made a list of the Boards requests which I believe we
48 have completed along with readouts on the logs of the materials. The logs list what was bought into the
49 pit or materials hauled in and out of the pit. We also asked for soils testing of the stockpile's loam
50 stockpiles and the asphalt piles, and RCRA and blasting series. Additional PFAS testing of the water 537.1
51 or 535.1I believe the note of the concrete disposal areas that was on the old original plants and that that
52 note also beyond that final exist interim conditions sheet. We were asked to add the missing original
53 detail plan sheets, so now this is the complete original permitted set from back in 1997 or 98. So, all of
54 those sheets are now in that set. And we included the final sheet which the interim conditions plan. We
55 had this information into the board 10 days prior to this meeting and there was a request from one
56 board member about the existing conditions and contours on the interim conditions plan that they were
57 more prominent so they can be seen better. We've accomplished that by brighten those up to read and
58 change the text. So, I was made sure I write down and wrote down those requests. I believe we filled
59 those requests that you were looking for, but we're happy to hear what the board has reviewed for the
60 information that we provided.

61
62 Jim McLeod asks the chair, that he does have findings of fact and timelines, regulations that may be
63 pertinent to their conversation. It's just a summary what it has been continued since November and we
64 do have some new board members.

65 Raymond Earth excavation regulations- Article One 1.200 purpose and scope include the following be to
66 ensure that the public health and welfare will be safeguarded. See, protect natural resources and
67 environment including but not limited to water pollution. For the purpose of a achieving these goals. No
68 materials in the town shall be removed except in conformance with these regulations.

69 To Article Five prohibited projects, a Board shall not grant a probate permit for the following projects.
70 Three where the issuance of the permit would be unduly hazardous or injurious to the public welfare
71 impacted groundwater. Article Seven eight excavation practices which result in any degradation of water
72 quality or quantity of any public or private water supplies is prohibited. And then we go to RSA section
73 155 E.4 for prohibited projects that regulator shall not granting permits, where the excavation would
74 violate the operational standards of RSA 1254 dash four where the issuance of the permit would be
75 unduly hazardous or injurious to the public welfare section 155 for a minimum and express operational
76 standards for excavation practices, which result in continued siltation of surface waters, or any
77 degradation of water quality or quantity of any public water supplies are prohibited. The application is
78 followed the following timeline notice of intent to excavate signed by applicants on May 3 2022 by the
79 board of selectmen on May 9 2022. The permit for application 2017- 009 expired on June 30 2022. The
80 permit application 2022- 013 which is the one that's before us now, was signed on September 6 2022.
81 The application was discussed and not accepted as complete on November 3, 2022 Hearing rescheduled
82 to November 10, 2022 by unanimous vote. The application was accepted after discussion on November
83 10, 2022and continued to December 15, 2022. The site walk was scheduled for was conducted on
84 November 18, 2022 application is discussed in detail with next steps and requirements including the
85 need for PFAS and RC Blasting series done on the monitoring wells and imported materials application is
86 continued to February 16 2023. To allow time for compliance.

87

88 Notices received from the applicant on to October 10, 2022 and an extension is requested due to conflict
89 with a conference and travel on February 16, 2023. The application was continued to May 4, 2023.
90 The applicant did not submit required documentation regarding PFAS, but testing of imported material
91 partial round of tests was offered. The application was continued to June 8, 2023 with the understanding
92 that any contamination discovered would trigger any voluntary cease of operations until that date. The
93 June 8 2023 packet includes additional testing results that indicate some important materials are
94 polluted with regulated substances. That groundwater quality has been impacted by nutrient pollution.
95 The applicant submitted to the agreement of the planning board a hydro geologic and environmental
96 evaluation with test results collected between April 20 2023 and May 22, 2023. The submittal was by
97 Enviro North American Consulting LLC, a hydro geologic and environmental evaluation assessment dated
98 May 25 23. I do have a note on here. There's 6000 parts per billion of nitrate and from m w two and is
99 not recorded on the table one of the reports.

100 New Hampshire code of administrative rules chapter two OR 600 contaminated site management. The
101 purpose of these rules is to establish a procedures and requirements for the investigation management
102 and remediation of contamination. Discharge of regulated contaminants that adversely affect human
103 health or the environment resulting from human operations or activities.
104 Part two applicability this chapter shall apply to all environmental investigations and remediations and
105 discharges from regulated contaminants, identified in this chapter. It goes on finally town of Raven
106 zoning ordinance 2023 6.6.5 regulation and performance criteria the regulation and performance criteria
107 shall be set forth in the Raymond Earth excavation regulations as amended.

108
109 Dee Luszcz- asked the Board if they have any questions? Since, there is a full packet a lot of information.
110 I believe the applicant asked if we had questions first.

111
112 Trisha Bridgeo asked about the trip log data-where is 6 industrial way?

113 Tom Severino-Salem, NH

114 Trisha Bridgeo-where is 140 Exeter Road?

115 Tom Severino- is it's right off RT 101 exit nine. That was not the former car dealer. This was a new site.

116 Tisha Bridgeo-isn't standard not to have the city and state of the location on the logs.

117 Tom Severino- that was a report we use that we keep track of the material.

118 Dee Luszcz-The Board would like to see the address and city location on the logs.

119

120 Trisha Bridgeo-On the drawing C-2, which pile is Asphalt?

121 Tom Severino-This is one pile for Asphalt and two piles for Loam.

122

123 Jim McLeod- there's two piles. Which one of those was tested?

124 Tom Severino- It was both piles.

125 Trisha Bridgeo Is the concrete pile no longer on site?

126 Tom Severino- No concrete pile on site now.

127 Trisha Bridgeo-Is Dave's small engine bld that's part now of your site.

128 Tom Severino- Yes, they continue to rent and Dave still operates out of his building.

129 Trisha Bridgeo- Do you have knowledge on a Gas Station operating there in the past.

130 Ron Severino-No I have been driving by that for 50 Years.

131

132
133 Dee Luszcz-On the truck lot list this is a lot of material that is marked spoil?
134 What would that be?
135 Tom Severino: It is common material, it's a balance if there's too much cut too much common fill and it
136 needs to leave the site and then it is known as spoil material., it's excess material from the site. When
137 there's too much cut too much earth it spoils. If you if you didn't have enough Earth, you would need to
138 borrow. So, we it's either a spoil job because it has too much Earth on it, or it's a borrowed job.
139
140 Dee Luszcz-the log dated June 22nd 2020-spoil from Copart Copart parts. It that the salvage yard on RT
141 27 Candia?
142 Tom Severino- We sold them 20 acres so it was a brand-new wooded site. We developed that site. No,
143 no cars no nothing. We built that site. Brand new in the woods. So, we sold them off 20 acres and they
144 hired us to clear it, grab it strip it. So, it was a it was a wooded site. This site is near the Candia
145 courthouse.
146
147 Jim McLeod-On the same log, what is Fill
148 Tom Severino- it's common Fill, so is it like a conglomeration of things now just Selenia a common just
149 earth we dig out of the ground.
150 Jim McLeod- What is loam?
151 Tom Severino- Is that topsoil that's on the surface that you know for growing grass, and fill is good
152 enough to build you know doing embankment and eventually put gravel on it and build a highway on it
153 or build a building of fill is you know clean filled not with no organics
154
155 Jim McLeod- What is frost slash?
156 Tom Severino-Its frozen crushed gravel. We work through the winter sometimes and unfortunately you
157 run out what you put in the day.
158 Jim McLeod-What is Millings?
159 Tom Severino-It is asphalt.
160
161 Bob McDonald-Regarding Mr. Green's report on page 5-composite soils
162 Where are CS 1 and CS 2 two noted on your report on plan C-2?
163 Todd Greenwood-Because they were composite collected samples. We didn't note it on Map C-2. So, we
164 just described what piles they were collected from.
165 Bob McDonald- Are they still there?
166 Todd Greenwood-Yes. So, they're there. So, there was a composite test done there as well. Just one? No,
167 because there were similar loans. As Jim pointed out, we took four discrete samples from one loan pile
168 four discrete from the other and composited that into the CS leave two, which was this was a long pile
169 composite sample. There's only one reclaimed asphalt pile and that's what the CS one was collected.
170
171 Bob McDonald-In referring to the same plan C-2 the test pits 1-2-3and 5? These are the old original test
172 pits from when the pit was permitted from 1997. Was there ever a test pit 4?
173 Tom Severino- yes. 4 is between is right to the left of the asphalt pavement stockpile between the
174 pavement stockpile and the loam pile.
175

176 Bob McDonald-Why were these Test pits put in back in 1997 or 98?

177 Tom Severino-Those originally were put for the requirements in 98 of the part of the planning process is
178 you do test pits to show the seasonal high-water table to determine the elevation of the bottom of the
179 pit. So, they were requested of the board to do test pits and that's what Jones and B choose to come up
180 with the final contours in 1998.

181 Bob McDonald-The requirements that the board had put on in 1998 it was only a one and done so you
182 didn't have to use them ever again?

183 Tom Severino-They were just to determine the grading plan for the permit. For the determination of
184 what the final grade would be.

185

186 Dee Luszcz-Those would be the same ones that was brought up in the last meeting. They had been
187 destroyed. So, you had to drill new ones.

188

189 Dee Luszcz: Did TRCs our engineers receive any of these results.?

190 Maddy Dilonno-No.

191

192 Dee Luszcz-So can we just ask Mr. Greenwood, could you just bring our attention to any areas of concern
193 in the report?

194 Todd Greenwood-We did some test fitting as an environmental professional I would like to focus on
195 existing conditions with contamination with abandon the asphalt piles because it is fairly large.

196 The day we were collecting composite samples. We did three test pits at the at the base of the stockpile.
197 I wanted to expose native sands and run the same tests to get a comparison. During that analysis period,
198 we detected some levels of arsenic that seemed to be above the remedial standard page do we find
199 those on? In my report, I present groundwater quality first, second table Seven to groundwater elevation
200 but we're talking about soil and that's table three. I have my report which is probably number three is to
201 get to the table section. Table three and it's page one by page one of table three. That table shows the
202 three tows of sloped samples into native sands that lie beneath or in front in subgrade on the asphalt
203 pile.

204 All free samples that we analyzed for arsenic came back elevated above the reveal standard of 11 which
205 is the adopted the standard for arsenic in soil. Because that seemed alarming and because of my
206 knowledge of arsenic in southeastern New Hampshire. I went back to the site to go outside of the
207 exposed pit and collect additional soil samples. And I ran those just for arsenic to get a comparison then
208 my second page, table three shows the screen background soil samples that I collected and of the eight
209 samples, five of those outside of the existing fit and elevated arsenic conditions or concentrations above
210 the standard which was no surprise so what we've basically concluded is there's an arsenic issue in this
211 area of the state and seen in the NET Native sands. And that's based on the actual sampling we did. Note
212 that the composite sample collected from the asphalt pile had the lowest arsenic from one of the lower
213 parts. It's below the remedial standard and then we've in our composite sample collecting from the loan
214 piles was also elevated above the remedial standard.

215

216 Dee Luszcz-This is a question Todd when you say you took the sample outside of the existing pit, how
217 close to the pit did you take?

218

219

220

221 Todd Greenwood-Well, if you look at the site plan, we'll show you where I did this.

222 And when I say outside of the pit, I met some of the samples were collected from inside and the pit but
223 in undisturbed walls on the same property. So, if you look at my designated samples from page two of
224 table three, they're noted on one KGP and if you look on the site plan, you'll see BK G one through eight
225 noted in the reddish color can tell you BK G one, two and three were collected from this self site in the
226 pit where there was an exposed sandbank. We disturbed the face of the soil and then took an auger and
227 went two feet in depth horizontally into the bank to try to get an undisturbed sample meaning
228 something that's been in place and not disturbed. RBK G for sample was actually outside of the pit on
229 the boundary towards the south end.

230

231 Dee Luszcz-And it was locations adjacent to the adjoining wetland shown as shown on the on the
232 property here.

233

234 Todd Greenwood-The RBK G five sample was on top of the property. When I say top, I mean elevation is
235 the height of land and that was located to the west coast to the east. And then another sample again
236 outside of the disturbed area. BKG-6 was again, almost downgraded on the backside of that hill is a big
237 wetland that has a lot of wildlife a lot of Herons, actually, they were nesting-while I was collecting the
238 sample. So that was almost at the limit of the wetland. But again, I did note the depths that they were
239 collected at and those again, were hand auger down below the loam into native sands. That these out of
240 location limits BKG-7 was another bank sample that we horizontally went to feed into the side bank to
241 collect the soil sample and then this BKG-8 was outside of the limit of the pit on the north side and it was
242 adjacent to the wetland on that side. Again, it was a it was a hand augured sample down below the loam
243 and into the native sands which are very gradually at that location. Far can seep down over it it's a heavy
244 metal than it does tend to move its location. I think, more dependent on the geochemistry of the soil.
245 Sometimes when there's a PH issue, it'll migrate more. I've read other things that are other research that
246 suggests it doesn't move much in certain set science tends to follow. Like iron ore. It's a coal element
247

248

248 Trisha Bridgeo-can ask a question- I don't think can you bring soils that are above remediation level and
249 sell them but do you have to disclose? So, if you've done all this test boring and the levels are above
250 remediation level now, how does that information get disclosed?

251

252 Tom Severino- I probably don't have the answer. Again. When it's like referring to the chart and
253 materials. We don't move any materials like we would never bring material that was from like a Copart
254 site. Yeah, this is new information. When we tested the asphalt pile, we know okay, there may be
255 something you're fine, but it's no different than if we broke off a piece asphalt in the road. We're
256 crushing the asphalt and we're putting it in the road debt. If you're going to sell loads alone, and it's high
257 in testing, but we run into arsenic everywhere like Todd saying, I mean this there's just elevated our
258 second levels everywhere. Just all-over New England soil. So typically, our protocol for that if that was to
259 happen on a site. We've blended it with sand in some cases, and that isn't at that level and you knock
260 the levels that you basically are diluting the soil to reduce the levels I think that's typically, a mitigation
261 thing we've done before, on apple orchards. We've had a site that we had to remediate, we had to
262 import sand, strip off the loam from the orchard mix it 50 50 retests, and that soil was then reduced
263 below the levels.

264 Trisha Bridgeo: This is the sand that has high levels.

265 Todd Greenwood-The sand that is important to know too that they are not excavating sand any longer
266 that this pit they did. That a great question for NHDES. I took discrete samples when I did the
267 background. In some are below some are above so if you blend it, all my sample locations together then
268 tested, we might be at or below the standard. And I did the testing just to get kind of a feel on what was
269 going on outside of the pit to see what we're where we were with arsenic. So, your question is pretty
270 complex.

271 Tom Severino-It's a good question. At our Dover pit, we've moved 3 million yards of material I have never
272 tested for arsenic. And it probably is somehow in that material because it's in sands and gravels. Again,
273 most of it we use sand and gravel pours under a highway somewhere for soil material, but yeah, it's a
274 good question. It's almost something I'd want to defer the state and if they say, well, that's in, you could
275 test every sandpit around here, and the oxidized soil like that is going to be high in arsenic. I don't have I
276 don't want to say an answer that I don't have the correct answer, but it's it's a good question. I don't
277 know.

278 Ron Severino- At the end of the day. It's the water samples we count on in our water samples are clean
279 and acceptable. So, it's not migrating into the water.

280

281 Trisha Bridgeo-There is a young lady in town who has a disease and a special filter because of the level in
282 the water it could kill her. She was at one of our meetings and it's just kind of it's not anecdotal, but it's a
283 story that she saw when you say you'd bring it to a site. It may not migrate much but you say you're
284 using sand fulfill and it's Bywater. I know you would have to talk to the state to say thank you

285

286 Gretchen Gott-Is original to the site or is that a sand?

287

288 Tom Severino-Now the sands original site originally, is that going to leave the site? It would Yeah, that's
289 it. That that whole permanent excavation all of that sand has left the site has left or has Yeah, right. 90%
290 of it has left.

291

292 Gretchen Gott-At one of our meetings that you do test.

293

294 Tom Severino- For instance, we work on a lot of sites and Portsmouth existing sites that have existing
295 condition. All of those sites are tested. I mean, we don't even move the material. They're either tested
296 because they end up going to waste management, or they're testing and know whether it can be
297 exported or imported. We indicate that no we do not test like when we end up on a virgin treat, like a
298 virgin site. Those sites a they're not regulated to be tested. So, nor do we test them. And that is the only
299 materials that you see on that list like we would we would never bring other material to here or Dover
300 pit. We don't transport that because we don't want to take any risks. I don't want anything to do with
301 that material anywhere near my site.

302

303 Ron Severino- I didn't say that. We're talking about testing. What I meant was a job. That's an old site.
304 There are buildings already there. That's already being done. It's part of the site plan recommendations.
305 So that's when I say all those materials are tested. So, we already know that we're not taking it but we
306 don't do the tests.

307 We just we don't we if it's a clean site, we know we can take it and if somebody's in there and we're
308 doing tests on that site that we just don't involve we're all usually hauling it for them to the landfill.

309
310 Gretchen Gott: how do you know what's a clean site?

311
312 Ron Severino-Well, it's in the woods, it's a clean site? But we can't test every inch of every soil either. We
313 couldn't afford anything but you know it there's until a problem arises. You have to find something if you
314 dig a hole in the ground, there's no evidence that anything's ever been.

315 Tom Severino-I mean, we tell when we're on a native site just by something has been filled or a lone
316 layer has been covered and so you find loam below a fill layer then you know the soils had been
317 disturbed. At one-point years and years and years ago. But I mean just from years of walking sites and
318 acres and acres you can tell when you're on a tree' d virgin undisturbed site. I mean there's one thing I
319 know I know we're it's just I guess it just something from doing it every day. I know when I'm on a native
320 site.

321
322 Dee Luszcz-That's going to be my question. Similar is, I mean, Mother Nature has a great way to reclaim.
323 Tom Severino- I could walk on a site and I can see how young the trees are or I see a big bull pine, I can
324 tell right away even see sometimes I see how the hill doesn't blend in. I could see existing ground going
325 like this and I see a hill go up in the trees maybe this big on it. I go wow, that's I could new soil. You know,
326 I like you just to me, I just see it because I know I live it every evening and it's 50 years later. So, it's I
327 could just it's definitely by feel of what we do.

328
329 Jim McLeod- It does seem like there's a gap there though, because we have sites where they're doing
330 excavations, but because it's below five acres. There's no they're not required to have a permit.
331 There's no oversight of the materials that are on there. And who knows where those materials are going,
332 and if they're being tested and so there is a gap in here somewhere that I think we need to look at a
333 regulation at some point.

334
335 Dee Luszcz-we do not have authority to do it at this time?

336
337 Trisha Bridgeo-I have a question for Todd. I know that they're phosphorus and that there was a former
338 septic a leach field. Is the original Dennehy home is still there.

339
340 Tom Severino-The home is still there on the property.

341 Todd Greenwood- I was told that there may have been some cottages back there and is actually an old
342 slab that you can see with evidence of past development. It's close to that MW 2.

343
344 Trisha Bridgeo, you point out your where you think the slab was?
345 in this vicinity. What would you mind showing us

346
347 Todd Greenwood -Near MW 2 on Map C-2

348
349 Dave Rice-So those phosphates and nitrates. So, there is not chance that those results could have been
350 caused by blasting?

351 Tom Severino-There has been no blasting, there is no ledge.

352 Bob McDonald- One question for Todd Greenwood. Going back to your review report on page three
353 under 1.2 Groundwater Samples. What is Fluoranthene? I'm not familiar with that. What type of
354 chemical is that?

355
356 Todd Greenwood- I think that's a carbon poly aromatic hydrocarbons are found like if you grill the
357 hamburger tonight, sit down and have a hamburger take a piece of the charred part of the hamburger
358 off even find for one thing. It's a byproduct of burning but it's also found in in other chemical uses.
359 But it's very common and the byproduct of combustion. An example would be burning coal briquettes or
360 just a brush pile.

361
362 Bob McDonald- Was it found in all four wells?

363
364 Todd Greenwood- Depends on how good your tests are. If you have in this case, our lab tested it and we
365 detected this just above the detection limit. So, we almost didn't detect it.
366 It was well number four. It's on the chart.

367
368 Jim McLeod-let's do the arsenic. So, you've acknowledged that four out of the five samples that were
369 taken were over the HDS, SRS soil remediation standard and then on the background, there were eight
370 samples taken. And if you added all those samples up, and then divided by eight, the average comes out
371 to about 16. And that's milligrams per kilogram. So, we're talking about so the SRS is 11 Based on the
372 background readings, comes out to about 16 in your record, under this is page seven of eight 3.0
373 background now study and capture soils you reference a study done by Sanborn, Head and Associates,
374 engineers and scientists as HP in the SHA study, came back and said 95th percentile for that is 19.9
375 milligrams per kilogram. So about 20 We have one of these exceedances is it's double the SRS is over the
376 standard that you referenced in your letter understanding that our thickness state it may be nothing but
377 it does also open the door that there is a concern then I want to come back to the soil samples if we can
378 back up and just sort of do these in order. Your original tests for the VOCs in the water all came back
379 great. Somebody had mentioned you can drink the water there. On table one, which is page three of
380 table one. There was a couple of detections of arsenic but they were below the age EQs actually
381 everything on here is below the age EQs. So, it's technically accurate to say that this is clean water in that
382 is below any remediation level that NHD has whatever this is, however, the exceedance of phosphorus at
383 1100 parts per billion is not something that I would want to be drinking even though there's no standard
384 for it. The other thing is nitrate under monitoring well number two, that's the one that I said it didn't
385 make it onto the chart.

386
387 Todd Greenwood-Good catch. I was putting this together fast. That's why we always provide the data. So,
388 and that was I think that's nitrate, right?

389
390
391
392
393
394

395 Jim McLeod-On page three, groundwater nitrate. That was MW two, right. So that's 6000 parts per
396 million where the Agqs is 10. But again, that's another one that the State isn't going to come in to make
397 us do anything about it. But it's not something that I wanted the water that I'm drinking more about
398 making formula for a baby or something like that. So, nitrate and phosphorus are what's called nutrient
399 pollution. I'm not trying to instruct you guys, or anybody that's listening. When these get into the surface
400 waters, creates algae blooms, those blooms use up all the oxygen in the water and they can they can, I
401 think it's called purification, where it takes all the oxygen out of the water and it kills everything. So
402 that's why these are an environmental concern.

403 On the next chart on page four under MW 4 for PFOA so these are registered at 5.2 and 6.7, and that is
404 below the current EQS or MCL of 12. However, it should be noted that EPA has proposed Maximum
405 Contaminant Level nationally of four parts per trillion. And all indications are that that is going to be
406 passed before the end of the year. It may not but the idea here is that four parts per trillion is going to be
407 the recognized standard soon. It's not yet so it's not enforceable, but that level is a concerning level of
408 defense.

409 We've talked about the arsenic. But one of the things that I wanted to go back to is mentioned about,
410 you know, it might be something that NHDES can look at and give their two cents. So, I think that this
411 report should be forwarded for their input.

412 And another thing that was noted was on these discrete samples from the composite samples for TS
413 one, so there were eight shovelfuls taken from around the recycled asphalt pile and then it's put on a
414 sheet and they're mixed up and then sample is taken out of that. So, this is a representative sample of
415 samples that are taking these results. So, where we see for instance, the TCE Trichloroethene
416 we have level a point one, two, where the SRS is point eight, but it could be one of those samples is well
417 over SRS and the other samples didn't have anything much of what you were saying about diluting the
418 arsenic with clean sand. In other things, these samples have actually been or could have been diluted
419 through the same process, because the samples have been taken from eight different places in the pile.
420 So, while this shows here, that the representative sample of point one, two is below the SRS, it could be
421 that one of the samples is over the SRS and the other samples aren't. So, I think further characterization
422 of the results that if multiplied by eight, change now to over the SRS need to be done as individual
423 samples. So, I know there's no way to find out where it was which sample it was taken out of. But I think
424 those samples need to be tested on their own separately.

425
426 Tom Severino-when you do a composite is that how like there must be a methodology that they follow,
427 or is that not how you do it?

428
429 Jim McLeod-In the letter stated on page five of eight 2.2 composite soil sample. In the last paragraph it
430 says discrete and composite soil samples were collected with the use of a shovel and stainless-steel
431 spade and samples placed in the laboratory.

432
433 Todd Greenwood-That's the way we collected it. I think what's stainless-steel good to know is also what
434 we surprised to find detections in that big pile of recycled asphalt. I would say no, I'm not surprised.
435 That's why we excavated at the Tow of the slope. And collected discrete samples from underlying Native
436 sand to see if we had any issue in the subsurface soil. And that's why I present the TS one TS two Ts three
437 that was right in front of the CS one soil sample pile of the recycled Asphalt pile.

438

439 Jim McLeod-So I understand why that makes a lot of sense to do that. I agree that that is the process
440 that should have been done. The thing is, as was mentioned earlier, and there's no concrete on the site
441 anymore, and there was an addition to the asphalt pile. There was an asphalt dust pile that already
442 processed. But those piles move around. So, if you're testing the soil at the tow, how long was that pile
443 there? Is that being that new soil from previous excavation? The piles coming? So, by testing right there,
444 we don't really know how long it has been sitting there for us to see if it's leached into the ground.
445 Todd Greenwood- What the other good thing to note is when we tested the groundwater from the four
446 wells on the property, we didn't find that compound in the field see list. So, to me as a professional that
447 says we have a composite pile of recycled asphalt and we saw the TCE and at least we don't aren't
448 finding it in the groundwater from any of the four monitoring wells. So, part of the quick evaluation
449 we've done we don't appear to have a significant problem for TCE on site, meaning if it was moved
450 around at different areas, and TCE will unlike arsenic, TCE will leach and it will hit groundwater and it will
451 stick around forever. It's one of the Forever chemicals. It doesn't biodegrade naturally in the
452 environment. It's a man made chemical. It's not an oil derivative, which is oil tends to break down a lot
453 better or more efficiently in natural and unnatural conditions, TCE will not break down it will stick around
454 and in the subsurface for a very long time. I think the half-life of TCE is about 30 years. So, if you had 20
455 parts per billion in 20 years, you might see 10 from a natural degradation state. These guys have been
456 here since 1998. So, let's say in a lot for them that we don't have that problem with groundwater from
457 25-year history.

458
459 Jim McLeod-So I didn't I was only using the TCE as an example of how it could be over DSRs because of
460 the way that the sample is composed. But to your point, they haven't been importing material for I think
461 it's been four years, four or five years, five years. So, it's relatively recently that they've been importing
462 this type of material. So, on the RC R eight metals in this in the in the asphalt pile there was 62% Well,
463 there's So, eight and there's five detections and none of them were over the SRS. However, if you factor
464 in like, for instance, chromium at 18. Again, if you had a chromium sample that was at 144, and the rest
465 of it is zero, you would get you would end up being over the soil remediation. I believe those are the only
466 ones that sorry, also the benzo a and anthracene? At point seven to where the EEG where the SRS is one
467 so that's one that can be you know, size three or four times the SRS based on that possibility,
468 hypothetical. So, with piles hot, there's lots of detections here. So, 62% of the RCRA metals were
469 detected. 44% of the pH's is tested for detecting two of those were also over the soil remediation
470 standard benzo a pyrene and benzo B Florentin are both over the SRS. So, together with get from this
471 pile we've got three chemicals three contaminants that are over the SRS. The Agency for Toxic
472 Substances and Disease Registry, has a substance priority list which is the circle chemicals and all three of
473 those are in the top 10 their priority list- arsenic is number one and then the benzo a pyrene and the
474 benzo B Florentin. There's also a listing for polycyclic aromatic hydrocarbons. Can you (Todd)
475 answer whether the polycyclic aromatic hydrocarbons that are on the circular list. Is that a composite of
476 all PH" S on the site. I thought it was a class they listed as this is this is the follies polycyclic aromatic
477 hydrocarbons are on table three. And it's the second section that has 18 of them. You'll see in the
478 compound it says PH's 80-70

479 Todd Greenwood-I think what you might be referring to is there's a different pH listing it's for acid base
480 neutrals. As I bring up this is the common list when you run add 70 for like your asphalt product or if
481 you're looking for diesel oil, so this is the common 80 to 70 list to investigate the circular compounds. I
482 don't know if I answered your question.

483 Jim McLeod- So not really but it's not germane, I guess because these actually are pH is and there you
484 have exceedances so these exceedances for benzo a pirate and benzo be ramping. Again, these are
485 diluted by a factor of eight and I say diluted. I don't know that the other seven samples have different
486 readings they could all have the same rating for all items. But on the way that these are composite
487 these could actually be much higher than just the 20% exceedance that we see here.

488
489 Todd Greenwood- Again, I'm not surprised at these results because of the nature of being an asphalt
490 recycled pile. It doesn't surprise me.

491
492 Jim McLeod- So it doesn't really surprise me either when we did the sidewalk and I saw the asphalt and
493 concrete piles there. I had no idea that what we were going to be finding on the site and there are like I
494 said the piles hot it's got exceedances the asphalt that is being brought in is polluted with these
495 contaminants. We're not supposed to be importing anything that's polluted or contaminated into
496 material.

497
498 Dee Luszcz- following up to that, just stay on the same thread tied when you test asphalt piles, Common
499 Core standard to do composites but what if there's only one pile? I mean, have you ever tested all eight
500 independently and then done a composite? To see that it routinely comes out the same?

501
502 Todd Greenwood-I've done that for arsenic when we've been remediating illegal landfills or non-
503 unregulated landfills. But for PHS and VOCs typically get a remedial sense. And that's what my
504 experience is. You don't composite unless you're trying to get a feel for an area of impact. Meaning if you
505 had contamination in an area that was a low grade, you would you wouldn't test examination
506 until you thought you had it removed. Then you typically don't rely on composite sampling, rely on
507 discrete sampling from highest impact areas that have been removed with a stockpile of recycled
508 asphalt. That's asphalt, they made it with oil, they made it with chemical. As it degrades, some of that is
509 going to fall into the surrounding whatever was actually excavated soil and put in that pile. So, to
510 discreetly sample it. I don't know what, you know, you may you may prove gems claim that there's
511 hotspots, there's going to be higher levels. Lower, there'll be lower levels of the higher levels. I just don't
512 know what you get from that when you have a pile of a stockpile of material So, that's not going to
513 remain on site. It would be different if we went in and found this stuff buried. Like they were using it to
514 reclaim their banks, you know as a three to one slope and the stuff was going to remain in place. Then
515 that's it. That's a different case. But this is a pile that's being processed and it's not staying on site. That's
516 why determine the way we sample and why we did the composite versus disagree.

517
518 Gretchen Gott- How long does a pile stay on site?

519
520 Tom Severino- It's usually about I would say maybe a year at a time and we go in process may crush
521 reclaim alongside a crush on site. Again, this is a common practice that most people consider this being
522 green and reducing the carbon footprint because as opposed to going in and drilling and blasting like an
523 exit for and producing a crush rock to make select aggregate for underneath roadways. The state and or
524 anyone else you want to recycle that asphalt so you're reusing that product.

525

526 I mean go to continental yard on West Road there's a 50,000 cubic yard pile of asphalt that goes back to
527 that shop. I mean pretty much every contractor recycles asphalt and it comes back and you have the
528 bigger part of it is that those materials don't move out of that pile. And that's why we tested needed and
529 that's why we test the water.

530
531 Jim McLeod-one concern that I have and it may not be valid concern. Claims that I have or as a layman, I
532 don't know any of this stuff. I'm just putting it out there. My concern is that you are all being recycled.
533 But some of this asphalt is from a dealership and some of it is from a gas station. So, the gas station may
534 be more highly contaminated than the passport from another location. That's why I've been thinking
535 that there may be different ones because they're coming from different locations. It gets recycled on site
536 crushing and stuff but that creates its own issues with dust and what not. We haven't gotten to it yet, but
537 we haven't done any surface water or sediment testing on the wetlands. The excavations so I'm working
538 with that and that's actually getting processed is that that is actually leaving the site in the form of dust.
539 And I know that you do have dust control.

540
541 Todd Greenwood- It doesn't seem to bother Heron's. They've had a great nesting site.

542
543 Trisha Bridgeo- I have a separate question. Have you ever put a barrier or under a pile something that is
544 impervious under that would be a layer between and also is there an exception, but is there a different
545 elevation for recycled asphalt to the water table versus say the sand so do you have a different elevation
546 to keep that so that the percolation on that asphalt on the road must have stabilizing compounds in it so
547 that it stays together versus when it's jumped back up and recycled?

548
549 Tom Severino-No we don't normally as long as we stay at that tip floor elevation you want to stay; we
550 stay above the water table. But no, we don't encourage it to stay. And again, these aren't happy to hear
551 all the discussion. It's just again it's just it's just our standard practices of we always would bring asphalt
552 back and always process that but no usually just that pit floor grade is where it goes so it's not salts
553 above the water.

554
555 Dee Luszcz- Are the piles created by size or by source. So, eight piles of those eight different sources or
556 you just like to keep the piles sorry, like a long pile from the asphalt pile.

557
558 Tom Severino-On the asphalt. There's only one asphalt pile. Yeah, it's all one and then when it gets to be
559 a certain size, it's basically what justifies mobilizing the crushing crew to go there to crush it and remove
560 it. You know if it was 10 loads there, we wouldn't know so we usually wait like I say it might be six
561 months might be one year, then get rid of the pile, then slowly the pile would build up again. I mean, I
562 think they process concrete demolition. I believe that the site down the road, right that's the old Pit. It's
563 on the Raymond Town line, I think it got approved for a recycling center. The old Cole pits.

564
565 Gretchen Gott- They do have a membrane underneath the pile!

566
567 Ron Severino-I just want to go back to the standard again way back in beginning that's why they make us
568 with the wells in the beginning. And they make us hold these minimum standards to the groundwater so
569 that we don't we don't impact it so and the ultimate tests again is testing the water.

570 I know it all sounds very intimidating, even myself listening all this but you know, we're taking it to an
571 extreme. But again, just to say something silly. You've learned we're not going to eating. But we do drink
572 the water. So that's what we're trying to protect as the water. The piles are coming and going and I think
573 that's what we have in our keep the water tests up on an annual review.

574

575 Dee Luszcz- I brought up last time those wells just haven't been monitored for very long time. So, seeing
576 the results of the tests is promising.

577

578 Ron Severino-You can find it anywhere you go. And these piles are going to go somewhere. So, we just
579 need to manage and the monitoring has to keep up.

580

581 Jim McLeod-So you said that you're going to find this anywhere that you go but is there a background
582 amount for Benzo a Pyrene like there is for arsenic in their background among for them?

583

584 Todd Greenwood- not sure but probably. Again, it's where we were testing a pile of asphalt. It's probably
585 aged and weathered.

586

587 Jim McLeod- So you'll find it in asphalt. But you will the ground anywhere.

588

589 Todd Greenwood-I don't know of any background study on those individual PA agents again,

590

591 Jim McLeod- I haven't looked to see if there is one or just maybe standard operating procedure. But the
592 benzo a pyrene is also defined as hazardous air pollutants by the 1990 amendments to the Clean Air Act
593 is in dust form and falls under that as well. So, I don't know there's a test for that.

594

595 Tom Severino-Again, that's why we are monitored by M Shan and use a water truck and we absolutely
596 you know we use suppression of sprayers on all our crushers. I mean we have to assess how we have to
597 operate.

598

599 Dee Luszcz-We have setbacks for wetlands and waterways. Is your asphalt pile location, set 75 feet from
600 the closest wetland. Do you purposely do that or is all of this new? I know a lot of this has been new
601 because you've been doing it a different way all these years right? Have you thought of that? If it isn't 75
602 feet, we'd have a buffer now around. I'm just saying that anybody who would have walked that site
603 didn't have this information. So, I'm just saying you're aware now that these contaminants where you
604 were aware of potential this previously but I would think that that would be definitely you would have to
605 if it was a condition of approval, those piles would have to stay away from those wetland areas.

606

607 Gretchen Gott- You're still bringing in concrete?

608

609 Tom Severino-No, no, no.

610

611 Gretchen Gott-When did you stop?

612

613 Tom Severino- That was the only pile and we probably processed it and so we're not we're not hauling
614 anymore. No. That's not a standard. We do. That was a bridge deck had to be removed and we have to
615 put it somewhere in two weeks. Crashing up in take the steel out of it. Of the importation that when you
616 stopped us, we brought the slab last fall and when they removed the bridge deck and we ended up this
617 spring

618
619 Gretchen Gott- Your plans have evolved from what you were approved to get there you will have been
620 doing things differently than your original approval.

621
622 Ron Severino- we are allowed via the variance and special exception.

623
624 Dee Luszcz- Per your log you brought in concrete form Auburn self-storage a few months ago.

625
626 Tom Severino-So probably because we were processing the other concrete so that's new concrete and
627 they must have clean now they wash the trucks out into a concrete and so they bring the clean concrete
628 and must have been where they're crushing the other concrete so I'm sure we brought it back there for
629 that reason.

630
631 Dee Luszcz-Another example noted from the log was concrete from Nashua middle school. So, you are
632 still doing concrete?

633
634 Tom Severino-We stopped concrete when we when we cleaned up that pile which was Spring, May.
635 That was the end of the concrete and I just did it like three weeks ago. Mat that time, and that was the
636 reason I stopped doing concrete because it was made him look like a mess. And I didn't want him to and
637 I didn't want it there.

638
639 Jim McLeod- Have you ceased operation at the pit?

640 Tom Severino-We barely function now. That's for local operations. Again, there's 100,000 yards and
641 90,000 yards and it's gone.

642
643 Jim McLeod- So there's really nothing really not much that goes on and I'm not trying to get a gotcha
644 question here, anything like that? But it's a yes or no question on whether or not you've ceased
645 operations.

646
647 Ron Severino- Now if we need a load of sand, we're going to go ahead and get it.

648
649 Tom Severino- So when we saw the arsenic levels, that's when we requested background arsenic
650 because we had those concerns about seafood and also, we took it upon ourselves to do additional
651 testing. And when we saw the background limits are higher than the other limits. You had mentioned
652 that the arsenic average on the back round was 16. While the average on the on site is 15.4. And the
653 exceedances on the background, the higher levels which you picked out but 22 on site, the background
654 the higher the higher was 41 ways over. So, I know we can go back and forth on hypotheticals across
655 sampling. But when we looked at the math, I don't know if that when we looked at the water that it's as
656 confusing as everybody's asking and just the same reason, I couldn't ask the questions.

657 Is it contaminated you know, is there a 55-gallon drum oil that spilled over contaminate something's
658 contaminated shut it down. It's literally that hard to figure out. Because there's an exceedance of
659 something in the asphalt pile, which we knew from the asphalt pile basketball. So, but it doesn't migrate.
660 And that's, you know, again, that's a standard operating procedure. You can go to every single pit and
661 find those asphalt piles.

662
663 Jim McLeod-The only thing that I would know is that the wells are like a pin point. So, there's no there's
664 no indication that it has moved up there from wells where they are downgradient from monitoring wells
665 to which is the one that has the nutrient solution. That's a Snapshot that's one pinpoint in the entire
666 thing. So, it doesn't give us the full spectrum of what's there. So, we appreciate that it hasn't been
667 detected and monitoring well number two and it doesn't mean that it hasn't migrated off.
668 I don't think that we can say that.

669
670 Tom Severino-I think we can say that it has either so we wait. I mean I there's just a lot of speculation
671 and again I'm worried we're here to do the right thing to someone said geez, you should never like for
672 instance, if apps asphalt should never be hauled back to gravel pits. There'd be a big thing and we would
673 know about it. I mean, this is what we do for a living. We've done it for 50 years, I think we have a decent
674 reputation which is you can imagine in the excavation businesses, nearly impossible to maintain. And we
675 care about what we do. I got my work boots on I go to work every day. I'm not trying to hurt the
676 environment either. I'm a mountain biker, I'm a hiker. I'm just I'm a person just like you. So yeah, we want
677 to conform but we need to operate out of an it's like our livelihood. If there's some common ground of
678 what to do, we're happy it's like a basketball shouldn't be in a pit anywhere that we need to reinvent our
679 playbook process that pile us it up. But that's like something to figure out. We're happy to conform.
680 We're not here to battle but like no pit from it and shutting down. That's not like it's just that's our
681 business. So, I would need time to think about like how to readjust to because we do it every day.

682
683 Dee Luszcz- You may not know the answer, but maybe Todd would, how much does it cost to drill a
684 monitor monitoring Well.

685
686 Tom Severino-It cost us seven \$8,000 to put those four wells and another \$ 7,000 to do the first round of
687 testing. So, we're in about \$14K and the last round of testing was like another \$6K. So, we're 20,000 into
688 testing, you feel wanted another Well, somewhere again, that's not Yeah, I'm thinking future just right.
689 And we're happy like I think we definitely should increase like, not just test when we come back in and
690 for years. We should like to annually test you know; I think we would do that without even being asked
691 to do it. We've already mentioned it to Todd we're like he's we should pick up the frequency here. It's
692 very easy to do now the wells are all active. Let's keep them maintained. Let's keep talking. I mean,
693 we've already discussed that with Todd, we're know; not here to be irresponsible whatsoever.

694
695 Dee Luszcz- Maddie, we're still at two years current for excavation permit. This is more of an internal
696 thing because we don't see where our regulations have changed five years. Our regulations. And that's
697 one on one, you know, we should have them it wasn't written into the copy that was sent to me
698 amended in 2017.

699
700 Maddy -This says amended 2017 This version June 2017. Article 14-permit shall be five years.

701
702 Gretchen Gott-What about annual compliance?
703
704 Dee Luszcz-There was an annual review to be done by staff, if there were any concerns, then we would
705 be brought into by the planning board does have these regulations are a little bit different than our site
706 plan and subdivision. So, planning board can visit the site annually as well as the other department
707 heads. Inspector. I love the fact that you also want to do more testing and keep this current with the
708 benefit all of us have been I think you need to fix your drawing.
709
710 Trisha Bridgeo- Now on your note your first note, if you take a look at it, it's not monitoring well. Number
711 six anymore, right? Because you redid the wells. It's Map C two and it's the note number one that's
712 talking about the original eight that's the very original one as well number right that's I'm saying that's
713 not getting so you're not going to so in this report. We just put that in archival No. Yeah. Well, because
714 that was from the original plan we want to put in parentheses. It's not even on the property.
715
716 I know my math skills on great you guys but note number six you say 100 loads per day. So that would be
717 50 and 5050. Trucks in and 50 out maybe if you're going to say in and out if I divide that and then you're
718 saying that trucks per day one to 15 and then 10 wheelers. I think that maybe those numbers should just
719 change because they don't add up. Its note number six is saying just saying it's a traffic so if it's right, in
720 and out right Well, I'm going to go the other way. I just said 50 and 50 out right, so that's 50.
721
722 Dee Luszcz-Do you have anything left to add before I close for deliberation?
723
724 Gretchen Gott- Tho open gate? My perennial problem it is open all the time and not locked.
725
726 Tom Severino- My older brother is the one that runs the loader in the pit and he's 67. I will remind him
727 to keep the gate closed.
728
729 Dee Luszcz-Okay, close. No Public comment. And just deliberate with the board at approx. 9:15pm.
730
731 Trisha Bridgeo-So one of the things would NHDES be the one that would actually be able to speak to the
732 question about what are you doing arsenic laden materials out in the pit could be just that is that area.
733 Does NHDES have any standards or anything where anybody and I think that somebody from NHDES
734 should answer that type of question. They also can answer the question of what type of pad underneath
735 what type of a pad would be put under the materials if they were to be allowed to stay? Or if the
736 location in an aquifer near water in the river is that that materials that are contaminated are not in the
737 broad in the pit whether that be concrete or asphalt. Now that you know that the soil has above the
738 level can it be moved around? Now we know they do because of the way it was tested? 1000s We all
739 know can the materials actually be moved? And then how does that get labeled? If materials are going
740 to be moved and they have that contaminate?
741
742 Dee Luszcz-I would involve all of it because I mean, now that you know what do you do? Now? You know,
743 it's of pad a good point. I think if it was a condition of approval, that we mandated that they send all of
744 their reports to NHDES. They would have the protocol already set in place.

745 That probably highlighting some of the issues your you have brought up and they probably have others.
746 So, I can't imagine that they don't already have the protocols set up for that. So, they can talk to the
747 NHDES and ask questions, but we don't know that now. Oh, that's what I'm saying. We don't know that.
748 We cannot we cannot formulate that without having that information. We don't have the answer that
749 that was. The Clean Water report is promising.

750

751 Maddy Dilonno- Ask the applicants to ask that question to the NHDES and with the response.

752

753 Trisha Bridgeo- What I'm saying we would need it but we cannot you can't make a condition of approval,
754 not knowing what they're going to turn on. We don't know at all what NHDES may be turns around says
755 we don't have an answer for they are so they may turn around and say we haven't discussed that yet. It's
756 not been something that we've had to becoming more locked into. So, they maybe will send back but
757 they don't base a condition of approval on not knowing. So, you could also say no move movement of
758 those piles until we get a response.

759

760 I think we also should find out with that that level of which the only answer we seem to hear is that it
761 could be sewage. Why? If there's been nothing there are no cabins and I don't know, since the 40s. Why
762 would we still be giving so much sewage and I think by now if it had been having cabins that sewage
763 would have leached and dissipated. So, I would like to know what if NHDES had any other answers for
764 that or if we should just if that is something that we just let it continue to dissipate.

765

766 Maddy Dilonno-Sorry, I don't know what your credentials are here.

767

768 Trisha Bridgeo- So I would defer to the state.

769

770 Jim McLeod- think it's a good idea to have the report forwarded to NHDES for common they'll look at it
771 and I don't know what they will do in the past. What they've done with unsolicited reports is that they
772 look at them and the things that they have concerns about they'll put in a letter and they'll reply to it.
773 But I think that's what we need to do on this because in addition to what we've found here there still
774 needs to be further class classification on the site. The wetlands have not been tested to see to make
775 sure that there's nothing that's running off the site yet to the levels. So, surface water and sediments on
776 the western need to be tested. I think that NHDES is probably going to require that when they look at
777 this report, but I can't say that. I am concerned about importing non-natural materials, especially ones
778 that have exceedances of soil remediation standard. of chemicals that are highly toxic. So, I don't think
779 I'm prepared to approve an application at this point because the exceedances that we have on there
780 already. I would be willing; I think I'd be willing to do another continuance the understanding that no
781 further materials would be important until we had some answer from NHDES. And we took the
782 application of there's really no way to know how to proceed without having more information.

783

784 Gretchen Gott: I don't have it with me. I can't find it. What were the variances?

785

786 Jim McLeod-Actually, this is from May 23 2018. You are hereby notified that the Raymond Zoning Board
787 of adjustment has granted a variance to Candia South Branch Brook holdings LLC slash Ronald Severino
788 for property identified as Raymond tax map 38 lot 34 located 63 route 27 currently an existing permitted

789 excavation site within Zone C one for relief from Article Six-point 6.3 section 6.6 point 3.3 for processing,
790 which is not permitted in Zone C what the various just the processing? Yes. Okay.

791

792 Do you want to hear the special exemption?

793 This is also dated May 23 2018. You are hereby notified hereby notified that the Raymond Zoning Board
794 of adjustment has granted a special exception to Candia South branch Brook holding LLC slash Ronald
795 Severino for property identified as Raymond tax map 38 loc 34, located at 263 route 27 currently an
796 existing permitted excavation site within Zone C one for relief from Article Six point 6.3 allowed uses
797 section 6.6. 3.2 allowed in the following zones by special exception only in Section 6.6. 3.3 Zone C one
798 screening of such important material is secondary and incidental to the primary commercial use or
799 excavation. No processing allowed. There is a note on here that in accordance with the Raymond zoning
800 ordinance section 9.5.2 the special exception shall only be valid for a period of four years from the date
801 of this decision. If this time period is to lapse with substantial completion of any improvement's
802 modifications, alterations or other changes in the property for which this approval was granted, not
803 having taken place, then the applicant may seek an extension to this time period per section nine point
804 5.3.

805 We've been advised a few times that that means that as long as you've started, the whatever the
806 variance was for then is grandfathered in perpetuity that goes with that is not how this reads to me. So,
807 a special exception doesn't read that way but the variances that's very well I can read it for you 9.5.2 all
808 approvals for variances or special exceptions shall only be valid for a period of four years from the date
809 of such approval was granted, provided, however, that upon substantial completion of any
810 improvements, modifications, alterations or other changes in the property for which Senate approval
811 was granted the rights of the owner or successor in interest shall vest. Now that's a little confusing. But if
812 I can try to give you an example. Okay. Built the garage, two years. Okay. It's built. That's best it so when
813 four years is up, you don't go back and say hey, we're going to tear your garage down. Right? It's best in
814 the garage. The rights of the owner or any successor in interest shall vest so they get to keep their garage
815 after the four years. But this says upon substantial completion, and then 9. 5.3 says an applicant whose
816 approval will otherwise lapse may apply to the Zoning Board of adjustment for an extension of time to
817 substantially complete the improvement for which the relief was granted. So again, we're talking about
818 substantial completion, not about beginning work. The zoning board may grant a reasonable extension
819 of time to the applicant following him duly notice public hearing upon a showing of good cause. Good
820 Cause shall mean any reasonable explanation for delaying completion of the improvements for which
821 the relief from the ordinance approval of special exception was granted. The zoning board shall make a
822 specific finding of the basis for his decision to grant the extension and were in place in reference to that.
823 So, this is in our zoning ordinance 9.5 limits of approval of special exceptions and variances.9. 5.2 and 9
824 .5.3. And both of these reads to me that variance with a special exception is good for four years. And if
825 you haven't completed whatever it is, you got the variance of the special exception for after four years.
826 You would have to get an extension for it. Even if you've already started it. If you haven't completed it,
827 you need to get an extension.

828

829 Gretchen Gott: So, the way that I read this, both the variants and the special exception have expired,
830 because the four years that they were set has a question I have for that is a building is different than an
831 ongoing.

832 So, I'm wondering how that applies to a product to something that's going to get this continuous and I
833 wonder if legal could weigh in on this? Because to me, those are very different types of activities.

834
835 Jim McLeod- You're asking me I think, well, discussion I'm trying to get people has weighed in on it
836 several times as Maddie has saying that this interpretation that I have is incorrect. Although reading this,
837 I'm just going by what is written here by what's written here. These have expired. That theory comes I
838 would question because they have been working it's an ongoing business.

839
840 Gretchen Gott-So the variance is really zone related more than activity related.

841
842 Trisha Bridgeo-I would tend to I would say that there's a reasonable argument to be made for that
843 absolutely being my that's how I would interpret that that the variances, amorphous zoning and they
844 have been using the property in that manner ever since the inception all of that discussion may be
845 irrelevant if New Hampshire ds will have information in regards to the operation in regards to what they
846 want to do with a site that has contamination.

847
848 Dee Luszcz-I still see relevance but I'm just going to pull the board then because we've been on this for
849 quite some time and some great questions have been raised. I want to thank the applicant for bringing a
850 lot of information to us. It took a little while to get there but we got there. So, this is not a vote just a
851 poll. Would you be inclined to continue this operate this application until we hear what the US has to say
852 about the reports.

853
854 Gretchen Yes, as much as I hate having well, they are the experts.

855
856 Jim McLeod-a qualified yes, I would say yes, but with the understanding that they wouldn't import any
857 new materials, non-natural materials until after we took up their application.

858
859 Dave Rice: I'm on the fence problems-with the continuances in all honesty, it's my opinion
860 counterproductive because they still need to work and if we keep continuing on things are taking other
861 people who want to come before the board and take the time away from them as well`. And that's
862 where I'm just on the fence at the moment right now. As long as Jim suggested nothing comes out of
863 there and nothing goes in there until we hear from NHDES

864
865 Bob McDonald- I'm on the fence. The NHDES review is very helpful. The other item was brought up. I
866 would like to know is what material would they recommend put under asphalt. The other items, what
867 Jim was reading as far as variance that happened in 2018. The zoning line goes through this property
868 between residential C-1. Where is the asphalt pile between C-1 and residential?

869
870 Trisha Bridgeo-And I think the applicant is trying to work with us and I think that we need to in his
871 expressed they want to do and they have done to get us to where we are. I think that definitely I did
872 bring up DS I think we need to know from DS I agree with Bob.

873 But something that Bob just brought up which we didn't I don't I think that we need to get this. This part
874 that part of information is important. It's done so we don't we can't keep coming back. I didn't notice
875 that and he just brought that up if that's something that we need, we need that information.

876 Whether or not we send it to Maddie and it's put in a poll but if there's anything like that, like when I
877 brought up the first note that has to all be done, so that it's not oh by the NHDES needs this report they
878 need to send back to us after NHDES do send us back with they have recommendations. And I agree that
879 materials that are non-natural materials should not be being brought in to the site. But they have sand
880 on site but that raises the question of now that we know that it has arsenic levels and we want to be
881 moving that around.

882
883 Maddy Dilonno-when I make a suggestion what the board could do is put a condition of approval that
884 these reports are all sent to DDS and I would recommend and submit their responses back to us and if
885 it's if everything looks good, I would recommend you actually write out specific questions they want
886 answered. But if you get a clean bill of health per se, then that's the not If not they would not be able to
887 get final approval they have to come back here and address those issues.

888
889 Jim McLeod: if we hear back from NHDES, we're going to have more questions. We can do conditional
890 approval that's based on a response that idea what the response is going to be. It could be a clean bill of
891 health and it is that will make me very happy. And it isn't and they require more stuff that we're probably
892 going to have more questions before we can give an approval.

893
894 Dave Rice: - I may say something that they're already running without a permit when we do an aspect to
895 my opinion.

896
897 Jim McLeod- So that's why I'm saying that I wouldn't be comfortable giving another extension until we
898 get that information back. But it's predicated on not importing any more man-made materials until
899 we've finished making a decision about this. They can still operate. They just can't import any.

900
901 Dee Luszcz- I think that's a pretty good feel of the board.

902
903 Gretchen Gott-One last question I have is would it be helpful to have discreet wells rather than
904 combination so that the NHDES has specific localities discrete locality. The testing numbers that we got
905 given are the composite, that's not the wells that's that was soil from oil from the piles so the list of
906 connected issues so would it be helpful to have the information the discrete testing rather than
907 composite

908
909 Dee Luszcz-I'm inclined not to incur asked this applicant to incur any more costs to think they've done
910 their due diligence now with the with help and advice from the board. The cost of these wells is
911 significant. And I think NHDES has quite a bit of information. If they don't feel this is a good
912 representation of where the sites that wells sites are I'm sure they will chime right in so you're saying I
913 don't think we're qualified to tell our applicant with to randomly put wells you're saying no. And I
914 personally would say no. And I think it's just delays it further. Oh, we should give it to him to do yes, the
915 minute I think that would help them then they would know some of the dialogue. I think they would be
916 helped them out. We give them the answers from the questions might help them on some of the things
917 I'm reading the more I'm thinking or presuming that emotion would be to continue this application. The
918 condition that no more man-made material will be imported or exported.

919

920 Trisha Bridgeo- I will make a motion that we forward the reports to NHDES. And we will now write the
921 stipulations for the report be sent and will continue till August 3 2023 at 7pm and Raymond High School
922 Media Center and also that the operating will be allowed to continue except for the importing and
923 exporting of non-natural materials.

924

925 Maddy Dilonno-Does that date work for the Applicant?

926

927 Tom Serverino- But anyway, we can look at approval. And I understand the concerns but you know what
928 happened to send along the NHDES and as well want their input it's like in high levels of arsenic are in
929 sand everywhere. I mean, I want to know the other things. I mean, that's patricius for example, it's like
930 how do you move sand and sand is, you know, and so it's a valid concern, but it's like I'd walk with
931 comments back but the importing and exporting, basically that you say keep working. He didn't export,
932 then there wouldn't be. So, we're going to carry well we're going to go in and process the asphalt and
933 get rid of it. Because we're shut down and Raymond there's hundreds of 1000s of dollars that got our
934 money machine is stranded there million-dollar jaw crusher stranded there. We put up we paid
935 hundreds of 1000s to blast we stockpile hundreds of 1000s ers and at just about souls and now we're
936 going to go process the asphalt that's just to keep us going. We're literally going to be out of this.

937

938 Jim McLeod-what was just said should be forwarded to the request with NHDES. Please review it as soon
939 as possible because there's monetary concerns. I'll second for discussion. I think that we should put it on
940 an earlier date because we may be able to get an answer back from them faster. And that way we can
941 move things forward faster. And it turns out that we need more time and just continuing from there.
942 Early to date August July. July. We want to amend it to July 20.

943

944 Gretchen Gott-when will D&K review the report?

945

946 Maddy Dilonno-They'll get it tomorrow. They have not.

947

948 Dee Luszc- So just quickly to respond was I think there's enough questions that this board wants from
949 NHDES before they can make the approval.

950

951 Todd Greenwood- I was wondering if we can submit (unload our report to NHDES) to speed these up?

952

953 Dee Luszc- questions to be added from the board to send to NHDES-

954

955 Trisha Bridgeo- my question was if we you know soils are above a remediation level. What do you do
956 about move that dispute who labeled doesn't get labeled, but my question would be again, this is an
957 NHDES going to have to answer. The sewage contamination high levels what do they suggest?

958

959

960 Comments made by Planning Board members for Maddy- Please comment on the nitrate and
961 phosphorus levels from the question was also will they be requesting wetland testing? Meantime, you
962 gentlemen you'll make sure that historical notice is made about well six and indicate this online. and ask
963 them if they can comment on the SRS exceedances. It should be noted that the concern is the
964 groundwater flow in the direction of the Lamprey River the adjoining wetlands and I believe that there's
965 a public water supply across the street for Clearwater estates. And NHDES can comment on the generally
966 on the test results from a composite. Recommend a risk assessment for a threshold effect concentration
967 and the probable effect concentration.

968
969 Dee Luszcz-I think we can give them some leeway here. I think we've talked everything else out on this.
970 Yeah, this is all kind of deadline and you need our response back from NHDES by July. We just asked that
971 any communication back from NHDES will shared contemporaneously Now typically just do the letter
972 response, and they may only email it so that's typically how they all need your email address. They do
973 have it at that division, but it's just d l like David Larry dot Raymond P B for planning board@gmail.com.

974
975 All right, I'm moving the questions to the vote.

976
977 Vote to continue application to July 20th.

978
979 The vote to continue was unanimous.

980
981 Dee Luszcz-We have to continue we'll get you in as soon as we can. As soon as that information is
982 available. Gentlemen, thank you for all your hard work and your willingness to do what's right. Much
983 appreciated.

984
985 Public comments or any other issues or just comments?

986
987 Linda Richard-Old Fremont Rd. The buffer was removed from the former Cleary Auto repair. The
988 company had bought it by Scotts moving company. And I called Paul Ayes.

989
990 Dee Luszcz-So we don't have any jurisdiction, you did the right thing. And if you're not satisfied with the
991 building inspectors' response, you bring it to the town manager's attention I wish we could help.
992 I will close public comment?

993
994 Approval of minutes for May 25 2023.

995
996 Gretchen Gott- Made changes and Maddy received changes

997
998 Trisha Bridgeo- Made Motion to accept the minutes of May 25th 2023. As amended.

999 Dave Rice seconded. Vote was unanimous.

1000
1001 Dee Luszcz- And last time. We did approve some minutes because they will request for some verbatim
1002 wording to be added might have actually done at that meeting. For instance, the May 4 minutes what we
1003 discussed on May 25, we tabled them to see the amended version.

1004 The June 1 minutes, we tabled till next week because there were a lot in these minutes. The board just
1005 wanted more time to review that.

1006
1007 There will be a site walk on the Onyx project (Industrial Drive Warehouse project) for June 22 will be at
1008 5pm. For the application 2022-8. All public is invited to a public hearing. Do we officially invite
1009 conversation committee and the Lamprey River?

1010
1011 There will be a work session on June 22nd after the site walk

1012
1013 Jim McLoed-Motion to adjoin

1014 Dave Rice-Second

1015
1016 All voted unanimous

1017
1018 Dee Luszcz- Goodnight Raymond Thank you RCTV
1019 Approximately at 9:45 pm

1020

DRAFT



TOWN OF RAYMOND
Raymond Planning & Zoning Dept.
4 Epping Street
Raymond, NH 03077
Telephone: (603) 895-7016
www.raymondnh.gov

To whom it may concern,

The Raymond Planning Board respectfully requests Dubois & King's professional input regarding the Hydrogeologic and Environmental Evaluation conducted by Todd A. Greenwood of Enviro North American Consulting, LLC, and site conditions as it applies to Town of Raymond Earth Excavation Regulations, RSA 155-E state regulations, and the 2017 Performance Agreement for an existing 22.37-acre excavation site located in Raymond at Tax Map 38 Lot 34 (Raymond Dennehy Pit). In addition to Dubois & King's overall professional assessment of the evaluation, the Planning Board would also appreciate insight into the following questions:

1. Are there potential environmental impacts associated with moving excavated material containing high levels of arsenic and other compounds around and off the site?
2. If it is found that excavated material contains compounds such as benzo(a)pyrene, benzo(b)fluoranthene, and arsenic that exceed remediation levels, what is the protocol for handling that material and exporting it off site?
3. Please comment on the levels of phosphorus and nitrates in Table 1: Summary of Groundwater Quality Data including the possible sources other than septic leakage.
4. Please comment on the levels of PFAS detected in Table 1: Summary of Groundwater Quality Data, reference: US EPA Proposed National Standard MCL.
5. Please comment on the SRS exceedances. The Board is concerned with the direction of groundwater flow toward the Lamprey River, adjacent wetlands, a tributary, and a public water system PWS# 1972070 recorded at the same street address 263 Rt. 27 .
6. Please comment generally on the test results from composite sampling, especially with respect to the test methodology. Is a representative sample from 8 locations mixed and a single sample tested actually a dilution factor of 8?
7. Based on the test results, would it be reasonable and prudent to also test surrounding wetland surface water and sediment for these compounds to ensure pollution is not migrating from the site?
8. Who is responsible for determining that imported materials contaminated with regulated substances are not in violation of state and local statues?

Thank you for your time and assistance,
Respectfully,
Dee Luszc, Raymond Planning Board Chair