

Slate Rock and Gravel Company, LLC

One Washington Mall, 16th Floor
Boston, MA 02108
Telephone: 617-523-7165
Facsimile: 617-227-5240

July 12, 2013

Via email to fredkbos@comcast.net

Frederick Kelley, Chairman
Candia Board of Selectmen
74 High Street
Candia, NH 03034

Re: Slate Rock and Gravel Company, LLC ("Slate") Property (the "Property")

Dear Chairman Kelley:

As you will recall, you requested that Slate achieve three (3) goals before you would discuss allowing Slate to crush the blasted rock laying on the ground in Candia. First, you requested that Slate obtain relief from the Bankruptcy Court and obtain title to the Property at foreclosure. This was accomplished on May 6, 2013. Second, you requested that Slate pay all back real estate taxes owed to Candia, and this was also accomplished on May 6, 2013. Third, you requested that the Candia side of the Property, which was littered with abandoned campers, tires, asphalt, brick and concrete piles and blasted granite be cleaned up. I am pleased to inform you that at this point, the entire Property has been cleaned up and all of the abandoned campers, tires and other debris have been removed from the Property and the asphalt, brick and concrete has been gathered and crushed into a saleable product as road base, and hopefully, will be sold and removed from the Property in the near future.

As I have been cleaning up the Property and checking with the local, state and federal authorities on various matters, the federal Mine Safety and Health Administration ("MSHA") and various consultants that I have had on the Property expressed concern about the dangerous state of the Property due to the haphazard blasting that took place on

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the Candia-Raymond line. As you know from touring the Property, there is a large granite face that has a stress fracture behind (shown on Exhibit 1 attached hereto) that is in danger of falling and injuring someone. In addition, there are numerous loose boulders on the edge of the two shelves on the Candia-Raymond line that are in danger of falling.

MSHA suggested that Slate retain Blast Engineering Consultants, Inc. of Asheboro, North Carolina, which is the entity that trains their staff in mine safety and blasting procedures, to consult on the safest way to correct the dangerous conditions on the Property. Therefore, I contracted with Blast Engineering, and on June 17, 2013, Mr. Michael Koehler of Blast Engineering spent the day at the Property analyzing the various issues. Mr. Koehler determined that the safest and most effective way to correct the situation was to remove the dangerous face by blasting as shown on the plan attached hereto as Exhibit 2. Although the attached plan is simplistic and will be replaced by a detailed blast plan in the near future; it shows that in order to safely remove the face, the blast will have to be set well behind the face. Unfortunately, there is presently no room behind the face to locate drills and other blasting equipment. Therefore, in order to create room behind the face, the blast plan is to start on Bench #1, and blast Bench #1 back so we can blast Bench #2 back and create the necessary room to safely blast and remove the face. After we blast and remove the face, we will use heavy equipment to push the remaining boulders and debris over the edge, so that they do not fall unexpectedly and injure someone. As a result of the above dangerous condition and the Raymond Building Inspector's request that it be promptly corrected, the Raymond Planning Board issued Slate a temporary excavation permit on June 23, 2013, a copy of which is attached hereto as Exhibit 3.

On June 23, 2013, since I did not have a plan showing the location of the Raymond-Candia town line, I hired a local surveyor named James Franklin to determine the location of the town line. Mr. Franklin has determined that the town line is as shown on the photograph attached hereto as Exhibit 4. As a result, much of the blasting will have to take place in Candia.

As you know, blast plans are approved by the local fire chief, and Mr. Koehler is presently working on a blast plan, which I will be presenting to the Raymond Fire Chief as required under the attached permit, and I would also like to present it to the Candia Fire Chief to promptly remove this dangerous situation. However, due to the history of the site, I need your and Town Counsel's advice on how to proceed to remove this dangerous situation before someone is seriously injured.

Finally, I would also like permission to remove the blasted rock that lies on the ground in Candia and bring it to Raymond to crush in order to help pay for some of

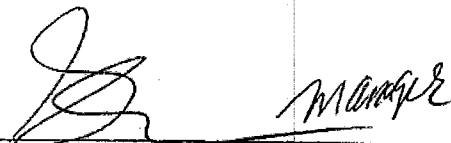
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Slate's mounting expenses, and also request your and Town Counsel's advice on how to proceed on that matter.

Thank you for your attention to the above. I look forward to discussing the foregoing with you.

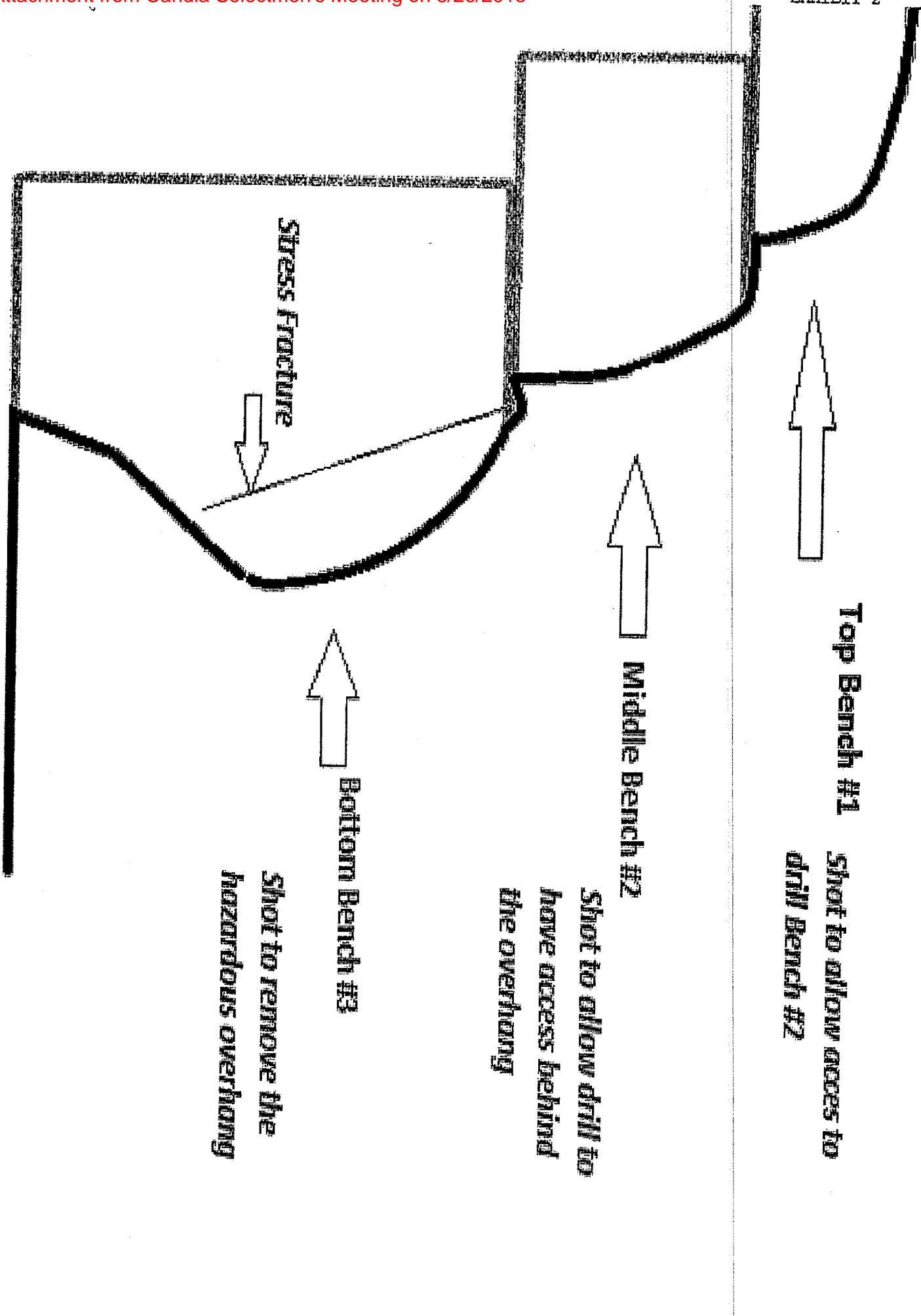
Sincerely,

SLATE ROCK AND GRAVEL
COMPANY, LLC

By: 
George A. McLaughlin, III, Manager

GAM/slp

cc: Bill Scott, Jr.





TOWN OF RAYMOND

Community Development Department
Office of Planning & Zoning
4 Epping Street
Raymond, NH 03077
Tel: (603) 895-4735 • Fax: (603) 895-0903

NOTICE OF DECISION

Application #2013-005
Slate Rock & Gravel Company, LLC Temporary Excavation Permit
Raymond Tax Map 37, Lot 10
321 Route 27

Date of Decision: June 20, 2013

You are hereby notified that the Raymond Planning Board has APPROVED the request of Slate Rock and Gravel Company, LLC to re-establish, for a duration of six (6) months ending on December 17, 2013, the conditions under former Application #2011-002, with certain amendments, which will allow making the former excavation site safe by dislodging an overhanging ledge outcropping on the west rock face directly abutting the Town of Candia, allow scaling on the east side of the rock face, and furthermore to allow the applicant to crush, process and sell the resulting stone along with the stone that has already been excavated and is currently sitting on the ground. This is a one-time, temporary approval that is being issued to address a unique circumstance, which will eliminate an unsafe condition and allow for the clean-up of the site.

The following conditions shall apply:

1. The conditions of approval designated as conditions precedent must be completed within thirty (30) days and confirmed in writing by the Raymond Community Development Director or designee, or this approval shall become null and void.

The following are conditions precedent:

- a. All fees authorized to be charged to the applicant pursuant to the Raymond Earth Excavation Regulations including, but not limited to application fees, costs of special studies, and legal and engineering review, shall be paid by the applicant;
- b. Deeds, easements, conservation easements, condominium documents, maintenance agreements, and any other legal documentation pertinent to this project shall be reviewed and approved by Town Counsel, and where applicable, the Board of Selectmen pursuant to RSA 41:14-a;
- c. A Performance Guarantee Agreement shall be executed between the Town of Raymond and the Applicant within 15 days of the date of this approval, or July 05, 2013. Failure to execute the required agreement will result in plan approval revocation.

James E. Franklin, LLC
Licensed Land Surveyor
New Hampshire ~ Massachusetts ~ Connecticut

George A. McLaughlin III, Manager
Slate Rock and Gravel, LLC
One Washington Mall
Boston, MA 02108

July 11, 2013

via email to: giii@mclaughlinbrothers.com

Re: Assessor's Map 407 Parcel 71
Candia, NH

SURVEY WORK SUMMARY

Dear Mr. McLaughlin,

Pursuant to your request, I submit this summary of the survey work that I did, as of this date:

MARKING OF THE CANDIA / RAYMOND TOWN LINE

This work consisted of the surveying, computations and marking of the Candia / Raymond town line as it is delineated on the Survey Plan prepared by RSL Layout & Design on plan D-19638 in the Rockingham County Registry of Deeds.

See accompanying PDF of plan D-19638 (the plan). At the time of the survey we found the following monumentation, which are denoted by red letters on the plan:

- A - a State of New Hampshire Highway Bound (NHHB) (the plan denotes that a 1/2" steel reinforcing rod with plastic cap was set).
- B - a State of New Hampshire Highway Bound (the plan denotes that a 1/2" steel reinforcing rod with plastic cap was set).
- C - a 1/2" steel reinforcing rod was found, out of position, short by about 2 feet, bent and leaning easterly
- D - I set a 5/8" steel reinforcing rod, a distance of 169.93' from the NHHB denoted as "A" above, at the point of intersection of the town line and the street line
- E - the plan calls for a drill hole set in the stone wall, at the town line - I did not find this drill hole (I found a twin maple tree about 3-1/2' easterly of this "E" location which I flagged with orange survey tape - see photograph attached).
- F - the plan calls for a drill hole set in the stone wall - I found this drill hole
- G - the plan calls for a drill hole set in the stone wall - I found this drill hole
- H - I found a blazed, 15" oak on the town line, near the swamp, just southerly of the work area, which I flagged with orange survey tape.

Additionally, we set 3 grade stakes between the points noted as "H" and "E", and painted a vertical white mark on the upper ledge face, (see photograph). That is me driving in one of the stakes.

The photograph was taken from location "H" looking toward location "E"

While onsite today, we visited with Selectman Fred Kelly, and workman Dwayn Critchett.

Invoice is attached.

James E Franklin

James E. Franklin, Land Surveyor

173 Deerfield Road, Candia NH, 03034 ~ Tel. (603) 483-3096 ~ email: JEFLS@comcast.net
New Hampshire LLS #733 ~ Massachusetts RPLS #37045 ~ Connecticut LS #12325

2. Other Conditions Imposed by the Planning Board:
 - a. Applicant shall not exceed a sound level of 65 decibels, Scale A, at any property lines of the lots included in this decision. If at any time during operations the sound level at any property line is determined to be at a level exceeding 65 decibels, Scale A, from an onsite operations-related source, then this excavation permit shall be eligible for revocation by the Raymond Planning Board.
 - b. Fugitive dust control within site, which includes all lots included in this approval, shall be employed in accordance with NH Code of Administrative Rules ENV-A 2805.01 and 2803.02, as may be amended from time to time (see below);

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

PART Env-A 2805 FUGITIVE DUST CONTROL WITHIN THE PLANT PROPERTY

Env-A 2805.01 Fugitive Dust Control Within Plant Property.

(a) For a source or plant subject to this chapter, the owner or operator shall control emissions of dust from vehicular movement within the plant property boundaries. Fugitive dust control methods shall include, but shall not be limited to, paving or wetting the roadway.

(b) For a source or plant subject to this chapter, the owner or operator shall control emissions of dust from stockpiling. Fugitive dust control methods shall include, but shall not be limited to, wet suppression, windbreaks, enclosures, or soil stabilization.

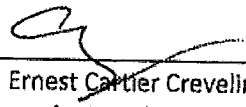
Source. #6428-B, eff 1-18-97 (formerly Env-A 1210); ss by #8218, eff 11-24-04

Env-A 2803.02 Fugitive Emission Control Systems for Sand and Gravel Sources. The owner or operator of a sand and gravel source shall not operate the source unless it is equipped with a fugitive emission control system that is operated and maintained to control the emission of particulate matter.

Source. #6428-B, eff 1-18-97 (formerly Env-A 1210); ss by #8218, eff 11-24-04

3. Crushing, processing and removal of material shall not be permitted after 4:00 p.m. The applicant shall be responsible for dust control on site through completion of reclamation.
4. Any existing loam pile(s) shall stay on site to satisfy reclamation requirements.
5. Applicant shall provide the approved blasting plan to resolve the safety issues which will be reviewed and approved by Raymond Fire Department.
 - a. Blasting notices shall be sent to all abutters and everyone along Island Road in Candia.
6. Applicant shall have property lines and Town Line confirmed and marked/staked on the ground.
7. If any of the safety/removal work will involve the Candia side of the property, all approvals must be issued by the appropriate authorities having jurisdiction and proof shall be provided to the Town of Raymond.

8. A reclamation plan shall be presented to the Planning Board prior to the expiration of this temporary approval, which is December 17, 2013.



Ernest Caplier Creveling
Community Development Director

06/21/2013

Date

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



