

**CANDIA ZONING BOARD OF ADJUSTMENT
MEETING MINUTES OF
April 14, 2026
UNAPPROVED MINUTES**

ZBA Members Present: Judith Szot, Chair; Boyd Chivers, Vice-Chair; Ron Howe; Tony Steinmetz; Bill Keena; Gale Pellegrino, alt.

ZBA Members Absent:

*Judith Szot, Chair, called the ZBA meeting to order at 6:30PM, followed by a description of the meeting rules of procedure and the pledge of allegiance.

- **Case #26-001:**

Applicant: Granite Hill Materials & Recycling, LLC 321 N.H. Route 27, Raymond, NH 03077; **Owner:** Believe Freetown, LLC 321 Route 27, Raymond, NH 03077; **Property Location:** N.H. Route 27, Candia, NH 03034; Map 407 Lots 66 & 71; **Intent:** *Seeking a variance to waive terms as stated in Article V Section 5.01.A.1 & 5.02 to permit excavation for reclamation purposes within the Residential District.*

C. Palucha: Well, good evening, ladies and gentlemen of the Board. My name is Caroline Palucha. I'm from McLane Middleton, and I'm here on behalf of the applicant, Granite Hill Materials and Recycling, LLC, and Believe Freetown, LLC. Believe Freetown is the owner of the subject parcels that we'll be discussing today, and Granite Hill Materials is the operator and co-applicant. Also present here today are, on behalf of the applicant, are Jeff Hill--I'm not sure if Jerry was able to make it--Jerry's not here today, but we also have Terri Grandmont. We also have here today Christopher Berry, the project engineer, and my colleague as well, attorney Sabrina Beavens.

So we're here today requesting a variance from Article V, Section 5.01, A1: Sand, Gravel, and Borrow Excavating Operations; Article V, Section 5.02: Table of Use Regulations, and any other potentially applicable provisions of the Candia Zoning Ordinance in connection with the proposed reclamation activities pursuant to RSA 155-E:5 on Map 407, Lots 66 and 71, which are both located within the Town's Residential District.

Before I hand it off to Chris Berry to provide some technical background on the proposed use, I do want to provide some history on the proposed use, some background on the property, and a brief description of what we're proposing here. So for history of the proposed use, the applicant actually engaged in discussions with the Board of Selectmen back in 2019 regarding rectifying the disturbed conditions of the property that were caused by excavation activities performed by prior property owners, which were done not in compliance with excavation rules and regulations. As a result of those early discussions with the Board of Selectmen, the applicant was asked to prepare a reclamation plan and to obtain a variance for the excavation that would be conducted in connection with reclamation use. The applicant did obtain that variance from the ZBA in 2021,

and as part of the approval, the ZBA imposed conditions, including that there would be no processing of materials in the town of Candia, and that Island Road would not be used as an access route. However, due to permitting delays associated with coordinating the Alteration of Terrain Permit, the applicant was unable to begin those excavation activities prior to expiration of the variance. But the applicant is now here before you today having received this Alteration of Terrain Permit, and I did send copies to Megan last week. I did bring some spares if somebody didn't have an opportunity to review those before tonight's hearing. The proposal before the Board today is materially the same proposal that was before the Board in 2021. The purpose of our request today is simply to reestablish that authorization that the applicant received in 2021 prior to the lapse of the extension periods due to permitting delays.

A bit about the property. Combined, the property is about 73.14 acres. About 44.5 of those acres are lot 66 and about 28.64 of those acres are from lot 71. There are three natural wetland systems on the property, the most prominent being at the front of the property along New Hampshire Route 27 or Raymond Road, and that receives runoff from the hillside on the property. There's also a natural runoff channel that bisects the property and flows downslope towards that larger wetland area. And the last wetland system is on the eastern border of Lot 71, adjacent to the Candia-Raymond town line, and that one drains towards the east. Excavation activity has occurred on the property at least since 1991 as part of a grandfathered gravel pit. And in 1992, that same previous property owner submitted a reclamation plan, which was approved by the Board of Selectmen, but it doesn't appear that that plan was ever implemented. In 1997, the property was purchased by a new owner who actually expanded that grandfathered use, which was previously contained on lot 66. They expanded it to also include portions of lot 71. And in the early 2000s, the AOT permit process was initiated to address stormwater management and erosion control. However, again, it seems like those plans were never actually realized.

And a quick overview of the proposed use before I hand it off to Chris Berry. What we're proposing here is simply reclamation use to facilitate the future development of the property by addressing the existing deteriorated conditions of the property that are a result of those prior excavation activities. The proposed use will require limited rock excavation, removal, and blasting activities in accordance with RSA 155-E:5. The activities will occur within a limited portion of the property, approximately 20 of those 73 acres. Existing ledge faces will be reclaimed and stabilized. The existing slopes will be flattened to a ratio of about 1.5 to 1 in conformance with DES rules. And the applicant will actually develop a floor to the existing excavation areas that do not currently have a defined floor and that slope is planned to vary from about 2.5 to 15 percent. And after final shaping, those flattened slopes will be loamed and seeded to allow for vegetation and the reduction of sediment transport. What we're proposing is to bring the property into compliance with DES requirements for excavation, stormwater management, and erosion control best practices. And ultimately, the proposal will remove existing safety hazards, improve environmental conditions, and harmonize the property with the surrounding character of the area. And so now I'll introduce Chris Berry, who's brought the lovely reclamation plan to share with you.

C. Berry: Good evening again. Christopher Berry with Berry Surveying and Engineering. Just want to sort of refresh the Board's mind on the variance that we received prior on this property. The request has not changed one bit. As Caroline pointed out, the reason for the delay was receiving the Alteration of Terrain Permit, but it wasn't Alteration of Terrain that created the issues for us. It was the Fish and Game process that we had to go through on this property to receive our Alteration of Terrain Permit. The actual Alteration of Terrain comments were pretty light from the initial design, and we've now satisfied both Fish and Game and Alteration of Terrain and have both of those in hand to move forward.

B. Keena: Could I just ask you to walk through that timeline a little bit?

C. Berry: So we filed our Alteration of Terrain Permit in 2020. And so at that time frame, there was no process that we really went through with Fish and Game. You communicated with a staff member, they communicated back, and they may have had a comment or two. Those comments then went to Alteration of Terrain, and you received your permit. In 2021-ish, 2022-ish, they created a wildlife application process where a specialized wildlife biologist would have to prepare a report, that would go to Fish and Game, and they thought that that was going to solve all their problems. All that did was create miles and miles of reports that nobody had the ability to review. All of the consultants then squawked about that process, and they then created what we know as a FIS process where there were dedicated members of Fish and Game that would actually monitor the application process through to the end, and they would issue you recommendations moving forward. Since that time, that process has now switched over to DES, and it's done cohesively with the various DES departments. So your Fish and Game application is moved along at the same pace as your other DES applications. Now, the last time we requested a continuance, I think we printed off miles of email chains between us, our wildlife consultants, and various members of Fish and Game. Some members would come and go. Once there was a new process created, we had to reinitiate the process. We then had to engage certain individuals that were qualified for certain species. Most notably, the Black Racer was sort of noted as the species of concern on this site. And so we had to hire a specialist off from an unknown list of humans that are specialized in studying the Black Racer to the satisfaction of DES. To the satisfaction of Fish and Game.

B. Keena: Okay, so to summarize, you were stating, and tell me if I'm wrong or if I'm hearing this wrong, because I think this is important for future findings of facts, which we're responsible for on this Board. You're saying that the requester, after receiving a variance, began working on permitting in 2000?

C. Berry: Yes. No, no, I'm sorry, 2020.

B. Keena: Okay, so 2020. And that Fish and Game delay has been the longest delay, right? But then there's a parallel process with DES. And so you literally have spent six years pursuing a permit, following everything reasonable, I would hope you would attest, right? And not getting a permit. That's what's going on.

C. Berry: That is correct.

B. Keena: Okay, I just want to, I mean, I don't know if anybody wants to verify that.

R. Howe: Oh no, we know.

B. Keena: Okay, I'm newer to the Board, so, okay, great.

R. Howe: Did you ever find any endangered species or anything else?

C. Berry: So I have a standard joke at these meetings. If these things are so endangered, why are they on all of my sites? So we did find, during some of our studies, I can't disclose where it is just through the State and Federal law, but we did find a hibernaculum where one of these may have checked into an Airbnb and you know, at some point during last year, and so that's sort of what raised some of the issues for Fish and Game. So, they're transient animals, and they travel all around, so there's a good chance that we may never see them again on our site. But we have to make sure that we're not doing anything to damage their habitat while they're there.

B. Chivers: So, am I correct in understanding that you're only here tonight because the two years...when we granted the variance the last time that you couldn't get in the range within that two year period, that's why you're back.

C. Berry: That's correct. So to give you more detail on that, the studies for the Black Racer can only be done in a short window period in the spring and in the fall. You need a permit from Fish and Game to conduct that study. If you don't file your permit in time, because they have 30 days to review your permit to then do the study, you could completely miss the window. If you do, this happened to us multiple times, If you do the study and you find no evidence of the species, that doesn't mean that Fish and Game decides that, okay, there's no species of concern here, you can move along with your project. It means that maybe we want you to study it next fall. We weren't finding out that we needed to study these things that next fall until late in the season. We then have to rush and file a permit. Then we have to actually conduct the study, and then we have to work through the study findings with Fish and Game. And so I think there's been three studies on site, attempts at more, and that whole process, just the study cycle alone, has taken almost two years of our life.

B. Chivers: Now, did you do anything to the site in that two-year period?

C. Berry: No.

B. Chivers: So everything is basically the same tonight as it was in 2000?

C. Berry: Yeah, 2020.

B. Chivers: 2020, okay, six years ago. And have any State laws changed since then to the rights and standards?

C. Berry: Not State laws that I know of, only the policies and practices in the Fish and Game Review.

B. Chivers: Okay, but nothing that is related to what our Board has jurisdiction over?

C. Berry: No, sir.

B. Chivers: 155-E is still the same?

C. Berry: Same as it was.

B. Chivers: Okay. Now, let me ask you a question about your ultimate plan for the site.

C. Berry: Yes, sir.

B. Chivers: You say you just want to reclaim it, or do you want to develop it once it's reclaimed?

C. Berry: No, Jeff has aspirations to develop the site, but every time we've approached the municipality or Town about how to develop the site constructively, we're always met with the past sins of the site and that we need to reclaim it. And so, frankly, we're just going through the process of taking the time to reclaim it, and then we can work through what we want to do with the project site after. I mean, clearly we're in a residential zone, so the choices there are limited without coming back to the Board for other relief.

B. Keena: So maybe you guys have heard us, but I'm new, and perhaps this will help Gale, too. Can you talk about what's the process? What is involved? What kind of reclamation work? I heard blasting, but what are you going to do?

J. Szot: Bill, could I ask a question before he answers the question?

B. Keena: Sure, of course.

J. Szot: What does the word reclaim mean to you?

C. Berry: So generally it means smoothing and vegetating...

J. Szot: So basically the Town has said you can't blast or take stuff off that site, but you're saying we have to reclaim it, so we're going to blast and take stuff off the site.

C. Berry: The Town is saying that if we came through with a development proposal of the site today, we have been told by the administrator in the past, the Building Inspector, the Code

Enforcement Officer, that the site needs to be reclaimed because the prior landowners have come through, removed material, and just left it wide open. There's wide faces that are left. There's an entire face cliff here. Essentially, they would sneak in and they would excavate behind this wall and generally leave the site unstable and unsafe. And so, we've been told as owners that we're not able to really do anything with the site until it's reclaimed. And to reclaim it, we have to remove material. You can't smooth grade and revegetate a cliff face that's negative one to one.

B. Keena: What do you do to that cliff? Are you going to create an angle instead of a shear...

C. Berry: Yeah, essentially, what we're proposing is to create a manageable floor and then lay that soil back.

B. Keena: So raise the floor, right?

C. Berry: Well, right now, there are areas of it that are actually below grade, which is unsafe in itself. So we would grade this out so that it's generally, I don't want to say flat, but has a general slope to the floor of the excavation. And then we would lay all of those slopes back so that they can be managed.

J. Szot: So what is the elevation now and what will it be when you're done?

B. Keena: Of the floor?

C. Berry: Of the floor?

J. Szot: No, I want to know, I mean, when I was looking, I was looking at the contour line. And I think it was like 315 or something. And it looked like you were taking off 150 feet or close to that.

C. Berry: So the...floor is currently...

J. Szot: It said two something...

B. Keena: Do you have a sheet number for that?

C. Berry: Yes, sheet 10.

B. Keena: Thank you.

C. Berry: If you look at the existing conditions plan, the floor is at about 240. And...

B. Keena: So this is a current...

C. Berry: That's existing conditions.

B. Keena: Okay, thank you.

C. Berry: Yep.

B. Keena: So, 330, right, is consistent. 370, 360...

C. Berry: So, we're actually, if you want to flip back one. So, this is the existing floor of the excavation.

J. Szot: Could you show that on that big map? Because I think the people here also would like to see what your... this particular...

C. Berry: So the existing floor is essentially in this location here. It's at approximately 240. And then there are areas of the site you can see this has essentially an inverted slope to it.

J. Szot: Again, could you put this map up and show this map, this particular one? Oh, you don't have that over there. Okay.

C. Berry: I don't.

J. Szot: Go ahead.

B. Keena: That helps.

C. Berry: So, the existing floor is here, towards the middle of the site.

J. Szot: That's where they went around the back and...

C. Berry: That's correct. So there's a trail and a haul road that comes in, and that's the existing floor of the site, and that's at approximately elevation 240. Then you see here there's an inverted face, and then there are other... These are 10-foot contours, so there's also other inverted unstable faces here, and then an inverted face. It's cambered backwards. Yeah, typically we lay slopes this way, not this way. And so in reclaiming that, essentially this area, the central area where they've sort of gone in behind the knob, that will be removed. The floor will be established and sloped in one direction. And then all of these slopes and unstable areas would be laid backwards, or laid back upslope, and then they can be benched and stabilized.

J. Szot: So there were some contours there that were, I saw some that were 400, over 400 feet. So you're talking about 240... going from 400 to 240.

C. Berry: I would like to verify that, if you don't mind.

B. Keena: I see 230 here.

C. Berry: So the actual grading plan. If you turn to sheet 18. So here you can see how we're proposing to shape the floor and reverse the slope. So you can see here at the back of the existing

excavation where we've got the 240 and then the top of the excavation is at 380. Now something you have to consider is over that distance that slope already exists but it exists in a vertical format and so when you start laying a slope backwards you essentially start chasing it up the slope. So it's not that we're creating a 160-foot cliff. We're essentially regrading a slope backwards.

B. Keena: Can you tell us what the degree of slope will be after the reclamation?

C. Berry: Two to one. One and a half to one and two to one. And so that slope, that grading that has to take place, takes place over almost 200 feet. 200 horizontal feet.

J. Szot: I understand that, but the end result is that it's going to be about 150, 160 feet of elevation is going to be taken down.

C. Berry: But it is today.

B. Keena: There'll still be that difference.

C. Berry: Right. So right now, the site grades down like this, and then it drops vertically. All we're doing is laying the slope back in this direction, so that the tie-in point from the base to the top is the same elevation, but the distance is longer. So it's sort of basic rise over run. As you lay the slope back, you have to chase it further up the slope.

J. Szot: So you're doing that, you're laying that slope back because you're concerned about safety?

C. Berry: Yeah.

J. Szot: The only reason I mention this is, I was driving down to Boston last week, and there were two different places where there were cuts through granite, and there are apartment buildings on the top of probably 100, 120-foot cliff, and 50 feet from the building is a chain-link fence, and the highway's down below it. And no one's concerned about, you know, safety, or there are people living on the top of this.

C. Berry: Sure, no one in Boston's worried about that. But I can tell you that the State of New Hampshire is concerned about that, and we are concerned about the slope stability and making sure that it's stable when we're done. And currently it is not stable.

B. Chivers: And you'll loam that and hydro-seed it?

C. Berry: Yeah, loam and seed.

B. Keena: Can you talk about one-and-a-half to one and two-to-one slope? Just translate that for us.

C. Berry: So three-to-one slope is what my grandfather would call a "mowable" slope on a rider.

So if you're on a riding lawnmower and you're on a three-to-one slope, you don't feel uncomfortable riding horizontally along the slope. Two-to-one, you get a little steeper, and you feel more uncomfortable on that slope riding. And then one-and-a-half to one, my 10-year-old's push-mowing that and weed whacking that type of slope. So those are the type of cambers that we're talking about.

B. Keena: So those are fairly significant, but far better than what's there today.

C. Berry: Currently, it's one-to-one and/or zero-to-one and/or negative one-to-one.

R. Howe: How much material are you thinking you're going to end up actually moving?

C. Berry: 423,000 cubic yards.

R. Howe: Okay.

T. Steinmetz: What will this become over time? Why is this work being done? What will it support?

C. Berry: When we're done it could support anything that would really be permitted in the residential zone. It could support a residential development. It could support recreational activities that could be utilized on this site that are permitted in the residential zone.

T. Steinmetz: That's TBA then right?

C. Berry: Yeah, yeah I mean this is a multi-year process so we don't want to...

T. Steinmetz: I thought that... Wouldn't that be something that you would have to provide when you're applying for the permit? I know nothing about this, obviously, but I was just wondering.

C. Berry: Oh, I'm sorry.

T. Steinmetz: Don't ignore me.

C. Berry: No, I'm sorry. I didn't realize you were complete with your question.

T. Steinmetz: I'm done. I'm stammering.

C. Berry: So, there are different permitting processes for different uses. And so with this process, we went through a reclamation process with Alteration of Terrain. With a development process where there's impervious surfaces, there's a completely different permitting process that takes place with actual development sites. So for instance, all of this unmitigated stormwater that's been allowed to just sort of drain off from this site, into the wetlands. We have erosion control measures and sedimentation and detention facilities to attenuate the flow, reduce the flow into the wetlands,

and treat the flow prior to entering the wetlands. If this were a development site, they would have to consider hydrocarbons, nitrogen, phosphorus, all of the type of things that come off from developed impervious surfaces.

R. Howe: Now, all of this rock material that you're going to be moving, are they crushing any of it, or is it all going to be used to fill and level the existing area?

C. Berry: No, it would be crushed, and the crushing activities take place in Raymond.

R. Howe: Okay. Obviously, it's a major project. It seems like if you're going to move all this rock, and obviously a lot of it is going to be used to level the area out, that you'd want to know what you were going to put there before, you know, now you're going to go back and move all this rock again for foundations and everything else. I understand it's a huge project, but it almost seems like the cart before the horse here.

C. Berry: This material is leaving the site.

B. Keena: Are you going to sell that?

C. Berry: Yes.

B. Keena: So you would continue to Granite Hill business of selling stone by crushing that up and selling it.

C. Berry: Yeah, Granite Hill currently takes in material, processes it, and then exports it again. This would work alongside that existing process.

B. Chivers: So you wouldn't be crushing that on site in Candia?

C. Berry: No, we'd be crushing it on site in Raymond.

B. Chivers: And can you confirm that you were required by the Candia Board of Selectmen to file a reclamation plan?

C. Berry: Well, we stood before the Board of Selectmen and were told that.

B. Chivers: Okay. So the reason you have this reclamation plan, is satisfying the Candia Board of Selectmen?

C. Berry: Yes. Otherwise, any other development site, any other development that would take place on this, this rock would need to be removed incidental to that construction anyway. So I disagree that it's sort of the cart before the horse because at that point it would be incidental construction and we would fall under the 155-E exception.

B. Keena: Yeah, and you said previously, did you not, that no one wants to talk to you in this town about doing anything until this is fixed. Kind of circular right?

C. Berry: This has been a thorn in everybody's side since the early 90s

B. Keena: So no one wants to talk about any kind of—

J. Szot: Earlier than that

B. Keena: -- usage until this is fixed.

C. Berry: I mean, I found, no offense to Caroline's great research, but I found records where this was called the Midway Pit in the 70s. So, yeah. This activity has been taking place, some legitimate, you know, and a lot not, that we're trying to just rectify.

J. Szot: So what percentage of that land, I know that there are three fairly good-sized wetlands, what percentage of that land is wetland and what percentage, well, I guess my question is, if you take out the wetlands and you take out those slopes that are not buildable, what would you be left with that would be buildable?

C. Berry: I don't know that I have an answer to that. I mean, our impact area, when we're done, all of our area would be essentially buildable, at least the two floors would be very buildable. Our total impact area is about 900,000 square feet. And so even if we said half of that, plus any of the other superfluous areas outside of this actual operation, so it's acres and acres of land that would be developable when you're done.

J. Szot: There are significant... three fairly large wetlands that I noticed on one of those maps.

C. Berry: Oh, sure. We've got wetlands towards the front. We do have a finger of wetlands through the middle here. And then we've got the one that's sort of marooned up here by Raymond. But the rest of the site is nice land.

B. Chivers: Now, when you were granted the variance, what did you say it was 2000?

C. Berry: 2020.

B. Chivers: 2020. Okay. And you met all five variance criteria at that time. You must have. You must have in order to have been granted the variance.

J. Szot: We were on the Board, Boyd.

C. Berry: Boyd, you asked me how many cubic feet then, and I knew then, and I know now.

B. Chivers: 42,000, right?

C. Berry: Yes.

B. Chivers: So, has anything changed in the way we find whether you meet those five criteria?

C. Berry: My opinion is no.

B. Chivers: That's going to make that easy.

C. Berry: I hope your opinion is the same.

B. Keena: You said this problem was created as long ago as the 70s, right? And prior to, certainly prior to the current owners.

C. Berry: I'd say the 90s is really when it started becoming an issue.

B. Keena: Prior to the current owners, right?

C. Berry: Oh, yes.

B. Keena: And you said that the Town has indicated that no development can be considered until this is done.

C. Berry: Yes.

B. Keena: Who in the town? Is that the Selectmen?

C. Berry: At first, it was the, at the time, the Code Enforcement Officer. I forget the gentleman's name. And then we were directed to the Selectboard. And at that time, it was determined that we needed a variance and we needed to come here.

T. Steinmetz: Other than housing, what else could be put on this spot when you're done with it?

C. Berry: Well, like I said, there's a few other recreational... I haven't looked at every use in the residential zone in a long time. But there are some recreational uses, facilities, that could be used here. There could be, Jeff and I have discussed the golf range, a driving range in the past. Those types of, I don't want to say passive, but those types of recreational uses are permitted in the residential zone.

R. Howe: Now, and I could be wrong, but it was my understanding that, and who knows which one of the many operators was responsible for this, that there were some issues with cracked foundations and whatever on Beane Island and that area. What guarantee is there that this isn't going to happen this time?

C. Berry: So, a few different things. Proper operations, one. I think because they were doing things

improperly, they were probably what we call over-blasting, so that they could lay as much rock down in as short a pop as possible, so that if they were told, “don't do that again”, they still had rock on the ground. And so we've prepared a blasting plan, that Alteration of Terrain has reviewed, by an actual blasting company. They reviewed it and have approved that blasting plan. We have a groundwater monitoring plan that we prepared, and that was also reviewed by Alteration of Terrain and approved. And we essentially do pre-blast surveys of people's wells if they want those wells reviewed and foundations if they want those foundations reviewed. Then we set up seismographs at the extents of the property to make sure that we're not overshooting the site.

R. Howe: You know, it's concerning because at one point, I believe it was Maine Drilling and Blasting, that blasted the side of that face and put rock through a building on the other side of 27. And they're certainly a reputable company. So it kind of concerns me how this is going to be managed. We don't want that to happen again.

C. Berry: Yeah, we certainly don't want that to happen again either. I mean, I can't tell you why that happened or, you know, what the circumstances of that are. I can just tell you the amount of scrutiny that this has gone under just to get to a point where we can utilize our property is fairly immense. And I don't believe Jeff intends to do anything to damage his pretty longstanding reputation in this area for being a quality citizen and business owner.

J. Szot: Any other board members have any questions?

B. Keena: I have one more. Can you speak to the impact on property values that this reclamation would have?

C. Berry: So I think the closest abutters are those that live around Beane Island here. I think we've got a fairly good rapport and reputation with literally our closest abutter. The distance that we are from that particular abutter and really any of the residential users further up Island Road and then I forget the name of the road behind us here, literally four, five, six, seven hundred feet. And so our impact is really going to be isolated to the area that's already been impacted.

B. Keena: So would the value be decreased to surrounding properties?

C. Palucha: I've put together an exciting summary of each of the five criteria that I would love to share with the Board.

J. Szot: I think I'm going to just ask you to hold on because I think we need to hear from the audience first if you have questions. And then you can sum up with your five criteria.

B. Keena: Do you want to go ahead and respond to that one?

C. Palucha: Yes. What I have here for the fourth criteria concerning the values of the property will not be diminished. The proposed use here is limited in scope. Again, it is only 20 acres of that

73-acre subject property. It is temporary in nature. It is specifically designed to stabilize and reclaim the existing excavation areas while implementing safeguards to improve the safety of the property and minimize impact on surrounding parcels. And furthermore, improving the condition of this property and the usability of this site will facilitate its future development, which will support surrounding property values.

J. Szot: Anyone else on the Board have questions? Tony, Gale? Okay, so I'll open it to the audience.

T. Steinmetz: I'm sorry, I have a question. Blasting. In days. About how many?

R. Howe: There's going to be a lot of days

C. Berry: No, there won't be a lot of days because we've been restricted very heavily on the actual days or times of years that we can blast. We have negotiated with Fish and Game. Is it three blasts?

C. Palucha: Yes

C. Berry: Three blasts a year. So this is not going to be a continuous thing.

T. Steinmetz: Three days?

C. Berry: No, no, three blast periods. So we would...

J. Szot: So what is a blast period?

C. Berry: A blast period could be anywhere between a day and a week, maybe a couple days after that.

J. Szot: So you really, you can't give us a specific, like it'll be...

B. Keena: It'll be no more than a week, times three, right?

J. Szot: No, he didn't say that. He said a week or days after that.

T. Steinmetz: I was just looking for a rough. That's fine. How do you notify the abutters? Shelter in place? What do they have to do?

C. Berry: We set up a large siren. We hit the button. No, I'm just joking.

T. Steinmetz: Would they have to be notified?

C. Berry: The first few times that we would want to do this, I think we would send out mail, you know, certified mail, letting everybody know. We would encourage them to provide us with all of their contact information so that we can go review, you know, wells, foundations, and those types

of things prior to blasting. So it's more of an open line of communication that is required.

T. Steinmetz: Okay. Now, would this blasting shake an abutter's house in any way?

C. Berry: No, well, that's the purpose of seismographs at the extents of the property so that we can ensure that we're not causing harm beyond our property lines.

T. Steinmetz: So their only intrusion would be a little bit of noise once in a while, right?

C. Berry: Well, you'd have the noise from the actual blasts, but all the crushing, again, takes place in Raymond where crushing activities take place now.

B. Keena: Did you say that you would go to people's houses and inspect their foundation prior to the blast?

C. Berry: As part of the pre-blast survey, if they request that, then we have to offer that to them. The blasting company takes care of that.

R. Howe: How long do you think this total project is going to take?

C. Berry: We're hoping three, four years.

T. Steinmetz: And your permits are all squared away. You can start next Monday? If you get this variance, of course.

C. Berry: We have a filing we have to do with the EPA, but after that, we should be all set.

B. Keena: But it's a filing, it doesn't require approval?

C. Berry: That's correct.

B. Keena: Okay. How long are you asking for this variance for?

C. Berry: Well, as soon as it's effectuated, we no longer need a time frame.

Judith Szot opens the public hearing at 7:15pm

Sandra Faust, 22 Island Road: Now, he keeps saying that all the crushing's in Raymond. We're not going to hear the noise. It's in Raymond. It's in Raymond. It's, for years we've been hearing the noise and crushing. I think they're actually operating on the Candia side again. We've been here since '95. And I'd say about '97, when Kevin Cole took it over, we started playing the game. "I'm on the Raymond side. I'm on the Candia side. I'm on the Raymond side," depending on which town they were talking to. And it's been a nightmare all along. And even while they have owned the property, the crushing, the chipping, the, what did you call it, a power hammer going on over there?

It's constant. It starts before seven o'clock in the morning. It's just, don't we have a right to enjoy our property? They knew this was a residential area when they bought the property. So they just, in my opinion, they want the rock to sell the rock. And I think we need some relief from all this after over 20-something years of this in the backyard. Thank you.

Darren Panzieri, 59 Island Road: I just got a couple of concerns. They're talking about blasting. The last time Cole was in there blasting, my aunt and uncle owned my house 45 years prior to me buying it in 2020. The foundation's been cracked. They had well problems. The other thing was to a concern about safety on the property, and who's the safety for? Or is it just for future development?

Zachary Thayer, 75 Island Road: You guys said you haven't done anything there in Candia. Nothing's being done now currently or nothing's been done for a while. Google Maps. You pull it up. You can see different piles already on the Candia side. And if it's been years, you would assume anything would grow in there. So that's falsified right there. Pull it up on Google, you can see it. Blasting. You can't tell me you're going to blast and 500 yards away you're not going to feel it. People shoot guns. We live in New Hampshire. I hear that shit all the time. That's not true. You're not going to feel it. Come on. Let's be real. We moved to Candia, just probably everybody that's here, moved for a quiet neighborhood. Not to live in a business that is looking to do commercial work for profit in a residential zone. They don't have a plan on what they want to do there for residential. Again, another lie. They're just looking to profit off the rock in our backyard and make a big, giant hole. Once they're done, they're going to then try to sell it. So it's not residential. They're not doing it to better our community for the safety of a rock that's been laid over since well before my time here. Wells and the foundation. They say they're going to do inspections. Okay, they're going to hire their guy or their team that's going to do those inspections. Then when that well fails, that foundation cracks, the pool's got issues, they're going to have their guy come back in and say, "oh, nope, that wasn't us". This is a company that's coming in that is only doing this for a commercial purpose, not a residential purpose, not a safety purpose

R. Howe: I guess I have a question, and maybe abutters can answer this. Are you concerned about getting that site cleaned up, however? You know, it's a mess over there. Are you happy having it stay the way it is?

S. Faust: It's better than keep taking it down because they never put anything back in the last 25 years.

D. Panzieri: I don't understand what the safety issue is. It's not like it's public land where people can walk on. That's why I asked if there was going to be future development down there. I'd just like to know what's actually going to go on. It's my backyard, that's all.

James Vancour, 377 Critchett Road: When Kevin Cole was blasting, it was shaking my house on Critchett Road. And I had cracked windows, cracked chimney. I believe that caused the fire in

my house. So how far out is the radius where they would put the seismographs and monitor the wells and check foundations?

C. Berry: So it would be any direct abutter.

J. Szot: Any direct abutter, so Mr. Vancour, because he's a half mile away, is not a direct abutter?

C. Berry: Typically that's not who we would notify. I mean, if he's within a close proximity and the Board would like us to notify him for the same purpose, we're happy to do so.

J. Szot: Well, I think he's... What I'm hearing from him is that he's concerned about damage to his house, that it differs from what you're saying, that the blasting is contained and you're doing the best you can to not cause damage. And what he's saying is in direct contradiction to what you're saying, is that his experience has been that he's had damage to his house, and it's well past the area that you're talking about that should have damage.

C. Berry: Sure, and I think the one thing to keep in mind with all of these contradictions: each one of them starts with “when Kevin Cole owned the pit”. There's a stark difference between the correct way to do this and the wrong way to do this. How is it that we're able to blast alongside highways and there's no harm? How is that possible? If we're saying, if we want to demonize this activity, why is it okay in some areas and not in others? And the stark difference here is there's a proper way to do it and there's a wrong way to do it. We've demonstrated to the State of New Hampshire that we intend to do this the proper way. As soon as it's not done the proper way, we have to stop. So, well, if a complaint's lodged against us with the Town, then the Town would investigate that, and if a complaint is lodged against us with NHDES Alteration of Terrain, then they have an enforcement on it.

B. Keena: And a complaint would be...

C. Berry: An abutter calling and saying, hey, I have direct evidence or empirical evidence that they blasted on this day and my windows blew out of my house. I mean, you can say that our pre-blast surveys are faulty. They can have their own pre-blast surveys done as well.

B. Keena: At a cost.

C. Berry: Sure, at a cost.

B. Keena: And then if there's damage done and it's proven that that's a result of the blasting, are you guys liable for that?

C. Berry: The insurance company for the blasting company is, yes.

R. Howe: Now, correct me if I'm wrong. If you set up a circle of seismographs... If you don't detect

anything within that circle, then the seismograph is going to indicate that there couldn't have been anything outside that circle.

C. Berry: That's the point of having the seismograph.

R. Howe: That's what I thought. Okay. So a homeowner who's not a direct abutter is still protected by having the seismographs in existence.

C. Berry: Yeah. Honestly, the seismographs protect us. Because as much as, again, we want to demonize this activity, there's a lot of false claims that also take place. And so, this protection of liability is a two-way street.

T. Steinmetz: I'd like to ask the lady that first stood up. I'm sorry I forgot your name, ma'am. When's the last time you heard this noise, this significant noise?

S. Faust: Today. It's constant. It just doesn't stop.

T. Steinmetz: But they haven't done anything in two years. That's what I'm hearing, right?

S. Faust: They say they're in Raymond. But what is the feet distance from our house to the Raymond town line, is what I'm saying. Just because there's that town line there, and they're technically in Raymond, with the doors and windows closed, all you hear is that hammer, the crushing, the trucks, you can hear the backup signal when they back up. You know that beep, beep, beep? All of that is constant every day, all day long.

T. Steinmetz: Is this the company that's doing this, your company?

Jeff Hill: That's my company. We haven't run in months. We haven't even operated at all.

Terri Grandmont: The hammer's broken and laying on the ground.

J. Hill: It's out of service and it's been out of service

S. Faust: Can I start recording it?

T. Grandmont: By all means.

C. Palucha: I'm happy to go through and respond to some of the comments.

Alisha Thayer, 75 Island Road: I mean, I would agree with everything that has been stated thus far, but I also want to add in and try to be a voice for all the animals that are out there. Wildlife is really important in our area, in Candia, and that's one of the things that I would say we pride ourselves on, is the various wildlife we have. And even if an animal isn't endangered, we need to protect their area. And hearing that there are three marsh areas in those lots is kind of concerning,

because that is going to impact all of their habitats and all of their vegetation and what they can eat and drink, and that is going to then come off into our houses and our homes. And what is going to happen with all of that wildlife that is there?

T. Steinmetz: Where is the noise coming from that she said she heard today, sir?

J. Hill: We operate a business out of Raymond, New Hampshire. We do have trucks leaving the site.

T. Steinmetz: Okay. That's enough. Thanks.

Cathleen Fredette, 79 Island Road: We've only been in town a couple years, and yes, we hear the noise all day long, every day. But more than that... is this blasting. They say they've got three segments that they can do it in. What exactly is this going to pertain to us? I've got dogs, I've got grandchildren that are out on our property all the time. It's going to drive animals into our property. This blasting really concerns me and the amount of noise and disturbance to our lives. And how long? They say four years. I don't want to listen to that for four years. Thank you.

C. Palucha: I'm happy to respond to some of the comments.

R. Howe: You're going to get a chance.

C. Palucha: Okay.

J. Szot: Is it covered in your five variance criteria or is it separate?

C. Palucha: Actually, the majority is covered in my five variance criteria.

J. Szot: So if you'd want to go through your five variance criteria, then if that covers it and then add anything else.

C. Berry: Caroline, there are a couple of comments that we'd like to respond to. Is that okay?

J. Szot: Okay

C. Palucha: That is fine if you'd like to respond.

C. Berry: So I think it's important to note that, as Jeff pointed out, there's activities that take place on this site in Raymond. We've mapped the town line. If there's an issue with where the town line is, we can certainly map it on the ground so that all of those activities stay in Raymond. It is a permitted use in Raymond and that use has been in operation now for years. We agreed with the Zoning Board during our last approval of this same variance to make sure all of those activities stay in Raymond because that's where it's permitted and that's where that activity has been taking place.

B. Keena: What activity? The crushing?

C. Berry: The crushing, the material recycling, all of those types of activities. They currently take place, permitted, in the Town of Raymond.

J. Szot: And basically, irrespective of what happens on this site, they're going to continue there? Is that what you're saying?

C. Berry: Yes, he runs a material recycling business out of Raymond.

J. Szot: So whether they get the rock from the Candia side or they get the rock from some other place, these people are still going to be hearing all the noise

C. Berry: Yeah, and to be perfectly frank, there have been other abutters that have had complaints with Jeff, and the two of them have gotten together, and worked things out. If there are issues that abutters are having, they should go see Jeff. He is a pretty good neighbor. And so if his employees are starting things earlier than they should, I'm sure he would find ways of mitigating that. So that's the first we're hearing of these issues. We didn't hear about them in 2020 when we received our variance the first time. I don't believe anybody's gone to Jeff and mentioned it since then. And so I think it's important to note that if there are issues, they should go see Jeff. With respect to any of the future blasting questions and concerns, as I've pointed out, the blasting activity that needs to take place has to be done in a reasonable format and a reasonable manner. It can't be done willy-nilly. We can't over-blast. It is a liability for us to create issues with our neighbors. And so we're doing everything and will continue to do everything we can to make sure that we don't have that liability. Our blasting company isn't going to want that liability. So a lot of these procedures are in place to not only protect the abutters, but also protect the owner from false claim. So we can't fix everything that Mr. Cole did on this property to some of the abutting landowners moving forward. All we can do is try and fix the land, be good neighbors, and do this in a responsible format.

B. Keena: When would the blasting happen? Would it be, like, right away and then be over with, or would it be any time across four years?

C. Berry: Well, it would take place, again, three times a year throughout the year.

B. Keena: Throughout all four years?

C. Berry: Throughout all four years, yes.

B. Keena: Wow. Okay.

C. Berry: So we have a spring window, a summer window, and a fall window that we can blast, and then we can't blast outside of those windows.

Jean Fredette, 79 Island Road: You mentioned when you're doing the pre-test on the blasting, or the pre-requisite, and you want to put the seismograph, you're saying you only do it to the closest abutter. So if we wanted our house tested, per se, before this all happens, and if we don't do it, are we not in the realm of if this damage is done? Because you're saying the person over by Bean Island is your closest abutter that you're going to do it to. If something happens to ours and we didn't get tested, what happens to us if we have damages?

C. Berry: So the seismographs are set up, I would imagine there may be three on this particular site that are set up. And, again, the blasting company really dictates that. And the seismographs, again, are set up in likely three locations around where the blast activity would take place, and they would be set at sort of logical intervals around the site so that we could pick up what the seismic activity is of that particular blast. And so we're not setting seismographs on other people's property. We're setting them in key locations on our property.

J. Fredette: But you said we could get pretested?

C. Berry: So what I... stated is that there are what's called pre-blast surveys that can be done, that are done, and essentially people go on a list, and if they want to have a pre-blast survey done, our blasting company goes in, does a pre-blast survey of their home. Typically it's videoed and "camera-ed" for evidence, and then it's done afterwards.

J. Szot: Is there a limit to how close to the site or how far away from the site that these people, because as the gentleman said, he's on Critchett Road, and he's quite a ways away, but he had...

C. Berry: So, like I said, it's immediate abutters, typically, that have that we send registered letters to. If he's not an immediate abutter, but relatively close to our boundary line, if he wants to be added to the list, then he can give us his name and number, and we're happy to send him a letter and set up communication with him. You know, we're not, this isn't an open invitation for all of Candia to get on our list for pre-blast surveys. But I think, you know, if it's reasonable to think that certainly the first few times, if he's on the pre-blast survey list and we're not finding that there are any issues and maybe he feels comfortable, then he comes off the list.

A. Thayer: I just have an additional question on top of that. How would we know if we're an abutter or not? So obviously we all got letters to be here, so it impacts us somehow. But how are we going to know, and if we aren't an abutter, we won't get notified ahead of time that this is going to happen. So how would we know to get that test ahead of time? I guess I want to know a confirmation of if our house is actually an abutter or not.

B. Keena: Yeah, and you might...where it's being blasted could move, right?

T. Steinmetz: Aren't they an abutter in the eyes of this municipality because they got the letter?

C. Palucha: Yes.

T. Steinmetz: They default, right?

C. Berry: Yeah. If they're in the room, then they're an abutter.

J. Szot: So, basically, what he's saying is that if you have concerns, give him your contact information tonight before you leave. And I'm sure we can find some way to provide paper and pencils or something that you can write your information on to hand it to them to ask to... I think what he's saying is give it to him because I'm not going to contact him. The Town is not going to contact you or contact any of the abutters once this is over one way or the other. That if you wish to be notified, then give them your name and address tonight.

R. Howe: With notifications, the first time around obviously you'd send a letter and do your thing. But will you, each time you're going to blast, somehow notify these people other than typical three blasts of an air horn and an all clear at the end?

C. Berry: The first few times we would send registered letters and then I would anticipate that anybody that is concerned after the first few times, there'd be an open line of communication between the applicant and those landowners.

R. Howe: So conceivably they could set up with their cell phones and you could do a notification on their cell phones "we're going to blast at 1 p.m."?

C. Berry: Most likely it would be an email correspondence that would go out, if I were to guess, based on the digital age we live in, that says we're going to blast on this day.

R. Howe: Okay, but that's not going to say a set time, at 1 p.m., for instance.

C. Berry: No. This is not an Amber Alert.

R. Howe: No, I understand that, but I mean, it seems like that's... That's a possible thing to do.

C. Berry: I think at that point it's a little onerous on the applicant to know exactly when we would be able to blast on any particular day.

B. Keena: No, but you could say we're going to be blasting today.

C. Berry: Absolutely.

R. Howe: You could say you're going to be blasting today.

B. Keena: You're not going to be blasting until midnight, right?

C. Berry: Correct.

R. Howe: But if you had a group of 15 people with their phone numbers, I don't see how that's a big issue to, half an hour before you blast, send an email or voice message, whatever, to these people saying this is what we're going to do. It just seems like it would make it easier for everybody. I'm not trying to complicate the issue.

S. Faust: Now my concern is I think last time that you gave them the variance for this property, you stated that there would be no entrance and exit to the property from Island Road, which I believe is the legal entrance to the Candia property. If they're developing that, where is the entrance going to be for any development? Are they still going to start reusing the entrance that goes out into Island Road for the removal of rock or whatever they're doing, where does that entrance stand? Like, say, last time you told them they could not use Island Road when you gave them the variance. So, is that still going to stand?

J. Szot: Okay. So, could you explain, like, how the removal is going? Are they going through that path that Kevin Cole made over to the...Okay, so how do you intend to get in and out of the property?

C. Berry: We have a well-established entrance in Raymond. This is where all the activity takes place currently. There's a haul road that's in place now. It comes into the property, it comes into excavation area two, and even comes up into the existing floor. We have no need to run trucks out onto Island Road. As for future development, I can't guarantee that we wouldn't use Island Road in the future. There's traffic connectivity, there's loop roads, there's things like that that we have to consider. So as far as this process is concerned, we can commit to not using Island Road for any trucking or any moving of materials.

J. Szot: Okay, so do you want to go through your five variance criteria?

C. Palucha: Yes, thank you. And I think a lot of the questions that were asked tonight are answered within these summaries, and if not, I'll just call those out at the end. So the first criteria is that granting variance will not be contrary to the public interest. And in reviewing that factor, here that is the case because it does not unduly violate the basic objectives of the Zoning Ordinance. It does not alter the essential character of the area, and it does not threaten the health, safety, or the public welfare. I think there was comment about "this is a residential zone". I think that is the whole point of this process, because the way the property, the current conditions of the property are inconsistent with the character of the area. So the proposed use is aimed at making this property consistent with the surrounding property. The safety concerns here, as Chris pointed out, these ledges, the current conditions of the property are unstable. So our goal is to stabilize conditions and also implement those environmental protections that haven't been used since the early 2000s. I mean we found evidence that in early 2000s there was an AOT permit that was initiated to adjust stormwater management and erosion control. However, that was never implemented. That is something that we're trying to implement now and that is why we're seeking the process. And that is why the AOT permit was issued from the DES, which is the authority that's tasked with reviewing and issuing

those permits to ensure that the protection of water quality to prevent soil erosion and to regulate and manage stormwater development activities. The project does include environmental protections. I know there was a comment about there being wildlife on the property. Under our proposal, we're preserving 21 acres of the property as conservation area for wildlife habitat. And there's also implementing wildlife protection and monitoring protocols. I know Chris touched on how the blasting would be limited, and those blasting activities are generally limited between the months of May and August. There is some ability to extend that out through September, but that would require that there be qualified biologists monitoring that work. And what we're proposing here is consistent with the 2002 Superior Court order, which I did reference in our application materials to you, where the court did order the reclamation of this property to address the improperly expanded excavation activity that had occurred previously. Again, there will be no processing of materials on the Candia side, and Island Road will not be used as an access road. What goes on in Raymond in that permitted zone is something that... Again, this is a temporary use of the property. And any excavation is temporary in nature. It's only necessary in order to reclaim the site. Once the site has been reclaimed, the excavation activities will not continue.

The next criteria is that granting the variance will observe the spirit of the ordinance. And there is case law that provides that the requirement that the variance not be contrary to the public interest is directly related to the requirement that it be consistent with the spirit of the ordinance. And so I echo everything that I said under that previous criteria. I incorporate that here, but I would also like to add that we're not introducing a new excavation use. Instead, we're focusing on rectifying the existing conditions of the land in a controlled and environmentally safe manner in order to prepare the land for future responsible development and so that it can positively contribute to the overall character of the area. There's this talk of, well, what is it going to be? What is it going to be developed? It's been, as we've discussed, kind of this circular discussion where the Board says, "well, you can't do anything until you get this reclamation plan submitted and the variance approved", and then we come here, and it's been a very circular process in trying to develop this land. So that is the point of our being here. And then I'd also like to add that although excavation is generally restricted within this residential district, again, the Candia Zoning Ordinance does contemplate excavation activity in connection with a development project. And again, that's why we're here, because we've been on that kind of runaround.

The next criteria is that granting the variance will do substantial justice. And in reviewing this factor, we look at whether there is no individual loss that is not outweighed by a gain to the general public. So here, granting the variance allows the applicant to reclaim the property and address the existing disturbed conditions in preparation for future development. And the benefit to the public here is tangible. It would allow the property to be developed into a productive use of land, restore the land into a safe and environmentally compliant condition, which it has not been managed in that way since at least the early 90s, and it will result in a long-term improvement. Again, it implements environmental protections required by New Hampshire DES, and it conserves approximately 21 acres of land for wildlife habitat. And absent of the requested variance, the

property would remain in its current disturbed, unsafe condition, and the reclamation measures that have been approved by the AOT permit would not be able to be implemented.

I did touch on the value of surrounding property, but I'll go through that again. The proposed use, again, is limited in scope. It is temporary, and it is specifically designed solely to stabilize and reclaim the existing excavated areas while implementing safeguards to minimize impact to the surrounding areas. And, again, improving the condition of this property will facilitate a productive use of land, future development that can be consistent with the surrounding area and support surrounding property values.

And the last criteria is the unnecessary hardship criteria. And here we look at whether literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. And in doing that, we look at whether owing to special conditions of this property that distinguish it from others in the area, whether denying the variance would result in an unnecessary hardship. So you look at whether there's a fair and substantial relationship between the specific provisions of the ordinance and the application to this property and whether the proposal is reasonable. And this property is characterized by conditions that distinguish it from others in the area, and that is those disturbed excavation areas, the exposed ledge faces, the steep slopes, and those were created by prior excavation activities. These characteristics are not consistent with other properties in the residential district, and they require excavation and grading in order to stabilize, reclaim it for future use, and make it consistent with the area. And strict application of the prohibition of excavation activities in the residential district, in this case, would, of course, prevent the property from being stabilized, but also relief here can be granted without frustrating the purpose of the ordinance, again, because there is no harm to the public interest. It doesn't diminish surrounding property values. There is substantial justice that is done. And lastly, the proposed use is reasonable because, again, it allows the property to be rectified, to be returned to a safe, environmentally-compliant lot, and it preserves the wildlife habitat, those 21 acres. It's temporary, and it's undertaken solely for the purpose of preparing the property for future development so that it can be consistent with the character of the area.

And I think there were a few points that, or a few questions that were raised. One of them was that the Google images show that there are piles of materials on the property. Those piles, I understand that people dump items on the lot. So those piles are formed to try to clear out those, that dumping that is occurring on the lot. It's not that they're performing work. It's that they're trying to maintain what is being done to their property. And again, as Chris pointed out, there is lots of comment about "when Kevin Cole was doing this, when he was doing that", concerns about his blasting activities, but we see that Kevin Cole didn't go through the same processes that our applicant is going. Our applicant is going to the State, our applicant is coming to the Board because our applicant cares about doing this the right way and doing it consistent with process. And so...that is the five variance criteria, and if the Board has any questions on those factors, I'm happy to answer those.

J. Szot: Tony what do you think about going and looking at the site and seeing what they're talking about?

T. Steinmetz: Well I've gone by it but I'd be happy to put on my backpack and climb up the hill.

J. Szot: I mean, the thing is, part of me wants to go there and see what this is and have them show us what they're doing and what they're planning, see these slopes and everything and see what's...

T. Steinmetz: Well, I would go with it. I'd like to get some sort of estimate of, in Candia, when it would be completed, the reclamation, not the housing project or anything.

G. Pellegrino: Four years.

T. Steinmetz: The noise.

J. Szot: The noise is never going to go away. They're hearing the noise from Raymond. And they're not closing their place in Raymond. It's adjacent. The line just happens to go through that hill.

B. Keena: But the blasting would be three to four years.

J. Szot: Right. Site visit? Yes, no?

B. Keena: I'm happy to do that if you'd like us to do that. I've been there several times.

R. Howe: I would go. I'm not sure how it's going to change anything. I mean, I sympathize with the neighbors here. I think they'd just as soon see it just go away. It's not going to go away.

B. Keena: I think going there, you could appreciate that there's a hazard there. Some kid wanders off and it goes to the edge there... So, you know, that could happen, right? To an animal or to a child, right? Or somebody's out ripping around with a dirt bike and they shouldn't be there. Of course, yes, it's private property, but bad things can happen and have, right? So, from that perspective, it might be good to see it. That's a sheer rockface.

T. Steinmetz: This is in, again, Candia, and I hate to ask another Raymond question, but is that zoned residential?

R. Howe: No. Commercial.

J. Szot: Yeah. Okay. So, yeah. So, we have to decide whether or not we want a site visit.

B. Chivers: May I say something?

J. Szot: Absolutely.

B. Chivers: When we considered this in [2020], we decided the site visit was necessary, and they

met all five criteria in [2020], we granted the variance, and nothing has changed on the ground over there since that year. And I don't see where a site visit...

T. Steinmetz: Well, we didn't have back then, Boyd, was input from the audience. Now we do.

R. Howe: Yes, we did have input.

T. Steinmetz: Well, I didn't realize all that was going on.

J. Szot: It wasn't a unanimous decision in 2020. It was a three to two decision. So, I don't know if you want to go and look at the site or you have to decide if you want to, if it would make a difference. I mean...

B. Keena: I'm happy to go and walk with you guys and see it again. Would you like to see it?

T. Steinmetz: I've never been on it. I've been by it a hundred times.

C. Palucha: I'm sorry to interrupt, but I do want to just mention that it was a unanimous decision in 2021. The only vote that came back four to one was on the public interest question, but all other votes were unanimous.

B. Chivers: Okay, thank you. And nothing, I mean, Chris has presented with the plans of what it's going to look like in the future. That's nothing you can see by walking around the site.

J. Szot: No, but we haven't gotten into the discussion yet, so I think that's for the discussion.

B. Keena: Do we want to have the discussion first?

J. Szot: Oh yeah, because if we're done with the public comment, then we have to close the hearing but you have to decide if you want to go to the site.

B. Keena: Before we discuss. That's why I was asking, should we have the discussion?

J. Szot: Yes. Absolutely. And then you can go in the, well, it doesn't make any difference because if you vote on the five criteria, then you would put off the voting until after the site visit.

B. Keena: Right. So I was proposing that we have a discussion, see if we're prepared to take a vote, or we'd prefer to do a site visit.

T. Steinmetz: We haven't closed this yet, right?

J. Szot: No, we haven't.

T. Steinmetz: Sir, how long have you had your business here?

J. Hill: Nine years.

T. Steinmetz: Ma'am, when did you move into that property?

S. Faust: 1995.

T. Steinmetz: And it was noisy then?

S. Faust: No. It was not. Silversmith or Silverstein or something was the original property owner at that time. And we have paperwork where out of all that property that he owned in the Candia side, only four acres was permitted to be excavated and there was to be no crushing and no blasting. That's when Kevin Cole took over and bought the property from him and did all kinds of despicable stuff.

T. Steinmetz: By despicable stuff, I'm specifically interested in the noise, did Kevin Cole make the noise?

S. Faust: Yes. Blasting and crushing. And it went back and forth several times between the "I'm in Raymond. I'm in Candia" and everything. And the court case that they're talking about where the court ruled against and for the...companies that owned the property that's because they said that the Town had allowed Kevin Cole to do these things for so long that he's basically grandfathered because the Town failed to act.

B. Keena: For just the four acres.

S. Faust: Yes.

C. Palucha: Actually, the Town said that he had extended beyond the grandfathered use. So the grandfathered use was found before Kevin Cole.

B. Keena: Right. And then they said "Kevin Cole, you've got to go back to that grandfathered use and limit yourself."

C. Palucha: Right. "You must reclaim what you've done."

B. Keena: And he never did.

C. Palucha: Exactly.

J. Hill: And that's what we're trying to fix

J. Szot: So, before we close the meeting, we have to decide if you're going to go to a site visit or not.

R. Howe: Why do we have to decide that before we close?

J. Szot: Well, the thing is that you wouldn't discuss it then. We would have to continue the meeting until next month and then discuss it next month.

B. Keena: So we can't have a discussion now and a discussion later. One discussion. We have to decide whether...

J. Szot: Well, the thing is it wouldn't affect what we're doing here. This is a whole different process...

B. Keena: So, would you like to go to do a site visit?

J. Szot: I would like to do a site visit, but I don't know if anyone else does.

B. Keena: Does anybody object? I mean, if one of us wants to see it, I'm happy to see it.

T. Steinmetz: I'd like to see it and hear it.

B. Keena: So, you want to go do that?

J. Szot: Ron?

R. Howe: That's fine if everybody wants to.

J. Szot: So we would have to continue the meeting until next month, go and set up a time when you could take us over there and show us what you're doing. Because part of the concern that I have is that we have said there's no more...they have to reclaim it, but there's no more blasting. But then what we're actually doing is what we said you can't do.

B. Keena: So those negative slopes and why it's necessary to blast that kind of thing would be helpful to understand. You guys can show us that.

C. Berry: You can walk out there anytime

J. Szot: So can you tell us, like, set up a time that we could go over there and then the other thing is it would be a public hearing. A site visit is a public meeting for the Board so that the abutters could be there. Would you object?

C. Berry: As a point of clarification, it's a public meeting, but not a public hearing.

J. Szot: Correct. I'm sorry. Yes, it is a public meeting. So they don't get to ask questions, but they get to be there and to just see what's going on. Yes.

C. Berry: So we would ask that if the Board chooses to do a site walk, you choose a date, we

continue this meeting to a date certain for that meeting.

J. Szot: Absolutely. And we would set up something between, we meet the second Tuesday of the month. So it would be May 13th.

B. Keena: 12th?

J. Szot: Oh, May 12th. Sorry, I was looking at Wednesday. May 12th. So it would be May 12th, so sometime between now and May 12th. And it would be advantageous to set it up now rather than, you know, because everyone could hear what the time and the date is to a date certain.

C. Berry: Pick a date and we're happy to be there.

Discussion ensues regarding a date and time for the site walk.

J. Szot: So, 1 o'clock on the 21st. And then May 12th. So, April 21st is the site walk for everyone that's here.

The applicants take a head count for the approximate attendance due to MSHA requirements.

J. Szot: All right, so then we will not close it. We will adjourn the hearing until May 12th. We're continuing it until May 12th. And so we'll be back here on May 12th, but we'll also be on the site on the 21st. Is that clear to everybody here? Same time, 6.30.

B. Chivers: **Motion** to continue this hearing to May 12th at 6:30. B. Keena: **Second**. All in favor. **Motion passed.**

J. Szot: And we all know that there is a site visit

B. Keena: Do we need a motion for that, or are we good?

J. Szot: I think we're good. So, any other questions or anybody on the Board? So, we'll continue on since we have continued that hearing.

Other Business:

- Review of Minutes from 10.28.25

B. Keena: **Motion** to approve the minutes as presented. T. Steinmetz: **Second**. B. Chivers: **Abstain**. All else in favor. **Motion passed.**

- Any other matter that comes before the Board

B. Chivers states his term is up this month and respectfully declines reappointment to the Zoning Board of Adjustment after serving on the Board for 20 years. He states it is time to step down and

pass the position to Gale. A letter will be submitted to the Selectmen to appoint Gale Pellegrino to the Zoning Board of Adjustment.

B. Chivers: **Motion** to adjourn. G. Pellegrino: **Second**. All in favor. **Motion passed**.

Meeting adjourned at approximately 8:16pm.

Respectfully submitted,

Megan Ross

Land Use Coordinator

cc: file