



TOWN OF RAYMOND
Zoning Board of Adjustment Agenda
June 26, 2024
6:30 P.M. – Raymond High School
Media Center, 45 Harriman Hill Rd.

Public Announcement

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

1. Pledge of Allegiance

2. Public Hearing

- **Application #ZBA-2024-002 Fuel NRG Appeal - Rehearing** - The Raymond Board of Selectmen have requested a rehearing of the March 27, 2024 Zoning Board of Appeals decision regarding NRG Energy's Application for installation of a bulk storage propane tank with a 30,000 gallon capacity. The property is located on NH Route 27 and is identified as Raymond Tax Map 32, Lot 69 within Zone C1.
- **Application #ZBA-2024-013 Jessica Hatch (Fuel NRG)** - A Variance is being requested by Patricia M. Panciocco, Esq. on behalf of Jessica Hatch for relief from Zoning Ordinance 5.2.10.7 a prohibited use in the Groundwater Conservation Overlay District as defined in Zoning Ordinance 5.2.4.11 "PETROLEUM BULK PLANT or TERMINAL: Means that portion of the property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline tank car, tank vehicle, portable tank, or container." The property is located on Route 27 and is identified as Raymond Tax Map 32 Lot 69 and within Zone C1 and within the Groundwater Conservation Overlay District.
- **Application #ZBA-2024-001 American Building Solutions (Scott's Roofing)** - A variance is being submitted by Andrew H. Sullivan, Esq. on behalf of American Building Solutions/Scott's Roofing for a variance from Raymond Zoning Ordinance Article 8, Section 3.3. The property is located at 27 Old Fremont Road and is identified as Raymond Tax Map 17 Lot 31-1, and within Zone C2 of the town of Raymond.
- **Application #ZBA-2024-011 5 Old Manchester Road** - A Variance is being requested by Madeline Levesque for relief from the 2-acre minimum lot size requirement as defined in Zoning Ordinance 13.1.4.2 "NON-COMMERCIAL AGRICULTURE: Agricultural use of land accessory to a residential use where the lot size exceeds two acres." The property is located at 5 Old Manchester Rd. and is identified as Raymond Tax Map 28 Lot 3-56 and within Zone A.
- **Application #ZBA-2024-012** - A Variance is being requested by Robert & Barbara Zabala for relief from the Area and Dimensional Requirement as defined in Zoning Ordinance 15.2.1 "Excepted from this requirement are all buildings on any pre-existing lot in Zones B, C, D or E or less than two (2) acres, which shall require setbacks of twenty-five feet (25') from all property lines." Where a ten-foot (10') setback is requested. The property is located at 54 Deerfield Rd. and is identified as Raymond Tax Map 44 Lot 23 and within Zone B.

4. New Business

5. Approval of Minutes

- May 22, 2024

*Note: If you require audio or visual aids, 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 rescheduled to the next regularly scheduled meeting date, July 24, 2024.



TOWN OF RAYMOND
Zoning Board of Adjustment Agenda
June 26, 2024
6:30 P.M. – Raymond High School
Media Center, 45 Harriman Hill Rd.

5. Other Business

- Staff Updates
- Board Member Updates
- Any other business brought before the Board.

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

2024 Zoning Board Meetings Calendar		
Submittal Deadline for Completed Application & Materials	Meeting Date (4th Wednesday of every month)	Agenda Item(s)
Monday, June 24, 2024	Wednesday, July 24, 2024	TBD
Monday, July 29, 2024	Wednesday, August 28, 2024	TBD
Monday, August 26, 2024	Wednesday, September 25, 2024	TBD
Monday, September 23, 2024	Wednesday, October 23, 2024	TBD
Monday, October 21, 2024	Wednesday, November 20, 2024*	TBD
Monday, November 18, 2024	Wednesday, December 18, 2024*	TBD

***Third Wednesday due to holiday**

*Note: If you require audio or visual aids, 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 rescheduled to the next regularly scheduled meeting date, July 24, 2024.



December 6, 2023

Jason Cleghorn, Community & Economic Development Director
Raymond Community Development & Planning
4 Epping Street
Raymond, NH 03077

RE: **Site Plan Review Application – Map 32 Lot 69**

Dear Sir,

On behalf of Jessica Hatch, landowner, SFC Engineering (SFC) respectfully submits this application for site plan review for property located on tax map 32 lot 69 fronting on NH Rout 27. We request to be placed on the agenda for the next available Planning Board hearing.

Enclosed please find:

- A completed Site Plan Review Application package, which includes:
 1. Signed site plan review application & checklist
 2. Signed Conditional Use Permit application
 3. Waiver request
 4. Notarized Letter of Authorization from property owner
 5. Abutters list with tax map
 6. Project Narrative
 7. Traffic Impact Analysis
 8. Future building specifications
 9. Copy of proof of submittal to Dubois & King
- Application fee: **\$2,062** check payable to Town of Raymond
- Funds to establish planning escrow account in accordance with fee schedule (**\$1,250**)
- (3) copies of mailing labels
- (6) full-size copies of the site plan set dated November 8, 2023
- (10) 11x17 copies of the site plan set dated November 8, 2023
- Drainage report with drainage plans
- Complete plan set in pdf form emailed to Raymond Community Development

Sincerely,

SFC ENGINEERING PARTNERSHIP, INC.

A handwritten signature in blue ink, appearing to read 'Daniel M. Flores', with a long horizontal flourish extending to the right.

Daniel M. Flores, P.E.
Project Manager



Site Plan Review Application

Town of Raymond, NH

Project Name: Fuel NRG Raymond

Location: NH Route 27 Raymond, NH

Project Description: New development consisting of a 30,000 gallon above ground liquid propane tank with fueling area and truck parking and future 1,200 sf commercial building and 30,000 gallon above ground liquid propane tank.

Zone: C1 New Industrial/Commercial Square Footage: 1,200 or Number of Residential Units: _____

Applicant/Agent Information:

Name: Daniel M. Flores, PE (agent)

Phone: 603-361-3294 Fax: _____

Company: SFC Engineering Partnership, Inc.

Address: 183 Rockingham Road Unit 3 East, Windham, NH 03087

By signing this application, you are agreeing to all rules and regulations of the Town of Raymond, and are agreeing to allow agents of the Town of Raymond to conduct inspections of your property during normal business hours to ensure compliance with all Raymond Zoning and Site Plan Review Regulations while your application is under consideration and during any construction and operational phases after approval is granted.

Signed* [Signature] Date: 12/5/2023

*Requires notarized letter of permission

Owner Information:

Name: Jessica Hatch

Phone: 603-777-0386 Fax: _____

Company: Fuel NRG

Address: 119 Rockingham Road, Windham, NH 03087

Signed: [Signature] Date: 12/5/2023

Designers of Record: (Provide Name & License Number for each)

Engineer: Daniel M. Flores, PE #15761

Surveyor: J. Robert Degan, LLS #986

Soil Scientist: Luke D. Hurley #95

Landscape Architect: See waiver request

Fire Protection Engineer: Jeffrey M. Murphy, PE #12996

Other(s): n/a

FEES: See attached Fee Schedule

For Office Use Only:

Date Application Received: _____ Total Fees Collected w/Application: _____

Abutters List Received: _____ Plans & Checklist Received: _____

Appendix II

Site Plan Review Fees

Sample Chart Using 180 sf per space	
1	\$ 514.80
2	\$ 579.60
3	\$ 644.40
4	\$ 709.20
5	\$ 774.00
6	\$ 838.80
7	\$ 903.60
8	\$ 968.40
9	\$ 1,183.20
10	\$ 1,248.00
11	\$ 1,312.80
12	\$ 1,377.60
13	\$ 1,442.40
14	\$ 1,657.20
15	\$ 1,722.00
16	\$ 1,786.80
17	\$ 1,851.60
18	\$ 1,916.40
19	\$ 2,131.20
20	\$ 2,196.00
21	\$ 2,260.80
22	\$ 2,325.60
23	\$ 2,390.40

Base Rate: **\$ 300.00**

(Includes staff wages with a 23 % roll-up rate)

Variable Costs (per newly created space): **\$ 0.36**

	<u>Units - SF</u>
POV Spaces:	180
Handicap Accessible Spaces:	320
Tractor Trailer	600

CALCULATE APPLICATION FEE

PARKING AREA CALCULATION

AUTO PARKING: 3 X 180 SF = 540 SF

HANDICAP SPACE: 1 X 320 = 320 SF

TRUCK PARKING: 25' X 128' = 3200 SF

TOTAL PARKING AREA = 4060 SF

TOTAL PARKING FEE: (4060 SF X \$0.36) + (1.5 X \$300) = \$1,912

NOTIFICATIONS CALCULATION

10 ABUTTERS + 1 LAND OWNER + 4 PROFESSIONALS = 15

TOTAL NOTIFICATION FEE: 15 X \$10 = \$150

TOTAL APPLICATION FEE = \$2,062

ABUTTERS FEE: \$10.00 PER NOTICE

Escrow Deposits for Legal/Engineering/Other Peer Review Expenses¹ Minimum Fee (Discretion of the Technical Review Committee):	\$ 1,250.00
Disturbed Area² - Up to 5 Acres:	\$ 2,500.00
Up to 10 Acres	\$ 3,250.00
Up to 15 Acres:	\$ 4,000.00
Up to 20 Acres:	\$ 4,500.00
Over 20 Acres, but less than 30 acres:	\$ 5,000.00
Over 30 Acres - To be determined by Town Engineer/Legal Counsel	TBD

¹ Once a balance is reduced to 50% of the original deposit, the applicant shall replenish it to 100%.

² Disturbed area is defined as: That portion of the site that is altered due to construction of streets, roadways, parking areas, utilities, buildings or other physical improvements, including earth excavation, removal or alteration.

Site Plan Review Checklist

TOWN OF RAYMOND, NH

PROJECT NAME Fuel NRG

MAP# 32 LOT # 69 APPLICATION DATE _____ APPLICATION # _____

A copy of all plans and technical reports must be sent to the Town engineer. Proof of submittal must be provided to the Community Development Department at the time of application. If proof of transmittal is not provided, the application may be delayed until the following month's Planning Board meeting. Address is: Dubois & King, 15 Constitution Dr. Suite 1L, Bedford NH 03110, ATTN: Ross Tsantoulis.

SUBMITTED			WAIVED	
YES	NO		YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1. Name of project; names and addresses of owners of record; Tax map and lot number.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2. Name, license number and seal of surveyor or other persons, north arrow, scale and date of plan; signature block.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3. Vicinity sketch and zoning district(s).	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4. Abutters and uses of abutting land within 200 feet of the site.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5. Shape, size, height, location and use of existing and proposed structures located on the site and within 200 feet of the site.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6. Boundary lines, dimensions and bearings; lots area in acres And square feet and total disturbed area in square feet.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7. Location, name and widths of any existing and proposed roads on the property and within 200 feet of the site	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8. Location of existing and proposed sidewalks and driveways, with indication of travel for both pedestrian and vehicular traffic.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	9. Access to the site, sight distance at access point(s), curb cuts and any proposed changes to existing streets; copy of driveway permit.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	10. Location and number of parking spaces; loading spaces.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	11. Location, type and nature of all existing and proposed Landscaping and screening.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	12. Location, type and nature of all existing and proposed exterior lighting.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13. Natural features (streams, ponds, wetlands, etc.)	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	14. Waste/dumpster locations and snow storage areas	<input type="checkbox"/>	<input type="checkbox"/>

Site Plan Review Checklist

TOWN OF RAYMOND, NH

SUBMITTED			WAIVED	
YES	NO		YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>	15. Existing and proposed grades and contours, including base Flood elevation where appropriate.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	16. Size and location of all existing and proposed water mains, sewers, culverts, and distances to the existing fire hydrants, cisterns and/ or fire ponds.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	17. Copy of certification from septic designer as to sufficiency of system.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	18. Location and type of proposed waste water disposal system; Outline of 4,000 sq. ft. area; test pits; record of percolation tests.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	19. Existing and proposed Storm water drainage system.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	20. Location of existing and proposed on-site well (showing required radius on the property.)	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	21. Soil survey data (see: requirements for soils and wetlands data)	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	22. Location of any existing or proposed easements, deed restrictions, covenants.	<input type="checkbox"/>	<input type="checkbox"/>
OTHER:				
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1. Any federal, state or local permits.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2. Building elevations and design	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3. Sign location and design	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	4. Copies of any proposed or existing easements, deed restrictions, covenants, and street deeds.	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5. Such additional studies as may be required.	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6. Six (6) full-size copies of all plans and ten (10) copies of all plans in 11 X 17 format, and digital copy of plans. *	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7. Three (3) copies of all studies*	<input type="checkbox"/>	<input type="checkbox"/>
FEES				
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1. Application Fees		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2. Abutters Notice Fees <i>(to include three (3) labels per abutter)</i>		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3. Engineering and Legal Review Escrow		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4. Site Review-Administrative Fee		

Plans and reports were submitted to Town engineer on December 6, 2023 via USPS priority mail with signature confirmation. See receipt below with tracking number.

Town Engineer Address:

Dubois & King
Attn: Ross Tsantoulis
15 Constitution Drive
Suite 1L
Bedford, NH 03110

 **UNITED STATES
POSTAL SERVICE**

DERRY
24 TSIENNETO RD
DERRY, NH 03038-1599
(800)275-8777

12/06/2023 09:47 AM

Product	Qty	Unit Price	Price
Priority Mail® Bedford, NH 03110 Weight: 1 lb 13.00 oz Expected Delivery Date Thu 12/07/2023 Tracking #: 9510 8152 1516 3340 0915 50	1		\$9.80
Insurance Up to \$100.00 included			\$0.00
Signature Confirm			\$4.05
Total			\$13.85
Grand Total:			\$13.85
Credit Card Remit			\$13.85
Card Name: VISA Account #: XXXXXXXXXXXX1572 Approval #: 01438G Transaction #: 895 AID: AC000000031010 Chip AL: VISA CREDIT PIN: Not Required CAPITAL ONE VISA			



Application for Conditional Use Permit

Groundwater Conservation Overlay District

Town of Raymond, NH

Conditional Use Permits are Subject to Site Plan Approval by the Planning Board
 Raymond Zoning Ordinance, Article 5, Section 5.2

Map # 32 Lot # 69 Application Date 12/6/2023 Application # _____

Project Name: Fuel NRG Raymond

Location: Route 27 Raymond, NH Map #32 Lot #69

Zone: C1 New Industrial/Commercial Square Footage: 1,200 or Number of Residential Units: _____

Applicant/Agent Information:

Name: Daniel M. Flores, PE (agent) Phone: 603-361-3294

Company: SFC Engineering Partnership, Inc. Fax: _____

Address: 183 Rockingham Road Unit 3 East, Windham, NH 03087

Signed*:  Date: 12/5/2023

Please Check All that Apply:

5.2.11. CONDITIONAL USES: The issuance of a Conditional Use Permit is subject to Site Plan Approval by the Planning Board. The Planning Board may grant a Conditional Use Permit for a use that is otherwise permitted within the underlying district, if the permitted use is or is involved in one or more of the following:

5.2.11.1. Storage, handling, and use of regulated substances in quantities exceeding 100 gallons or 800 pounds dry weight at any one time, provided that an adequate spill prevention, control and countermeasure (SPCC) plan prepared in accordance with [Section 5.2.7](#) by a qualified professional, submitted to the Technical Review Committee for review and approval, with the final plan also submitted to the Raymond Fire Department and the Raymond Community Development Department for its records. The Technical Review Committee may employ the services of a qualified peer review professional to review the plan at the applicant's expense.

5.2.11.2. Any use that will render impervious more than 15% or 2,500 square feet of any lot, whichever is greater.

5.2.11.3

In granting such approval the Planning Board must first determine that the proposed use is not a prohibited use and will be in compliance with the Performance Standards as well as all applicable local, state and federal requirements. The Planning Board may, at its discretion, require a performance guaranty or bond, in an amount and with surety conditions satisfactory to the Board, to be posted to ensure completion of construction of any facilities required for compliance with the Performance Standards. The amount of this bond shall be in addition to any other bond required by the Board under either the Subdivision or Site Plan Review Regulations.

(Continued)



Application for Conditional Use Permit *Groundwater Conservation Overlay District* Town of Raymond, NH

If you chose 5.2.11.1, above, you must provide a SPCC plan in accordance with the following:

5.2.7 SPILL PREVENTION, CONTROL AND COUNTERMEASURE (SPCC) PLAN: Conditional Uses, as described under [Section 5.2.11](#) of this Ordinance shall submit a spill control and countermeasure (SPCC) plan to the Technical Review Committee (TRC) who shall determine whether the plan will prevent, contain, and minimize releases from ordinary or catastrophic events such as spills, floods or fires that may cause large releases of regulated substances. It shall include:

- 5.2.7.1 A description of the physical layout and a facility diagram, including all surrounding surface waters and wellhead protection areas;
- 5.2.7.2 Contact list and phone numbers for the facility response coordinator, cleanup contractors, and all appropriate federal, state, and local agencies who must be contacted in case of a release to the environment;
- 5.2.7.3 A list of all regulated substances in use and locations of use and storage;
- 5.2.7.4 A prediction of the direction, rate of flow, and total quantity of regulated substance that could be released where industry experience indicates a potential for equipment failure;
- 5.2.7.5 A description of containment and/or diversionary structures or equipment to prevent regulated substances from infiltrating into the ground; and
- 5.2.7.6 Emergency response plan describing and assigning responsibilities and actions to be taken.

Raymond NH Planning Board Waiver Request Form

Applicable to Site Plan Review and Subdivision Regulations

Project Name & Application Number:

Regulation, Article & Section from which a waiver is being sought:

Section 3.03.03(c) of the Raymond Site Plan regulations, which requires a landscape plan prepared by a New Hampshire Licensed Landscape Architect.

Where the Planning Board finds that unnecessary hardship may result from strict compliance with these regulations with respect to a particular tract of land, the Board may modify or waive these regulations so that substantial justice may be done and the public interest is secured, provided that:

Please respond to the criteria below:

- a. Explain how the granting of the waiver will not be detrimental to public safety, health, or welfare or injurious to other adjacent property;

The project has been design to be set off the road, and to retain a natural vegetated buffer. The property sits adjacent to the Tranquility Estates mobile home park, which abuts it to the north and east. We keep development 50' away from the property lines abutting the residential development. The property also abuts Dudley Brook to the south. We keep the development over 75' from the wetland, allowing natural vegetation to remain.

The proposed bioretention area for stormwater management will be a grasslined bioretention area. A grasslined bioretention area differs from a conventional bioretention area in that grass is provided versus native plantings. Grasslined bioretention areas are an accepted practice by NHDES Alteration of Terrain Bureau. The UNH Stormwater Center has found that grass provides equal or better stormwater treatment than conventional native plantings, while proving to be a hardier vegetation with less need for upkeep.

The proposed alternatives will provide natural vegetative screening, and an industry-acceptable stormwater management approach without need for a plan prepared by a New Hampshire Licensed Landscape Architect.

- b. Explain how granting this waiver shall not have the effect of nullifying the intent and purpose of these regulations, the Zoning Ordinance, Master Plan or Official Zoning Map;

Granting this waiver will not nullify the intent and purpose of these regulations, the Zoning Ordinance, Master Plan, or Official Zoning Map in that the project has been designed to retain natural vegetation to the maximum extent. Doing so achieves the desire of providing vegetated screening to adjacent residential property, and providing a vegetated buffer to the natural resource (Dudley Brook and adjacent wetlands).

In granting waivers, the Planning Board may require such conditions as will, in the Board's judgment, secure substantially the objectives of the standards or requirements of these regulations.

A petition for waiver shall be submitted by the applicant at the time when the application is filed for consideration by the Planning Board. All petitions shall be made in writing using the Town's Waiver Request Form. The petition shall state fully the grounds for the waiver and all of the facts relied upon by the petitioner.

Any granted waivers must be noted on the final approved plan.

New Hampshire Department of Environmental Services (NHDES)

Alteration of Terrain Newsletter

November 2019 - Email #51

Optimizing Treatment for Phosphorus and Nitrogen

A rule effective in August 2017, Env-Wq 1503.11(h) through (j), requires that for projects in certain locations, the applicant must demonstrate that there is not a net increase in phosphorous and/or nitrogen as a result of the project. The areas where stormwater must optimize for treatment of both nutrients are in watersheds of Outstanding Resources Waters, and Class A surface waters. These areas are delineated on the DES GIS Datamapper under the Alteration of Terrain screening layers.

Phosphorus and nitrogen treatment is best provided in subsurface gravel wetlands, or in enhanced biofiltration systems which include an internal storage reservoir (enhanced bio with ISR).

Although the BMP performance curves show high removal rates for nitrogen for infiltration systems, anaerobic treatment of nitrogen is necessary for high removal rates of dissolved inorganic nitrogen (DIN), which is a major concern in stormwater because it is the most bioavailable form of nitrogen. The anaerobic environments present in a gravel wetland or enhanced bio with ISR provide high removal rates for DIN. However, because gravel wetlands or enhanced bio with ISR do not infiltrate stormwater, some treatment for phosphorus is lost, and enhancements to the filter media are required to improve treatment for this pollutant.

The UNH Stormwater Center is developing a specification for enhanced bio with ISR. We hope to have this specification available in the coming months. In the meantime, please utilize gravel wetlands when necessary to treat for both phosphorous and nitrogen.

When it's necessary to provide optimized treatment only for N, gravel wetlands, or enhanced bio with ISR, should be used. When necessary to optimize treatment only for P, infiltration or non-underdrained filtration should be used. For enhanced phosphorous removal, drinking water residuals or iron filings at 5 percent (by volume) can be added to the filter media.

Vegetation in Bioretention Basins

The UNH Stormwater Center recommends the use of grass on the bottom of bioretention basins. Although prohibited by Env-Wq 1508.07 (k)(6) for surface filters, DES allows (and actually encourages) the use of grass. Grass is more easily maintained, and it appears that the root structure may be more effective than roots of individual plantings in supporting an open structure in the soil and therefore helping to maintain infiltration rates.

Housekeeping Edits to BMP

A revised Excel file was posted on our website in July. There were no revisions to the calculations, only formatting changes and clarification of the notations on the far right side of the sheets. The revised file can be downloaded at https://www.des.nh.gov/organization/divisions/water/aot/documents/bmp_worksh.xls.

To be sure you're using the most accurate worksheets, we recommend you download them from our website for each project.

December 5, 2023

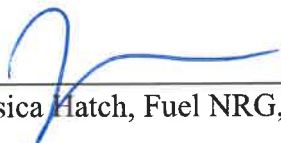
Town of Raymond
Community Development & Planning
4 Epping Street
Raymond, NH 03077

RE: Owner Authorization - Map 32 Lot 69

To Whom it May Concern,

SFC Engineering Partnership, Inc. is authorized to represent Jessica Hatch, property owner, throughout the local approval process for proposed development of their property identified as Raymond tax map 32 lot 69.

Sincerely,



Jessica Hatch, Fuel NRG, Landowner

12/5/23
Date

This instrument was acknowledged before me on this 5 day of December,
2023.

Notary Public:  My commission expires: _____

WENDY CHAMBERS
NOTARY PUBLIC
State of New Hampshire
My Commission Expires
October 7, 2025



100 feet Abutters List Report

Raymond, NH
December 04, 2023

Subject Property:

Parcel Number: 032-000-069-000
CAMA Number: 032-000-069-000-000
Property Address: ROUTE 27

Mailing Address: HATCH, JESSICA
119 ROCKINGHAM ROAD
WINDHAM, NH 03077

Abutters:

Parcel Number: 032-002-033-000
CAMA Number: 032-002-033-000-000
Property Address: 232 ROUTE 27

Mailing Address: GRANT, JODI M. & AMY M.
236 ROUTE 27
RAYMOND, NH 03077

Parcel Number: 032-002-034-000
CAMA Number: 032-002-034-000-000
Property Address: 236 ROUTE 27

Mailing Address: GRANT, JODI M & AMY M
236 ROUTE 27
RAYMOND, NH 03077

Parcel Number: 032-002-035-000
CAMA Number: 032-002-035-000-000
Property Address: 238 ROUTE 27

Mailing Address: GRANT, JODI M & AMY M
236 ROUTE 27
RAYMOND, NH 03077

Parcel Number: 032-002-037-000
CAMA Number: 032-002-037-000-000
Property Address: ROUTE 27

Mailing Address: HATCH, JESSICA
119 ROCKINGHAM ROAD
WINDHAM, NH 03077

Parcel Number: 032-002-038-000
CAMA Number: 032-002-038-000-000
Property Address: 75 LONG HILL ROAD

Mailing Address: GOURLEY, JASON M. HEATHER A.
MARSTON
75 LONG HILL ROAD
RAYMOND, NH 03077

Parcel Number: 032-002-040-000
CAMA Number: 032-002-040-000-000
Property Address: 71 LONG HILL ROAD

Mailing Address: ROY, EUGENE W & LAURA L
71 LONG HILL ROAD
RAYMOND, NH 03077

Parcel Number: 038-004-125-060
CAMA Number: 038-004-060-000-000
Property Address: 3 OLD CART ROAD

Mailing Address: BARNARD, HAROLD L JUNE A
BARNARD
3 OLD CART ROAD
RAYMOND, NH 03077

Parcel Number: 038-004-125-061
CAMA Number: 038-004-061-000-000
Property Address: 1 OLD CART ROAD

Mailing Address: ROUSE, ROBERT S.
1 OLD CART ROAD
RAYMOND, NH 03077-4201

Parcel Number: 038-004-125-062
CAMA Number: 038-004-062-000-000
Property Address: 2 OLD CART ROAD

Mailing Address: MILLS, KATIE A.
2 OLD CART ROAD
RAYMOND, NH 03077

Parcel Number: 038-004-125-000
CAMA Number: 038-004-125-000-000
Property Address: ROUTE 27

Mailing Address: TRANQUILITY ESTATES
COOPERATIVE, INC.
8 OLD CART ROAD
RAYMOND, NH 03077

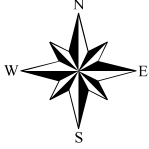


www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.

12/4/2023

Page 1 of 1



Fuel NRG Raymond

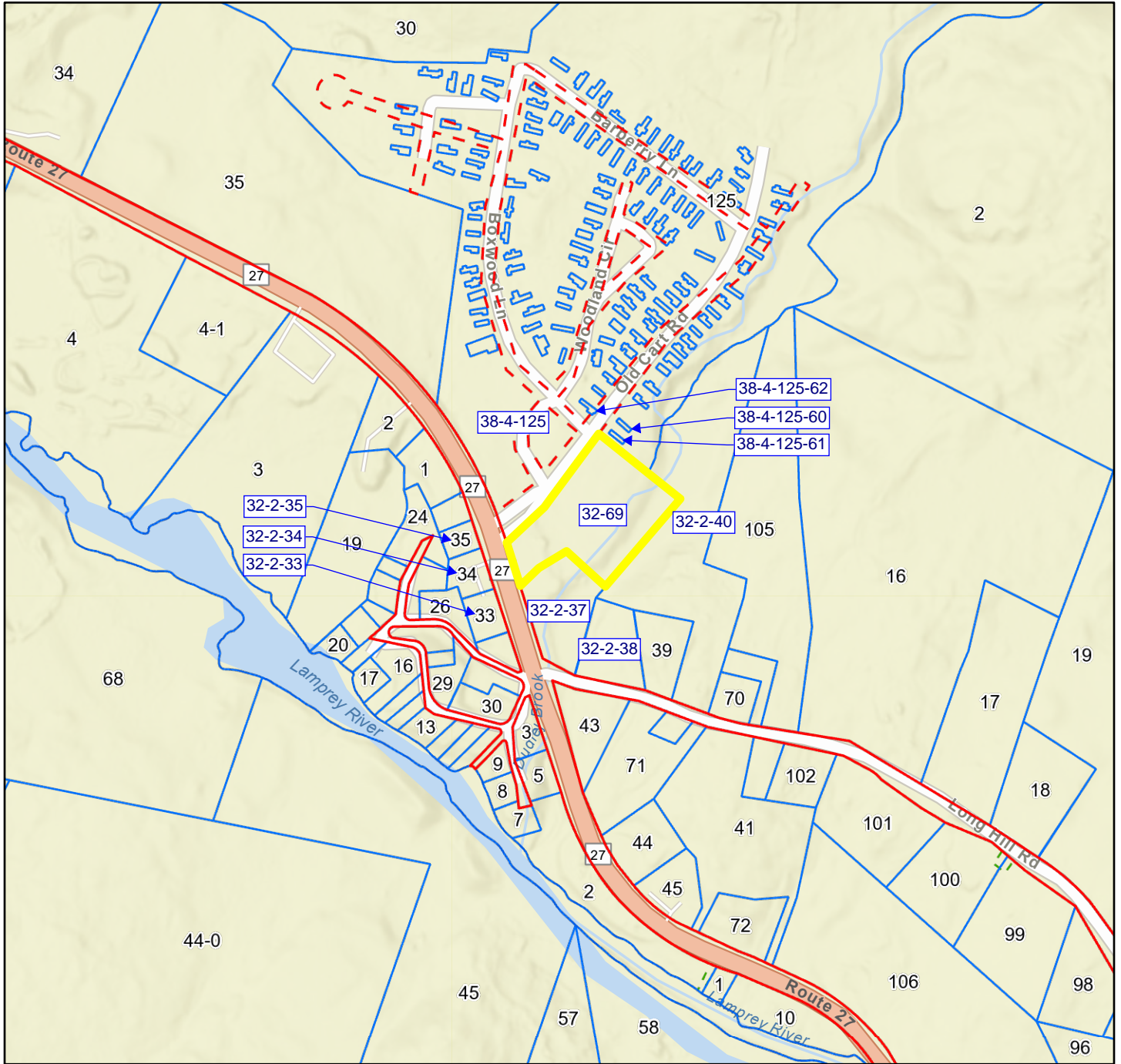
Town of Raymond, NH

1 inch = 500 Feet



www.cai-tech.com

November 9, 2023



	CAI Town Line		PUBLIC ROW		Easement
	Parcel - Poly		PARCEL		World Hillshade
	PRIVATE ROW		WATER		

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

CIVIL
ENGINEER

SFC Engineering Partnership, Inc.
Attn: Daniel M. Flores, PE
183 Rockingham Road, Unit 3 East
Windham, NH 03087

LAND
SURVEYOR

S&H Land Services LLC
Attn: J. Robert Degan, LLS
141 Londonderry Turnpike
Hooksett, NH 03106

SOIL
SCIENTIST

BSC Group
Attn: Luke Hurley
150 Dow Street
Manchester, NH 03101

FIRE
PROTECTION
ENGINEER

SFC Engineering Partnership, Inc.
Attn: Jeffrey M. Murphy, PE
183 Rockingham Road, Unit 3 East
Windham, NH 03087

PROJECT NARRATIVE

FUEL NRG
MAP 32, LOT 69
ROUTE 27

A. PROJECT DESCRIPTION

Fuel NRG proposes the development of a 30,000 gallon above ground liquid propane tank, fueling area, tank storage, and associated access drive and parking area on the vacant property located on NH Route 27 (tax map 32 lot 69). Future development is depicted that will include a 30' x 40' commercial building with parking, a second 30,000-gallon liquid propane tank, a well, septic system, and fire cistern with pump house.

B. EXISTING CONDITIONS

The property is identified as lot 69 on tax map 32 consisting of 3.8± acres fronting NH Route 27 at the intersection of Old Cart Road (private road). The property is undeveloped, consisting of woodlands and meadow areas. Dudley Brook forms the southeasterly boundary of the property. Tranquility Estates mobile home park abuts the property to the north and east.

The property is flat, with a drop in the terrain at the lot center, and a further drop forming the embankment of Dudley Brook. A jurisdictional wetland abuts the brook, with no wetlands within the lot. Soils primarily consist of Hinckley loamy sand with seasonal water table greater than 72". No portion of the parcel is located within a flood hazard area, as interpreted from the FEMA Flood Insurance Rate Map for the Town of Raymond, Community-Panel number 33015C0187E dated May 17, 2005.

C. PROPOSED DEVELOPMENT

Proposed development includes a fenced 30,000-gallon above ground liquid propane tank, gravel fueling area, gravel area with canopy for parking of up to 10 trucks, and a fenced gravel area for smaller tank storage. The site will accommodate future development consisting of a second 30,000-gallon liquid propane tank, a 30' by 40' single story commercial building with parking, pole barn over truck parking area, a private water well and septic system to support the building, and up to 30,000 gallons of fire cistern with fire pump building. Note that the cistern and fire pump are proposed for the future building, not for the liquid propane tanks.

D. ZONING REVIEW

The property is primarily located in the Commercial C1 zone, with a small portion at the southeasterly corner in the Residential/Agricultural B zone. The proposed use is permitted in the C1 zone as a commercial service establishment.

Required property line setbacks are met with the proposed development. Note that we hold a 50' setback to land abutting the Tranquility Estates mobile home park.

Dudley Brook is not subject to NH Protected Shoreland (RSA 483-B); however, the wetlands abutting the brook require a 75' setback. Note that no development is proposed within this 75' wetland setback.

The parcel is located within Raymond's Groundwater Conservation Overlay District, which requires a Conditional Use Permit for storage, handling, and use of regulated substances in quantities exceeding 100 gallons or 800 pounds dry weight, or if greater than 15% of the lot area is made impervious. The post development impervious area will equal 23.5% of the lot area. A conditional use permit application is included.

E. WAIVER REQUESTS

Our application includes a request to waiver section 3.03.03(c) of the Raymond Site Plan regulations, which requires a landscape plan prepared by a New Hampshire Licensed Landscape Architect.

F. ENVIRONMENTAL CONSIDERATIONS

The property abuts Dudley Brook, which includes jurisdictional wetlands delineated along the edge of the water. The property is located within Raymond's Groundwater Conservation Overlay District due to location within the Wellhead Protection Area (see Exhibit A for NHDES Data Mapper).

The property is well suited for the proposed development: there are no wetlands within the project area and the terrain is mostly flat. The property is not within a flood hazard area.

In order to protect the integrity of the brook, we have designed the site to exceed Raymond's 75' wetland setback, allowing natural vegetation to remain. We have also designed the site to grade all runoff to a large bioretention area, positioned between the proposed development and the brook.

Liquid propane does not have the potential for environmental impacts, such as storage of fuel oils. Being a pressurized gas, liquid propane, if a leak were to occur, will not impact groundwater.

G. STORMWATER MANAGEMENT

A stormwater management report has been prepared for the proposed development. The stormwater management system has been designed in accordance with section 6.11 of the Raymond Site Plan Regulations.

A bioretention area will be located southeasterly of the fueling area to capture stormwater runoff from the proposed development (both current and future phases). The bioretention area has been designed to capture, treat, and infiltrate runoff while reducing peak flows and volumes.

H. WATER SUPPLY AND SEPTIC SERVICE

The current phase with just the bulk fuel tank will not require water supply or septic service.

The future phase development depicts locations of a private well and an Individual Sewage Disposal System (ISDS). Both are designed to meet applicable local and state standards.

I. FIRE PROTECTION

The project plan set includes a sheet titled Fire Protection Site Plan. This plan depicts maneuvering for a fire apparatus, as well as review of applicable codes.

Note that the current phase fire protection needs for the bulk fuel tank will be met by the existing dry hydrant located near the intersection of Route 27 and Long Hill Road.

The future phase development will require installation of a fire cistern with fire pump to serve a sprinkler system that will be required in the buildings.

J. ADDITIONAL PERMITTING

The current phase development will require the following land use permits:

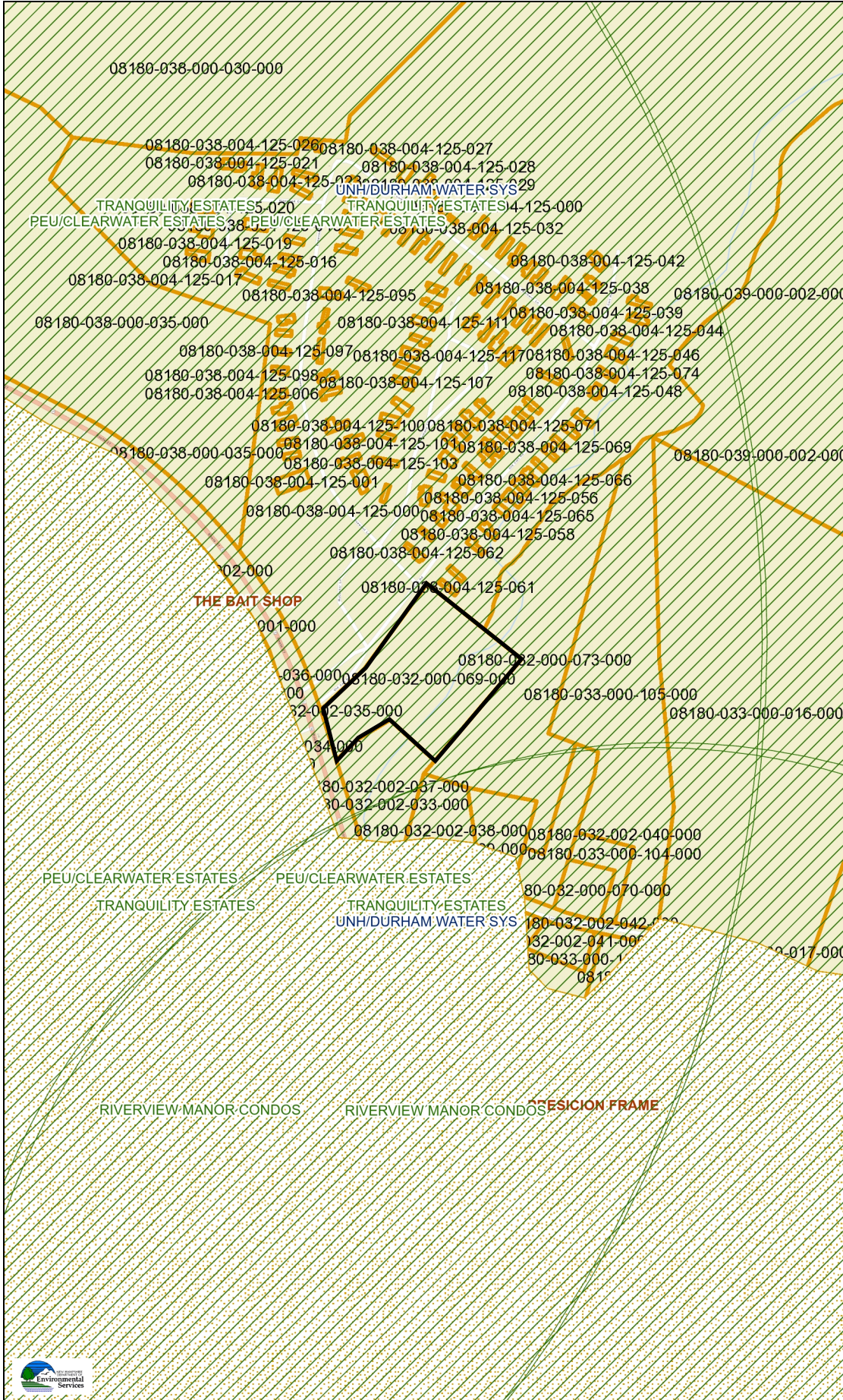
1. NHDOT driveway permit. Application for a driveway permit was submitted to NHDOT on November 21, 2023.
2. Notice of Intent (NOI) with Storm Water Pollution Prevention Plan (SWPPP). An NOI must be filed with the EPA for 14 days prior to construction for coverage under the federal Construction General Permit (CGP) for construction activities that impact more than 1 acre.

The future phase development will require the following permits:

1. NHDES Construction Approval. The ISDS will require local review and approval prior to application to NHDES Subsurface Bureau.

-END-

Map 32 Lot 69



Legend

- Wellhead Protection Areas
- Groundwater Classification / GAA
- Source Water Protection Area
- Groundwater Classification / GA1
- Groundwater Classification / GA2
- Local Potential Contaminating Sources
- Parcels
- Additional Lines

Map Scale

1: 5,000

© NH DES, <http://des.nh.gov>

Map Generated: 12/4/2023



Notes

TRAFFIC IMPACT ASSESSMENT

FUEL NRG
MAP 32, LOT 69
ROUTE 27

A. PROJECT DESCRIPTION

Fuel NRG proposes the development of a 30,000 gallon above ground liquid propane tank, fueling area, tank storage, and associated access drive and parking area on the vacant property located on NH Route 27 (tax map 32 lot 69). Future development is depicted that will include a 30' x 40' commercial building with parking, a second 30,000-gallon liquid propane tank, a well, septic system, and fire cistern with pump house.

B. ANTICIPATED TRAFFIC

The initial phase will include buildout of the 30,000-gallon liquid propane bulk fuel tank. This tank will serve the owner's fleet of 4 bobtail delivery trucks for fuel delivery in the local area. Parking will be provided for the 4 bobtail delivery trucks and the owner's fleet of 6 HVAC box trucks that provide service and installation to customers. For each truck, the owner anticipates an employee arriving in the morning to pick up the truck, then not returning until the end of the day, where the truck will be parked overnight. The bobtail delivery trucks will fuel up in the morning with sufficient fuel for their delivery route that day. The owner anticipates that a tanker truck will be needed once per week to refill the bulk fuel tank.

The future phase will include construction of a small office with retail space. The office will house on average one employee. The retail space will allow a customer to come to a showroom to see HVAC options. The owner anticipates perhaps 5 customers on a busy day.

C. TRAFFIC IMPACT

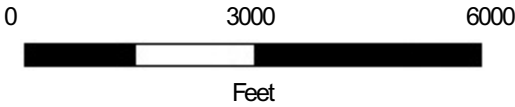
Review of the NHDOT Transport Data Management System provides Annual Average Daily Traffic (AADT) records on Route 27. See exhibit B for this data, which is copied below:

- Location ID 62115052 located north of the site with 2022 AADT of 3516 trips.
- Location ID 82383108 located south of the site with 2022 AADT of 6187 trips.

Based on the use of the property, we anticipate 54 average daily trips. This represents an increase in trips on the road of approximately 1.5%. It is concluded that the proposed development will have a negligible impact on traffic on Route 27.

-END-

EXHIBIT B - NHDOT Traffic Data
Map 32 Lot 69 NH Rte 27



- TCDS Locations**
- Short
 - Continuous
 - WIM
 - Located Short
 - Located Continuous
 - Located WIM
 - Inactive Location



12/1/2023

Building #1 Specifications

Building Info	Style	Width	Height	Length	Truss Spacing	Roof Pitch	Lower Chord	Peak Height	Soffit Height
	306	30'	14'	40'	8'		4/12	0/12	20' 6.5"

306 30'x14'x40' (#1) - Building Use: Commercial - Office and Warehouse

Foundation

Formed Concrete Foundation Wall with Spread Footing and Isolated Floor Slab (Form 222 - Detail #4/4B)(Form 222 – Detail #4) (By owner)

Laminated wood columns to be mounted to concrete foundation with steel column sockets using adhesive anchor rods, unless a professional engineer or design loads require other anchoring system.

Treated Wood splashboard system.

Siding

South, East, North, West wall(s) Fluoroflex™ 1000 Hi-Rib Steel Minimum .019 (Fastened with Stainless Steel Screws)

Wainscot

South, East, North, West with 36" tall Fluoroflex™ 1000 Hi-Rib Steel Minimum .019 wainscot (Fastened with Stainless Steel Screws)

Protective Liner

South, East, North, West wall(s) with 7/16" thick OSB by approx. 32" tall Protective Liner

Roof

Hi-Rib Steel Minimum .019 (Fluoroflex™ 1000) (Fastened with Stainless Steel Screws) with Vent-A-Ridge
 Structure has been designed for the future installation of a snow retainage system (but not included at this time).

Overhangs

South, North wall(s) 1' Wide Vented Sidewall Overhang with Standard 6" fascia, 5" Gutters and 3"x4" Downspouts, with elbows at base
 East, West wall(s) 1' Wide Non Vented Endwall Overhang with Standard 6" fascia

Walk Doors

- 1 A 3' x 6'8" 9 Lite Tempered Glass in Leaf with Embossed Crossbuck Fibersteel Walk Door(s) out-swing right hinge with interconnected lever lockset/deadbolt, closer
- 1 B Framed Opening - 3070 Glass Entry Door out-swing right hinge
 Door Unit Not Included

Windows

- 6 C 3'4"x4'0" MB Single Hung Window(s) with low E glass with argon, grids between the glass

Overhead Door Opening

- 1 D 12'0" x 12'0" Overhead Door Opening (Requires a minimum 12' 2" X 12' 1" panel), OHD/ Operator requires 0' Headroom, Available Headroom is 2' 1"

Porches

- 1 40' lineal feet of coverage, 8' wide Porch with 4/12 Pitch, approx. 12' 1" grade to porch frame
 Start porch on South wall 0' from left edge of building for 40'
 Start of porch open and end of porch open
 Roof of porch to be Fluoroflex™ 1000 Hi-Rib Steel Minimum .019
 Morton Foundation System of concrete lower in ground with laminated wood column upper.
 Porch Frames with Soffit Under Porch
 1' sidewall overhang with 5" Gutters and 3"x4" Downspouts, 1' overhang on West end and 1' overhang on East end

Eyebrows

- 1 E 28 lineal feet of coverage, 2' wide Eyebrow, 6" fascia and 10/12 roof pitch, 8' grade to soffit
 Start eyebrow on West wall 1 feet from left edge of building for 28 feet
 Start of eyebrow Hipped End and end of eyebrow Hipped End
 Roof of eyebrow to be Fluoroflex™ 1000 Hi-Rib Steel
 with 5" Gutter

Energy Performer

1200 sq. ft Ceiling Finish with Hi-Rib Steel (.019 White CQ Polyester Solid) Fastened to Lower Chord of Truss with Painted Steel Screws, 4 Mil Vapor Retarder and Air Deflector at Eaves Between Trusses

Interior Wall with 2"x4" Horizontal Stripping at 16" On Centers, Wall Cavity is Insulated with 6" Fiberglass Insulation and 4 Mil Vapor Retarder.

40' long, on South wall starting @ 0'

30' long, on East wall starting @ 0'

40' long, on North wall starting @ 0'

30' long, on West wall starting @ 0'

Subcontracts

Install [1,200] Sq Ft of R-[49] fiberglass blown-in insulation in the attic area of the [30]' x [14]' x [40]' Morton Building.



MORTON™ BUILDINGS, INC.

252 W. Adams, P.O. Box 399 • Morton, Illinois 61550-0399

Date:

8/22/2023

Page:

4 of 8

306 30'x14'x40' West and South Walls





MORTON™ BUILDINGS, INC.

252 W. Adams, P.O. Box 399 • Morton, Illinois 61550-0399

Date:

8/22/2023

Page:

5 of 8

306 30'x14'x40' East and North Walls



The Town of Raymond, NH- Planning Board

Site Plan Application #2023-016 Fuel NRG Raymond Findings of Fact for Application Denial 01/11/2024

A. Introduction

Pursuant to NH RSA 676:3 and in compliance with the requirements of the State of New Hampshire and the Town of Raymond Site Plan Regulations, as amended, the following is presented as Findings of Fact and written decision of denial of Application #2023-016 (the “Application”) an Application for Site Plan for a site located in Ramond Tax Map #32, Lot 69, within Zone C1, on NH Route 27, Raymond, NH 03077 and submitted by Daniel M. Flores of SFC Engineering Partnership, Inc. on behalf of Jessica Hatch of Fuel NRG, landowner.

B. Authority

Raymond Site Plan Regulations ARTICLE I – PURPOSE AND AUTHORITY 1.01 AUTHORITY

Pursuant to the authority vested in the Town of Raymond Planning Board by the voters of the Town on March 12, 1983, and in accordance with New Hampshire Revised Statutes Annotated (NH RSA) 674:44, the Planning Board does hereby adopt the following Regulations for the governing of the review of non-residential site plans, the development of multi-family dwelling units and changes of use. These Regulations shall be entitled the “Site Plan Review Regulations for the Town of Raymond.

Raymond Zoning Regulation 2023; ARTICLE 1: PREAMBLE

1.1. Purpose: The purpose of this Zoning Ordinance is to promote the health, safety, economic and social well-being of the community, to protect the natural resources including the lakes, rivers, streams, drinking water and aquifer, to lessen congestion in the streets, to secure safety from fires, panic, and other dangers, to promote adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sewerage and schools. The Town of Raymond, New Hampshire adopted this Ordinance in conformance with New Hampshire RSA674:16.

C. Findings of Fact and Regulations

1. In March of 2023 Zoning Ordinance 5.2.10 was amended by a majority vote of the citizens of Raymond. Article 6 was approved with 1030 in favor and 264 opposed, roughly 80% vs 20% (Exhibit A)

2. A provision recommended by the Southern New Hampshire Regional Planning Commission in the Town of Raymond 2009 Sourcewater Protection Plan (Exhibit B) and the basis for the amendment adopted by vote that subsequently reads Under **5.2.10 PROHIBITED USES:**

“5.2.10.7 The siting or operation of a petroleum bulk plant or terminal (03/23).” (Exhibit C)

3. The applicant engaged in review with town staff beginning in August 2023 as well as representatives including DuBois & King Inc. (Exhibit D)
4. An application for site plan review was submitted on December 6, 2023, with a request to be put on the agenda for the next planning Board hearing (Exhibit E)
5. Member McLeod made a good faith effort on 01/10/2024 to inform the Applicant through Community Development Director Jason Cleghorn that he believed an oversight had occurred in the zoning determination and that the Applicant should be informed. (Exhibit F)
6. A hearing on Application #2023-016 convened on January 11, 2024, where the Application was deemed complete enough for the Planning Board to accept jurisdiction. Per RSA 676:3, II, draft minutes of the 01/11/2024 meeting are attached as part of this document. The Applicant was afforded an opportunity to present a summary of the project to the board which closely matched the Project Narrative submitted.
7. Abutter comments start at timestamp (TS) 00:56:28 and ending at TS 01:08:55 can be viewed in their entirety on Raymond Community Television RCTV at this URL:
<https://imd0mxanj2.execute-api.us-west-2.amazonaws.com/ssr/watch/65a0b8ece1bb2300086b5a85>

Abutter concerns included: acknowledging Propane is a safe product when managed properly; topography of Site; hazardous traffic conditions; nuisance smell of gas; nuisance lighting; and safety of residential homes in proximity to the bulk fuel tanks.

8. Chairwoman Luszcz advised a member of the public that the project documents are available on the Town of Raymond website in the Supporting Documents section.
9. Prior to a discussion about regional impact, Member McLeod raised concerns regarding the zoning determination in the Applicants submitted Project Narrative of a “Commercial Service Establishment” as defined in Zoning Regulation:
“13.1.18. COMMERCIAL SERVICE ESTABLISHMENT: (03/1990) A building and/or other structure used principally for providing commercial services to the public, such as a beauty shop, shoe repair shop, dry cleaner, laundry, electrician, plumber, repair service, installation service, general contractor, rental shop and the like. No accessory use for residential purposes shall be permitted.”
10. An approved driveway permit application was submitted to the Planning Department with the road name of “Fuel Depot Drive”. (Exhibit G).
11. Member McLeod expressed his belief that due to the classification of the LP storage tanks as bulk fuel tanks and further that Liquid Petroleum Gas is synonymous with Liquid Propane, and that the fuel is

delivered, stored, and distributed in liquid form, excepting the vapor that fills the interstitial space in the tank, that the project was defined in Town of Raymond Zoning Ordinance as:

5.2.4.11. PETROLEUM BULK PLANT or TERMINAL: Means that portion of the property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline tank car, tank vehicle, portable tank, or container.

12. Mr. McLeod further qualified that the project is within the Groundwater Conservation Overlay District and that the use is prohibited per Town of Raymond Zoning:

5.2.10. PROHIBITED USES: The following uses are prohibited in the Groundwater Conservation District:

5.2.10.7. The siting or operation of a petroleum bulk plant or terminal (03/23)

13. From TS 01:14:06 to 01:14:38 Mr. Flores of SFC Engineering stated that the project was reviewed by staff back in August and given a “green light” as well as referencing a “whole writeup” from Maddie Dilonno, circuit rider planner for the Rockingham Planning Commission in which “...she agreed that petroleum, um, or Propane does not meet the Petroleum definition.”
14. Chairwoman Luszcz advised the Applicant that the ultimate responsibility to adhere to the regulations rests with the Applicant. She further instructed that staff do not make determinations that are the purview of the Planning Board, however, staff may assist the applicants as well as advise the board.
15. Mr. Flores noted that he felt that propane being specifically excluded from the definition of regulated substances bolstered his argument. Regulated substances are defined in the Town of Raymond Zoning Ordinance as:

5.2.4.13. REGULATED SUBSTANCE: Petroleum, petroleum products, and substances listed under **40 CFR 302**, 7-1-05 edition, excluding the following substances: (1) ammonia, (2) sodium hypochlorite, (3) sodium hydroxide, (4) acetic acid, (5) sulfuric acid, (6) potassium hydroxide, (7) potassium permanganate, and (8) propane and other liquefied fuels which exist as gases at normal atmospheric temperature and pressure.
16. The classification in **5.2.4.13** is for the purpose of defining those substances that are excluded from regulation under the specific definition “regulated substances”. Mr. McLeod noted that he never mentioned “regulated substances” and is only referring to it as a petroleum product in liquid form as it relates to the definition of a Petroleum Bulk Plant or Terminal and further states that propane and liquefied petroleum are petroleum products.
17. Shawn Thrasher from Crown Energy Solutions, Auburn, NH states TS 01:18:04: “Propane is not considered a petroleum.” He goes on to say at TS 1:20:34: “By definition, if you were to look up “petroleum” it’s not, it’s not listed under, under any EPA or government standards as a petroleum product. (referring to Liquid Propane)”. Mr. McLeod counters that it’s “common knowledge” that propane is a petroleum product and Mr. Thrasher retorts, “I guess “common” and “mine” are different.”.

18. TS 01:24:36: “If I could just make a comment, Jessica Hatch, of the Fuel NRG in Windham, NH, I don’t think anyone is negating what the regulations say and the intent of them, what we’re trying to make a point of is “petroleum” as a specific word does not include “ propane”.
19. TS 01:28:40 Andrew Wickson, Fuel NRG, states “They (NH DES) do not classify propane as a petroleum product.” No reference was given to support this claim.
20. Mr. McLeod refuted all arguments against propane not being a petroleum product and once again stated that it is “common knowledge”. Mr. McLeod stated he thinks it is a generally accepted definition that propane is a petroleum product. A motion was made to deny the application due to the use being prohibited in the Groundwater Conservation Overlay District.
21. The Board relies upon and incorporates into its findings of facts and its decision all other public meeting recordings and minutes, as well as all submissions made by the Applicant to the Planning Department.

D. Discussion

The Applicant contemplates in their testimony at a Public Hearing on 01/11/2024 and in their Project Summary that the use is a commercial service establishment and not a bulk petroleum plant or terminal. The Board determined that propane is a petroleum product, as it is “liquified petroleum gas.”

It was also noted that while liquified propane/liquified petroleum, as a substance, is not regulated as an environmental concern for infiltration into groundwater, it is the type of facility that is prohibited. Examples of concerns ranged from blast radius of the proposed bulk fuel tanks and the contamination inherent in fighting fires with large quantities of water and secondary fires with PFAS containing aqueous firefighting foams (AFFF). Once an impasse on the subject of propane being a petroleum product was reached, a motion to deny the application was made based on the boards determination that the project is in fact a Bulk Petroleum Plant or Terminal which is a prohibited use in the Groundwater Conservation Overlay District.

E. Determination

The Raymond Planning Board expressed several concerns over the determination of the project as a “Commercial Service Establishment” which lists businesses like shoe repair, laundromat, and rental shop as opposed to the definition of a “Bulk Petroleum Plant or Terminal which the defines the project explicitly. The 30,000-gallon (111,000 lbs.) bulk LP fuel tank and associated storage and distribution infrastructure are an almost word for word description of the project. The owner Jessica Hatch said that they did not negate the regulation but felt that they did not need to adhere as “propane is not a petroleum product.”

The majority of the Planning Board determined that, despite arguments to the contrary, propane is a liquified petroleum gas and as such falls under the definition of a “Bulk Petroleum Plant or Terminal” and is not permitted in the Groundwater Conservation Overlay District (GCOD). Therefore, the Planning Board was obligated to deny the application as there was little support for the unsubstantiated arguments and easily

disproven statements made by the Applicant and their representatives that propane is not a Liquefied Petroleum product.

F. Record of Vote

Tricia Bridgeo made a Motion to Deny Application #2023-016, without prejudice, as prohibited use 5.2.10.7 and definition 5.2.4.11. Seconded by Jim McLeod.

A discussion ensued where all the members had an opportunity to speak. Member Gott was not prepared to deny due to being unsure about the classification of propane as a petroleum product. Bob McDonald commented that the propane is stored in bulk liquid form and is therefore a bulk petroleum plant or terminal. Jim McLeod noted he was sorry the application got so far without this being addressed.

Roll Call of Vote:

- Tricia Bridgeo - Aye - The use is prohibited in GCOD**
- Jim McLeod - Aye - The use is prohibited in GCOD**
- Grethen Gott – No - due to lack of clarity of propane as petroleum.**
- Tom Daigle – Aye - The use is prohibited in GCOD**
- Bob McDonald – Yes – The use is prohibited in GCOD**
- Dee Luszcz - Yes - The use is prohibited in GCOD**

The vote to deny passes with 5 in favor, 1 opposed, and 0 abstentions.

G. Appeals

Appeals are subject to conformance with State and Local regulations. Any party to this proceeding or any person aggrieved by this decision has the right to request a rehearing pursuant to RSA chapter 677. Such a request shall be submitted to the Board within thirty (30) days of this decision.



Planning Board Minutes
January 11, 2024 @ 7:00 PM
Media Center Raymond High School
45 Harriman Hill Road, Raymond, NH 03077

1 **Pledge of Allegiance:** Recited by all in attendance.

2

3 **Meeting called to order:**

4 The meeting started at approximately 7:00 pm.

5

6 **Roll Call:**

7 Bob McDonald, Planning Board; Tom Daigle, Planning Board; Dee Luszcz,
8 Planning Board Chair; Jim McLeod, Vice-Chair; Trisha Bridgeo, Board of
9 Selectmen; Gretchen Gott, Planning Board.

10

11

12 **Public Meeting:**

13

14 **2024 Zoning Ordinance Amendments**

15

16 The full list and description of the 2024 Zoning Ordinance Amendments for the
17 Warrant Articles to be voted on in the March 2024 election will be attached at the
18 end of these meeting minutes.

19

20 *Zoning Amendment No. 1 - Article 5: Overlay Districts; Subsections 5.2.4.8.,*
21 *5.2.4.10, 5.2.4.15. and 5.2.6.2.5. Conditional Uses*

22

23 Mr. McLeod explained that there are two different types of impervious surfaces: one
24 that is an impenetrable surface to hold chemical spills, the other is the impervious
25 surface used for stormwater calculations. This update is a request by the
26 Conservation Committee for clarification. There were no comments from the public.

27

28 **Motion:**

29

30 **Mr. McLeod made a motion to move zoning amendment number 1 to**
31 **the ballot as written; Mr. McDonald seconded the motion.**

32

33 **A roll call vote was taken,**

34 **Ms. Gott – Yes**

35 **Ms. Bridgeo – Yes**

36 **Mr. McLeod – Aye**

37 **Mr. Daigle – Yes**

38 **Mr. McDonald – Yes**

39 **Ms. Luszcz – Aye**

40

41 **The motion passed with a unanimous vote of 6 in favor, 0 opposed, and 0**
42 **abstention.**



Planning Board Minutes
January 11, 2024 @ 7:00 PM
Media Center Raymond High School
45 Harriman Hill Road, Raymond, NH 03077

43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84

Zoning Amendment No. 2 - Article 5: Overlay Districts; 5.2.4. DEFINITIONS; Add Subsection 5.2.4.21. Wetland Buffer

Mr. McLeod explained that there was no existing definition in the zoning ordinance, so now they are adding one on the recommendation of the Conservation Committee. There were no comments from the public.

Motion:

Mr. McLeod made a motion to move zoning amendment number 2 to the ballot as written; Mr. McDonald seconded the motion.

**A roll call vote was taken,
Mr. McDonald – Yes
Mr. Daigle – Yes
Ms. Gott – Yes
Ms. Bridgeo – Yes
Mr. McLeod – Aye
Ms. Luszcz – Aye**

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

Zoning Amendment No. 3 - Article 4: ZONES; Section 4.9.3. DISTRICT BOUNDARIES, Subsection 4.9.3.1. Shoreland Protection Area

Mr. McLeod explained that the only change was the intermittent and perennial stream. There were no comments from the public.

Motion:

Mr. McLeod made a motion to move zoning amendment number 3 to the ballot as written; Mr. McDonald seconded the motion.

**A roll call vote was taken,
Ms. Gott – Yes
Ms. Bridgeo – Yes
Mr. McLeod – Aye
Mr. Daigle – Yes
Mr. McDonald – Yes
Ms. Luszcz – Aye**



Planning Board Minutes
January 11, 2024 @ 7:00 PM
Media Center Raymond High School
45 Harriman Hill Road, Raymond, NH 03077

85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126

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

Zoning Amendment No. 4 - Article 4: ZONES; Section 4.9.3. DISTRICT BOUNDARIES, Add Subsection 4.9.3.5. Wetland Setback Area

Mr. McLeod explained that the change is to ensure that “wetland buffer” and “wetland setback” are synonymous. There were no comments from the public.

Motion:

Mr. McLeod made a motion to move zoning amendment number 4 to the ballot as written; Mr. McDonald seconded the motion.

**A roll call vote was taken,
Mr. McDonald – Yes
Mr. Daigle – Yes
Ms. Gott – Yes
Ms. Bridgeo – Yes
Mr. Mcleod – Aye
Ms. Luszcz – Aye**

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

Zoning Amendment No. 5 - Article 15: AREA AND DIMENSIONAL REQUIREMENTS & ASSOCIATED NOTES; Section 15.1 Area and Dimensional Table

Mr. McLeod explained that Zone G has special requirements, but it did not fit in the chart. There were no comments from the public.

Motion:

Mr. McLeod made a motion to move zoning amendment number 5 to the ballot as written; Mr. McDonald seconded the motion.

**A roll call vote was taken,
Ms. Bridgeo – Aye
Mr. Mcleod – Aye
Mr. McDonald – Aye**



Planning Board Minutes
January 11, 2024 @ 7:00 PM
Media Center Raymond High School
45 Harriman Hill Road, Raymond, NH 03077

127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168

Mr. Daigle – Yes
Ms. Gott – Yes
Ms. Luszcz – Aye

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

Zoning Amendment No. 6 - Article 4: ZONES; Section 4.9.3. DISTRICT BOUNDARIES: Subsection 4.9.3.3, Subsection 4.9.3.4 and Subsection 4.9.4.2. Rockingham County Soil Survey Map

Mr. McLeod explained that this will ensure that if there are any updates to the document before the Town can vote on another zoning ordinance update, the ordinance will still be correct without a specific version year being referenced. There were no comments from the public.

Motion:

Mr. McLeod made a motion to move zoning amendment number 6 to the ballot as written; Mr. McDonald seconded the motion.

A roll call vote was taken,
Mr. Daigle – Yes
Mr. McDonald – Yes
Ms. Gott – Yes
Ms. Bridgeo – Yes
Mr. McLeod – Aye
Ms. Luszcz – Aye

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

Zoning Amendment No. 7 - Article 5: Overlay Districts; Section 5.4. Mixed Use Business Campus Overlay District (03/2007); and Article 14: Allowed Uses Table; Section 14.1 Allowed Uses Table and Subsection 14.2.6. Notes to Allowed Uses Table

Mr. McLeod explained that this was previously removed so this is cleaning up the ordinance. There were no comments from the public.

Motion:



Planning Board Minutes
January 11, 2024 @ 7:00 PM
Media Center Raymond High School
45 Harriman Hill Road, Raymond, NH 03077

169 **Mr. McLeod made a motion to move zoning amendment number 7 to**
170 **the ballot as written; Mr. McDonald seconded the motion.**

171
172 **A roll call vote was taken,**
173 **Mr. McDonald – Yes**
174 **Mr. Daigle – Yes**
175 **Mr. Mcleod – Aye**
176 **Ms. Bridgeo – Yes**
177 **Ms. Gott – Yes**
178 **Ms. Luszcz – Aye**

179
180 **The motion passed with a unanimous vote of 6 in favor, 0 opposed, and 0**
181 **abstention.**

182
183 *Zoning Amendment No. 8 - Article 13 DEFINITIONS: Solar Panels*

184
185 Mr. McLeod explained that there was not an existing definition in the zoning
186 ordinance, so now they are adding one. This is also a type of impervious surface,
187 which has an update in zoning amendment number 1. Ms. Luszcz also commented
188 that as other municipalities have encountered issues with solar panels and runoff,
189 the Board wanted to be prepared and perform the necessary research for the
190 future. There were no comments from the public.

191
192 **Motion:**

193
194 **Mr. McLeod made a motion to move zoning amendment number 8 to**
195 **the ballot as written; Mr. McDonald seconded the motion.**

196
197 **A roll call vote was taken,**
198 **Mr. Mcleod – Aye**
199 **Ms. Bridgeo – Yes**
200 **Ms. Gott – Yes**
201 **Mr. McDonald – Yes**
202 **Mr. Daigle – Yes**
203 **Ms. Luszcz – Aye**

204
205 **The motion passed with a unanimous vote of 6 in favor, 0 opposed, and 0**
206 **abstention.**

207
208 **Application # 2023-016 and Application # 2023-017 Fuel NRG Raymond:** A site
209 plan application is being submitted by Daniel M. Flores of SFC Engineering
210 Partnership, Inc. Proposed construction includes a 30,000 gallon above ground



Planning Board Minutes
January 11, 2024 @ 7:00 PM
Media Center Raymond High School
45 Harriman Hill Road, Raymond, NH 03077

211 liquid propane tank with fueling area and truck parking. Future plans include a
212 1,200 square foot commercial building and an additional 30,000 gallon above-
213 ground liquid propane tank. A Conditional Use Permit (Application #2023-017)
214 accompanies the site plan as the proposed construction will render an impervious
215 surface greater than 15% or 2,500 square feet of the lot. The property is located on
216 NH Route 27 and is identified as Raymond Tax Map 32, Lot 69 within Zone C1.

217

218 Daniel Flores of SFC Engineering Partnership, Shawn Thrasher from Crown Energy
219 Solutions, Jessica Hatch of Fuel NRG, and Andrew Wickson of Fuel NRG, came
220 before the Board. Mr. Flores wanted to use a digital copy of the plans with color and
221 some extra information to go along with his presentation. Both Mr. McLeod and Ms.
222 Luszcz said that no new information or plans can be given to the Board at the time
223 of the meeting. Ms. Luszcz read off the abutters list. Mr. Flores stated that the
224 application is deemed complete for review.

225

226

Motion:

227

228

**Mr. McLeod made a motion to accept application #2023-016 as
substantially complete; Ms. Bridge seconded the motion.**

229

230

231

A roll call vote was taken,

232

Mr. McDonald – Yes

233

Mr. Daigle – Yes

234

**Ms. Gott – Abstain because new plans were not presented at the
meeting**

235

236

Ms. Bridgeo – Yes

237

Mr. Mcleod – Aye

238

Ms. Luszcz – Aye

239

240

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

241

242

Mr. Flores presented the application. The project had a TRC meeting with some
243 comments from Town Staff and DuBois and King which Mr. Flores stated were
244 addressed. The State DOT has approved a driveway permit as well.

245

246

Mr. Flores explained the difference between liquid propane and fuel oil. Fuel oil can
247 enter the ground and contaminate groundwater. Liquid propane is only liquid if it is
248 under pressure, meaning only when it is inside of the tank. If there is a leak, the
249 propane will turn into gas. Propane is not a regulated substance which means that it
250 poses no threat to groundwater. He stated that the state of New Hampshire does
251 not have any regulations on placement of propane tanks because it is not a



Planning Board Minutes
January 11, 2024 @ 7:00 PM
Media Center Raymond High School
45 Harriman Hill Road, Raymond, NH 03077

252 regulated substance. The plans submitted show that they exceed the setbacks set
253 by the fire code and the zoning ordinance.

254

255 Ms. Luszcz took a poll: hear the public comment before Development with Regional
256 Impact (DRI) review so the public has a chance to speak.

257

258 A roll call vote was taken,

259 Mr. McDonald – Yes

260 Mr. Daigle – Yes

261 Ms. Gott – Abstain

262 Ms. Bridgeo – Yes

263 Mr. Mcleod – Aye

264 Ms. Luszcz – Aye

265

266 Mr. Flores continued with a brief overview of the project. Proposed development
267 includes a fenced 30,000-gallon above ground liquid propane tank, gravel fueling
268 area, gravel area with canopy for parking of up to 10 trucks, and a fenced gravel
269 area for smaller tank storage. The site will accommodate future development
270 consisting of a second 30,000-gallon liquid propane tank, a 30' by 40' single story
271 commercial building with parking, pole barn over truck parking area, a private water
272 well and septic system to support the building, and up to 30,000 gallons of fire
273 cistern with fire pump building. Note that the cistern and fire pump are proposed for
274 the future building, not for the liquid propane tanks.

275

276 **Public Comment:**

277 Bob Haynie at 27 Old Cart Road appeared before the Board. Mr. Haynie stated that
278 he worked on several plants throughout the seacoast area. He knows that propane
279 is safe, but it is not a good location to have the tanks on a hill where the gas can
280 flow down. For example, Palmer is located in a bowl. Mr. Haynie would like to look
281 at plans to get a better look at what will be constructed. Ms. Luszcz reminded the
282 public that all documents submitted with the application are located on the Town
283 website. Mr. McLeod also let Mr. Haynie borrow his copy of the site plans to review.

284

285 Jim Brigham of 120 Woodland Circle appeared before the Board. He noted that
286 Palmer does not have many abutters nearby and it is illuminated at night versus the
287 new Fuel NRG will have quite a few residents nearby who would not want light
288 pollution at night. Mr. Brigham also voiced concerns regarding the traffic patterns on
289 Route 27. Ms. Luszcz reminded everyone that a traffic study is a requirement.
290 Overall, Mr. Brigham feels like the location of Fuel NRG is ridiculous as it is in a
291 busy roadway and so close to a residential area.

292

293 Public comment for Fuel NRG closed at approximately 8:08 PM.



294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335

Zoning Discussion:

Mr. McLeod wanted to first discuss the zoning determination of the project. The proposed project will be done in a C1 district as a commercial service establishment. Mr. McLeod commented that the use is actually a Petroleum Bulk Plant or Terminal and as the project is in the Groundwater Conservation District, therefore per 5.2.10.7 of the Town's Zoning Ordinance, it states that "the siting or operation of a petroleum bulk plant or terminal" is prohibited. From time stamp 01:14:06 to 01:14:38, Mr. Flores of SFC Engineering stated that the project was reviewed by staff back in August and given a "green light" as well as referencing a "whole writeup" from Maddie Dilonno, circuit rider planner for the Rockingham Planning Commission in which, "...she agreed that petroleum, um, or Propane does not meet the Petroleum definition."

Shawn Thrasher from Crown Energy Solutions, Auburn, NH states Time stamp 01:18:04, "Propane is not considered a petroleum." He goes on to say at Time stamp 1:20:34, "By definition, if you were to look up "petroleum" it's not, it's not listed under, under any any EPA or government standards as a petroleum product. (referring to Liquid Propane)" Mr. McLeod counters that it's "common knowledge" that propane is a petroleum product and Mr. Thrasher retorts, "I guess "common" and "mine" are different."

At time stamp 01:24:36, "If I could just make a comment, Jessica Hatch, of the Fuel NRG in Windham, NH, I don't think anyone is negating what the regulations say and the intent of them, what we're trying to make a point of is "petroleum" as a specific word does not include "propane".

At time stamp 01:28:40, Andrew Wickson, Fuel NRG, states "They (NH DES) do not classify propane as a petroleum product." No reference was given to support this claim.

Motion:

Ms. Bridgeo made a motion to deny application # 2023-016 without prejudice, as prohibited use 5.2.10.7 and definition 5.2.4.11; Mr. McLeod seconded the motion.

A discussion ensued where all the members had an opportunity to speak. Member Gott was not prepared to deny due to being unsure about the



Planning Board Minutes
January 11, 2024 @ 7:00 PM
Media Center Raymond High School
45 Harriman Hill Road, Raymond, NH 03077

336 classification of propane as a petroleum product. Bob McDonald commented
337 that the propane is stored in bulk liquid form and is therefore a bulk petroleum
338 plant or terminal. Jim McLeod noted he was sorry the application got so far
339 without this being addressed.

340
341

342

A roll call vote was taken,

343

Ms. Bridgeo – Aye – The use is prohibited in GCOD

344

Mr. McLeod – Aye – The use is prohibited in GCOD

345

Ms. Gott – No – due to the lack of clarity of propane as petroleum

346

Mr. Daigle – Aye – The use is prohibited in GCOD

347

Mr. McDonald – Yes – The use is prohibited in GCOD

348

Ms. Luszcz – Yes – The use is prohibited in GCOD

349

350 **The motion passed with a majority vote of 5 in favor, 1 opposed, and 0**
351 **abstentions.**

352

353

354

Application #2023-008 Onway Lake Village Subdivision:

355

A subdivision application is being submitted by Shiv Shrestha and Matt Silverstein
356 of Onway Lake Development, LLC. The subdivision proposes the initial construction
357 of a 38-lot conservation subdivision with cul-de-sac streets which will constitute
358 Phase 1 of a potential future 3 phase development. A Special Permit related to
359 wetland impacts within the development accompanies the application. The property
360 is located at 15 Sargent Drive at the intersection of Sargent Drive and Deer Run
361 Road, and is located just west of the Green Road/Sargent Drive intersection, and is
362 identified as Raymond Tax Map 20 Lot 58 and Tax Map 26 Lot 1, and within Zone
363 B.

364

365

Ms. Luszcz read off the abutters list. Joe Coronatti from Jones and Beach
366 Engineers, Matthew Silverstein of Onway Lake Development, LLC, and Attorney
367 Kevin Baum came before the Board. There was a discussion on who should be
368 notified as an abutter.

369

370

Motion:

371

372

**Mr. McLeod made a motion for future notifications to include the
373 Onway Lake Association; Ms. Bridgeo seconded the motion.**

374

375

Ms. Bridgeo feels that this is too narrow and other easements need to be
376 notified as well.

377

377



Planning Board Minutes
January 11, 2024 @ 7:00 PM
Media Center Raymond High School
45 Harriman Hill Road, Raymond, NH 03077

378 *Public Comment:*

379 Tara Campbell noted that if the Onway Lake Association were to be notified, the
380 abutters list would have to include everyone on the association which would
381 mean people on the other side of the lake. Public comment closed.

382

383 Mr. Baum commented that per RSA676:4,(d)1, they have already met those
384 requirements for notification.

385

386 Mr. McLeod retracted his motion and Ms. Bridgeo retracted her second. Mr.
387 McLeod is in agreement with the applicant that they have met the requirements,
388 and the Board should move forward with hearing the application.

389

390 Ms. Bridgeo commented that a Letter of Authorization is missing for Tax Map 26 Lot
391 1. Mr. Coronatti stated that the Letters of Authorization were duplicates of the same
392 text without an update of the Tax Map and Lot numbers. Ms. Luszcz said that
393 although there are clerical errors, the Board may continue to hear the application,
394 but they cannot make any votes on the application. Ms. Bridgeo feels that there are
395 missing Letters of Authorization from the other condominiums.

396

397 Ms. Gott asked if the lots have been subdivided yet. Mr. Coronatti said that it has
398 been divided for condominiums but the Tax Map and Lot numbers have not been
399 changed yet.

400

401 **Public Comment**

402 Scott Campbell mentioned that on April 7, 1988 and June 15, 1989 Planning Board
403 meetings, the conditions of approval and wondered if the existing home owners had
404 more stake than owners of the paper lots . Mr. McLeod stated that this will need to
405 be given to the Board by Town Staff to review. Public comment closed.

406

407 **Motion:**

408

409 **Mr. McLeod made a motion to not accept application #2023-008**
410 **Onway Lake Village Subdivision as complete at this time and that**
411 **the Board gets adjudication from their legal for the next meeting so**
412 **that they can have it settled; Ms. Bridgeo seconded the motion.**

413

414 Mr. Daigle, Mr. McDonald, and Ms. Gott commented that they agree with the
415 motion. Ms. Luszcz also agrees with the motion as it will give more time for
416 clarification with legal.

417

418 **A roll call vote was taken,**
419 **Ms. Bridgeo – Aye**



Planning Board Minutes
January 11, 2024 @ 7:00 PM
Media Center Raymond High School
45 Harriman Hill Road, Raymond, NH 03077

420 **Mr. Mcleod – Aye**
421 **Mr. Daigle – Yes**
422 **Mr. McDonald – Yes**
423 **Ms. Gott – Yes**
424 **Ms. Luszcz – Yes**

425
426 **The motion passed with a unanimous vote of 6 in favor, 0 opposed, and 0**
427 **abstention.**

428
429 Ms. Luszcz stated that since the Board is rescheduling the application in a public
430 meeting, notice to the abutters is not required.

431
432 **Motion:**

433
434 **Mr. McLeod made a motion to reschedule application #2023-008**
435 **Onway Lake Village Subdivision to February 22, 2024, at the**
436 **Raymond High School Media Center, 45 Harriman Hill Road at**
437 **7:00pm; Mr. Daigle seconded the motion.**

438
439 **A roll call vote was taken,**
440 **Ms. Gott – Yes**
441 **Ms. Bridgeo – Yes**
442 **Mr. Mcleod – Aye**
443 **Mr. Daigle – Yes**
444 **Mr. McDonald – Yes**
445 **Ms. Luszcz – Yes**

446
447 **The motion passed with a unanimous vote of 6 in favor, 0 opposed, and 0**
448 **abstention.**

449
450 **Approval of Minutes:**

451
452 ***December 21, 2023***

453
454 **Motion:**

455
456 **Mr. McLeod made a motion to defer the December 21, 2023 and**
457 **January 4, 2024 meeting minutes until the next available time to do**
458 **them; Mr. McDonald seconded the motion.**

459
460 **A roll call vote was taken,**
461 **Mr. McDonald – Yes**



Planning Board Minutes
January 11, 2024 @ 7:00 PM
Media Center Raymond High School
45 Harriman Hill Road, Raymond, NH 03077

462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503

Mr. Daigle – Yes
Mr. Mcleod – Aye
Ms. Bridgeo – Yes
Ms. Gott – Yes
Ms. Luszcz – Aye

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

Other Business:

Staff Updates:

No staff were present.

Board Member Updates:

Mr. McLeod volunteered to serve on the CIP as a Planning Board Member.

Motion:

Ms. Bridgeo made a motion to appoint Mr. McLeod as our second Planning Board CIP member; Ms. Luszcz seconded the motion.

A roll call vote was taken,
Mr. McDonald – Yes
Ms. Bridgeo – Yes
Ms. Gott – Yes
Mr. Daigle - Yes
Mr. Mcleod – Aye
Ms. Luszcz – Aye

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

Mr. McDonald on behalf of the cemetery committee, there will be 3 cemetery trustee positions available to vote on in the March election. The dates to enter names are between January 24 to February 2. For further information, go to the Raymond Town website under the Cemetery Advisory Committee.

Any other business:

None

Adjournment:



504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545

Motion:

Mr. McLeod made a motion adjourn; Mr. McDonald seconded the motion.

**A roll call vote was taken,
Ms. Gott – Yes
Ms. Bridgeo – Yes
Mr. Mcleod – Aye
Ms. Luszcz – Aye
Mr. Daigle – Yes
Mr. McDonald – Yes**

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

Chair Luszcz announced the next meeting will be on Thursday January 18, 2024 at 7:00 PM and adjourned the meeting at approximately 10:00 PM.

Respectfully submitted,

Christine M. Aiello

The video of this meeting is to be preserved for 5 years, attached to these minutes and made part of the permanent record.

Attachments:

2024 Zoning Ordinance Amendments:

Zoning Amendment No. 1 - Article 5: Overlay Districts; Subsections 5.2.4.8., 5.2.4.10, 5.2.4.15. and 5.2.6.2.5. Conditional Uses:

Are you in favor of the adoption of Amendment No. 1 as proposed by the Planning Board for the Town Zoning Ordinance as follows: To amend **Article 5: Overlay Districts** specifically to amend **Subection 5.2.4.8 DEFINITIONS** to amend the definition of **Impervious Surface** as follows: A surface through which regulated substances cannot pass when spilled. Impervious surfaces include concrete unless unsealed cracks or holes are present. Asphalt; earthen, wooden, or gravel surfaces; or other surfaces which could react with or dissolve when in contact with the substances stored on them are not considered impervious for the express purpose of retaining the regulated substances,



Planning Board Minutes
January 11, 2024 @ 7:00 PM
Media Center Raymond High School
45 Harriman Hill Road, Raymond, NH 03077

546 however these surfaces are considered impervious for the calculation of
547 stormwater impacts and other regulatory calculations separate from the
548 retention of spills. (03/24); **FURTHER to amend Subsection 5.2.4.10**
549 **DEFINITIONS** to amend the definition of **Outdoor Storage** as follows: Storage
550 of materials where they are not protected by the elements by a roof, walls, and a
551 floor with a surface impervious to regulated substances. (03/24); **FURTHER to**
552 **amend Subsection 5.2.4.15 DEFINITIONS** to amend the definition of
553 **Secondary Containment** as follows: A structure such as a berm or dike with a
554 surface impervious to regulated substances which is adequate to hold at least
555 one-hundred ten percent (110%) of the volume of the largest regulated
556 substances container that will be stored there. (03/24); and **FURTHER to amend**
557 **Subsection 5.2.6.2.5, Conditional Uses** as follows: All regulated substances
558 stored in containers with a capacity of more than 5 gallons must be stored in
559 product-tight containers on a surface impervious to regulated substances
560 designed and maintained to prevent flow to exposed soils, floor drains, and
561 outside drains. (03/24)
562

563 **Zoning Amendment No. 2 - Article 5: Overlay Districts; 5.2.4. DEFINITIONS;**
564 **Add Subsection 5.2.4.21. Wetland Buffer:**

565 Are you in favor of the adoption of Amendment No. 2 as proposed by the
566 Planning Board for the Town Zoning Ordinance as follows – To amend **Article**
567 **5: Overlay Districts** specifically to amend **Section 5.2.4. DEFINITIONS** by
568 adding the following **Subsection 5.2.4.21. “Wetland Buffer”**: Wetland buffer or
569 wetland setback means a designated area contiguous or adjacent to a wetland
570 that is required for the continued maintenance, function, and ecological stability
571 of the wetland. (03/24)
572

573 **Zoning Amendment No. 3 - Article 4: ZONES; Section 4.9.3. DISTRICT**
574 **BOUNDARIES, Subsection 4.9.3.1. Shoreland Protection Area:**

575 Are you in favor of the adoption of Amendment No. 3 as proposed by the
576 Planning Board for the Town Zoning Ordinance as follows: *To amend Article 4:*
577 **ZONES** specifically to amend **Section 4.9.3. DISTRICT BOUNDARIES;**
578 **Subsection 4.9.3.1. to the following: SHORELAND PROTECTION AREA:** Is
579 any area of land within seventy-five (75)feet of the seasonal high-water mark of
580 any river, brook, lake or pond, or intermittent or perennial stream.(03/24)
581

582 **Zoning Amendment No. 4 - Article 4: ZONES; Section 4.9.3. DISTRICT**
583 **BOUNDARIES, Add Subsection 4.9.3.5. Wetland Setback Area:**

584 Are you in favor of the adoption of Amendment No. 4 as proposed by the
585 Planning Board for the Town Zoning Ordinance as follows: *To amend Article 4:*
586 **ZONES** specifically to amend **Section 4.9.3. DISTRICT BOUNDARIES; by**
587 **adding the following Subsection 4.9.3.5. “Wetland Setback Area”:** as



588 defined in Section 15.3.2. (03/24); and **FURTHER** to amend section **4.9.5.** to the
 589 following: “Wetlands and Setbacks” in the heading of the Allowed Uses Table.
 590 (03/24)

591
 592
 593
 594
 595
 596
 597
 598

Zoning Amendment No. 5 - Article 15: AREA AND DIMENSIONAL REQUIREMENTS & ASSOCIATED NOTES; Section 15.1 Area and Dimensional Table

Are you in favor of the adoption of Amendment No. 5 as proposed by the Planning Board for the Town Zoning Ordinance as follows: To amend **Article 15: AREA AND DIMENSIONAL REQUIREMENTS & ASSOCIATED NOTES** specifically to amend **Section 15.1 Area and Dimensional Table** as follows:

Zone	Minimum Lot Size Square Feet	Minimum Lot Size Acreage	Minimum Frontage	Minimum Setbacks			Served by Town Water
				Front	Side	Rear	
G	*	*	*	*	*	*	*

*Refer to section 15.3 Special Requirements in Zone G (03/24)

599
 600

Zoning Amendment No. 6 - Article 4: ZONES; Section 4.9.3. DISTRICT BOUNDARIES: Subsection 4.9.3.3, Subsection 4.9.3.4 and Subsection 4.9.4.2. Rockingham County Soil Survey Map

Are you in favor of the adoption of Amendment No. 6 as proposed by the Planning Board for the Town Zoning Ordinance as follows: To amend **Article 4: ZONES** specifically to amend **4.9.3. DISTRICT BOUNDARIES; Subsection 4.9.3.3, Rockingham County Soil Survey Map** as follows: To amend the reference in **Subsection 4.9.3.3.** to “Rockingham County Soil Survey Map, most current edition” (03/24); **FURTHER** to amend the reference in **Subsection 4.9.3.4.** to “Rockingham County Soil Survey Map, most current edition” (03/24); and **FURTHER** to amend the reference in **Subsection 4.9.4.2.** to “Rockingham County Soil Survey Map, most current edition”. (03/24)

601
 602
 603
 604
 605
 606
 607
 608
 609
 610
 611
 612
 613
 614
 615
 616
 617
 618
 619
 620
 621
 622
 623
 624

Zoning Amendment No. 7 - Article 5: Overlay Districts; Section 5.4. Mixed Use Business Campus Overlay District (03/2007); and Article 14: Allowed Uses Table; Section 14.1 Allowed Uses Table and Subsection 14.2.6. Notes to Allowed Uses Table

Are you in favor of the adoption of Amendment No. 7 as proposed by the Planning Board for the Town Zoning Ordinance as follows: To amend **Article 5,** specifically to remove **Section 5.4 Mixed Use Business Campus Overlay District (MUBCOD)** (03/24); **FURTHER** to amend **Article 14.1 Allowed Uses Table** to specifically remove all references to the Mixed Use Business Campus Overlay District/MUBCOD (03/24); and **FURTHER** to specifically remove **Subsection 14.2.6.** (03/24)



625
626
627
628
629
630
631
632
633

Zoning Amendment No. 8 - Article 13 DEFINITIONS: Solar Panels

Are you in favor of the adoption of Amendment No. 8 as proposed by the Planning Board for the Town Zoning Ordinance as follows: To amend **Article 13: DEFINITIONS** by specifically **adding** the following **Subsection** named **“Solar Panel”**: A Solar Panel is a panel designed to absorb the sun's rays as a source of energy for generating electricity or heating. All Solar Panels are considered 100% impervious for the calculation of impervious surfaces. (03/24)

DRAFT

TOWN OF RAYMOND NEW HAMPSHIRE

ZONING BOARD OF APPEALS

CASE NUMBER 2024-002

MOTION OF RAYMOND BOARD OF SELECTMEN
FOR REHEARING OF MARCH 27, 2024
ZONING BOARD OF APPEALS DECISION
REGARDING NRG ENERGY'S APPLICATION FOR INSTALLATION OF A
BULK STORAGE PROPANE TANK WITH A 30,000 GALLON CAPACITY

INTRODUCTION

This Motion for Rehearing is filed by the Raymond Board of Selectmen ("BOS") pursuant to N. H. RSA 677:2. This matter originated at the Raymond Planning Board when NRG Energy ("NRG") filed a site plan application (#2023-016) to authorize the installation of a thirty thousand (30,000) gallon Propane Bulk Storage Facility located on Route 27 on a parcel identified as Tax Map 32, Lot 69 within Zone C1.

On January 11, 2024, the Planning Board denied the application, voting by a five to one (5-1) majority that such a propane bulk storage facility was a prohibited use under Section 5.2.10.7 of the Town of Raymond Zoning Ordinance because it was a "Bulk Petroleum Plant or Terminal" as defined in Section 5.2.4.11 of the Ordinance. The stated reason for the denial was that "propane is a liquefied petroleum gas and as such falls under the definition of a "Bulk Petroleum Plant or Terminal" and is not permitted in the Groundwater Conservation Overlay District (GCOD)" [*Planning Board Findings of Fact for Application Denial dated 1/11/24*]

NRG appealed that denial to the Zoning Board of Appeals ("ZBA") pursuant to N.H. RSA 674:33 I (a) which authorizes this Board to "hear and decide appeals" of a decision "made by an administrative official." After a hearing on March 27, 2024 this Board granted relief from the Planning Board decision by a three to two vote. The basis for the relief granted was this Board's determination that propane was not a "petroleum product" within the meaning of Section 5.2.4.11 of the Zoning Ordinance.

At the March 27 hearing NRG was represented by Attorney Pat Panciocco as well as representatives from SFC Engineering and Crown Energy. They made a number of irrelevant, and, in the view of the BOS, misleading arguments concerning, among others, state and federal regulations and references to another irrelevant section of the Raymond Zoning Ordinance. These arguments are discussed in sections 3 a-c below where we explain why the ZBA should not have considered them.

DISCUSSION

1. Issue Presented on Appeal

There is but a single issue presented by this appeal. Namely, whether propane is a “petroleum product.” Attorney Panciocco made clear that the sole issue on appeal was the definition of Petroleum products:

“Ms. Panciocco made clarification that the appeal is of the Planning Board’s interpretation of the term ‘petroleum bulk plant’ adding that [in their opinion] the Planning Board construed petroleum includes [sic] propane gas, but they believe it is expressly excluded.” *[Draft Minutes (“Minutes”) of March 27, 2024 meeting, at lines 268-271]*

Attorney Panciocco also stated during her presentations during the March 27, 2024 hearing that NRG concedes that their proposal was for “bulk storage” of propane. *[Minutes at line 252: “Ms. Panciocco responded that it is bulk storage.”]*

Accordingly, this Board should and must confine its consideration of the appeal to one issue: Is propane a “petroleum product?” There are no issues concerning whether the proposal is for bulk storage, nor are there any issues concerning other entities’ definitions of the term “petroleum products.” The sole issue is whether, under the Raymond Zoning Ordinance, Section 5.2.10.7, propane is a petroleum product.

2. Propane is a petroleum product.

There is no definition of petroleum in the Zoning Ordinance. Accordingly, it is necessary to look elsewhere for guidance.

It is undisputed that propane is frequently referred to as “LPG” and that designator means “liquid petroleum gas.” *[fueleconomy.gov/feg/lpg.shtml]* This accepted designator alone informs us that propane is a petroleum product.¹

It is also universally accepted that propane is a byproduct of the crude oil refining process. *[See: US Department of Energy Alternative Fuels Data Center (afdc.energy.gov)]*

Similarly, authoritative Dictionaries uniformly describe propane as a petroleum product or derivative. *[See Cambridge Advanced Learners Dictionary & Thesaurus which lists propane as “occurring in petroleum”; Encyclopedia Britannica which describes propane as being “separated from light crude and oil refinery gasses;” Collins English Dictionary which defines propane as a “colorless, flammable gas... occurring in petroleum;” and Merriam-Webster Dictionary which defines petroleum as “found in crude petroleum...”]*

¹ Copies of all cited authorities are attached as Appendix A for ease of reference.

Because it is undisputed that propane is found in petroleum and is a byproduct of crude oil refining, the necessary conclusion is that propane is a petroleum product because it is found in and derived from crude oil.

Finally, it is significant that there are no authorities that state that propane is not a petroleum product.

3. The Arguments Advanced by NRG are Irrelevant and Misleading.

The BOS believes the record reflects that some members of the ZBA were, understandably, confused or misled by the arguments advanced by NRG. We discuss below those arguments, and why they are not relevant and are misleading.

a. The Section 5.2.4.13 Argument.

NRG cited Section 5.2.4.13 of the Ordinance for the proposition that “propane is excluded from the definition of petroleum. *[Minutes at Lines 200 -206.]* That Section describes “regulated substances” as “petroleum and petroleum products, and substances listed under 40 CFR 302,7-1-05² and it excludes from the definition of Regulated Substances “propane and other liquified fuels...” But it does not state or otherwise imply that propane is not a petroleum product. It only excludes propane for purposes of the applicability of Section 5.2.4.13.

The relevance of “regulated substances” to the Raymond Zoning Ordinance is found in Section 5.2.11.1 which authorizes the Planning Board to issue a Conditional Use Permit if an otherwise “permitted use” is involved in the “Storage, handling, and use of “regulated substances...” that exceed certain threshold limits. Accordingly, the only time that Section 5.2.4.13 comes into play is if the use is “otherwise permitted.” But the Ordinance specifically prohibits “the siting or operation of a petroleum bulk plant or terminal.” It necessarily follows then that the “regulated substances” section is simply not relevant to NRG’s application to install such a facility.

NRG’s reliance on this Section is a deft sleight of hand which necessarily assumes that their proposed propane bulk storage facility is a permitted use. In essence, NRG assumes away the issue when it is not entitled to do so.

b. The RSA Chapter 146-A Argument.

NRG argued that the New Hampshire State definition of “Oil” excludes “liquified petroleum.” *[Minutes at Lines 213-222]* The statement is true but misleading and irrelevant.

First, that Chapter does not state or infer that propane is not a petroleum product. It merely excludes propane from the definition of “oil” for purposes of the application of that particular State Statute.

² CFR means the Code of Federal Regulations.

Second, reference to that RSA is irrelevant to a consideration whether the Raymond Zoning Ordinance regulates propane as a petroleum product. This appeal does not involve an interpretation of Chapter 146-A, which regulates “Oil Discharge or Spillage in Surface Water or Groundwater.” Nobody is arguing that LPG is oil.

This case involves only the proper interpretation of Section 5.2.4.11 of the Raymond Zoning Ordinance. How the State of New Hampshire defines petroleum products for purposes of the application of Chapter 146-A is not relevant to an interpretation of Raymond’s Zoning Ordinance which contains no definition of petroleum products.

c. The EPA and DES Argument.

NRG also argued that both the EPA (Environmental Protection Agency) and DES (New Hampshire Department of Environmental Services) do not list propane as a groundwater contaminant. *[Minutes at Lines 224-234]*

For the reasons stated in sub-section b above, the EPA and DES treatment of propane does not govern the proper interpretation of the Raymond Zoning Ordinance. This appeal is limited and confined to the meaning of Section 5.2.4.11 of Raymond Zoning Ordinance. How other governmental bodies elect to treat propane in the context of Groundwater protection analyses is not relevant to this appeal which is limited to Raymond’s Zoning Ordinance.

Indeed, groundwater protection analysis is not the only consideration involved when making a policy decision concerning permitted or prohibited uses when drafting a zoning ordinance. Other considerations relevant to regulation of a petroleum bulk plant or terminal would include but not be limited to: traffic impact; impact on the community at large; impact on abutting properties; off-site noise, odor, vibration and sound, and; explosion and fire suppression issues.

Perhaps there are those who would argue that Raymond’s Zoning Ordinance should be amended to explicitly exclude propane from the definition of petroleum products. However, that is not within the jurisdiction of this Board whose jurisdiction is limited to the narrow question of interpreting whether, under the Raymond Zoning Ordinance, propane is a petroleum product. Policy questions concerning possible amendments to that Ordinance must be left to the Planning Board and the Legislative Body.

d. The Fire Department Argument.

Lastly, NRG claimed that the Raymond Fire Department “reviewed the proposal and had no issue with the placement of the tanks or development.” *[Minutes at Lines 236-238]* This is an erroneous claim.

Raymond Fire Department Deputy Chief Jason Grant had attended the January Technical Review Committee meeting and was concerned when he learned of NRG’s characterization of

that meeting at the March 27, ZBA meeting. He wrote a letter the following day (March 28, 2024) addressed to the Town Manager. (Copy included in Appendix A) Deputy Chief Grant wrote that he had expressed multiple safety concerns about the proposed thirty-thousand-gallon propane tank installation. Specifically, he had raised concerns about a dry hydrant being placed in a low spot where propane fumes could accumulate and place Fire Department personnel at risk, the unreliability of the proposed dry hydrant and the location of the propane tank in proximity to a residential neighborhood.

NRG clearly misrepresented the Raymond Fire Department's position and concerns.

SUMMARY

There is only one issue currently before this Board, namely whether propane is a "petroleum product" within the meaning of the Raymond Zoning Ordinance.

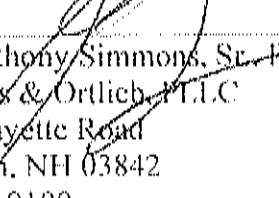
It cannot be disputed that propane is a petroleum product because it is found in petroleum (i.e. Crude Oil) and derived from petroleum during the refining process. There is no authority stating that propane is not a petroleum product.

While some New Hampshire statutes and regulations exclude propane from regulation under their regulatory schemes, those schemes do not determine that propane is not a petroleum product. Rather, they simply elect not to include propane as a regulated substance. Those statutes and regulations are wholly irrelevant to a determination whether, under the Raymond Zoning Ordinance, propane is a petroleum product.

Accordingly, the Raymond Board of Selectmen requests that this Board grant a rehearing of its March 27, 2024 decision that propane is not a petroleum product and determine that Propane is, in fact, a petroleum product subject to regulation under the Raymond Zoning Ordinance and that the Planning Board's January 11, 2024 decision was correct.

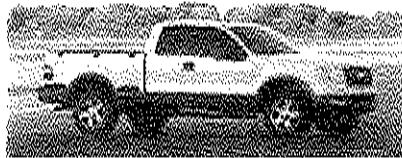
April 24, 2024

Respectfully Submitted,
Town of Raymond Board of Selectmen
Through Its Legal Counsel,

By: 
John Anthony Simmons, Sr. Esq.
Simmons & Ortlich, P.L.L.C.
886 Lafayette Road
Hampton, NH 03842
603-929-9100
johnanthony@clearvictory.org
NH Bar # 13007

APPENDIX A

Propane: Liquefied Petroleum Gas (LPG)



Propane, or liquefied petroleum gas (LPG), is a clean-burning fossil fuel that can be used in internal combustion engines.

Most of the propane used in the U.S. is produced domestically. It is usually cheaper than gasoline and does not degrade performance. LPG-fueled vehicles can also emit lower amounts of some air pollutants and greenhouse gases, depending on vehicle type, calibration, and drive cycle.

The drawbacks to LPG are the limited number of fueling stations and vehicles. About 1,300 public fueling stations sell LPG in the US (see AFDC's Alternative Fueling Station Locator to find an LPG station near you). A few light-duty vehicles—mostly larger trucks and vans—can be ordered from a dealer with a prep-ready engine package and converted to use propane. Consumers can also convert in-use conventional vehicles for LPG use. Some LPG vehicles run on propane only. Others can switch between propane and a conventional fuel such as gasoline.

Propane is stored as a liquid in pressurized fuel tanks rated to 300 psi. So, LPG conversions consist of installing a separate fuel system (if the vehicle will use both conventional fuel and LPG) or a replacement fuel system (LPG-only operation).

Converting a vehicle to use LPG can cost \$6,000 to \$12,000. However, this cost may be recovered in lower fuel and maintenance costs.

Advantages and Disadvantages of LPG

Advantages	Disadvantages
86% of propane used in the U.S. comes from domestic sources ¹	Limited vehicle availability
Cheaper than gasoline	Limited number of fueling stations
Lower vehicle maintenance costs	Fewer miles on a tank of fuel
Potentially lower toxic, carbon dioxide (CO ₂), carbon monoxide (CO), and non-methane hydrocarbon (NMHC) emissions	Converting a vehicle to use LPG is expensive

Additional Information

Fuel Economy Information for Alternative Fuel Vehicles

Alternative Fuels Data Center (U.S. Department of Energy)

- Alternative & Advanced Fuels: Propane
- Alternative Fueling Station Locator
- Propane Vehicle Conversions
- Propane Vehicle Availability
- Propane Vehicle Emissions
- Propane Publications

Energy Information Administration (U.S. Department of Energy)

- Propane Explained

[View Data Sources...](#)

ALSO IN THIS SECTION...

[Alternative Fuels](#)

[Ethanol](#)

[Electricity](#)

[Biodiesel](#)

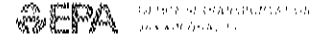
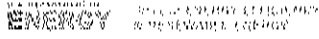
[Natural Gas](#)

Hydrogen

Propane

[Mobile](#) | [Español](#) | [Site Map](#) | [Links](#) | [FAQ](#) | [Contacts](#) | [USA.gov](#) | [Privacy/Security](#) | [Feedback](#)

This website is administered by Oak Ridge National Laboratory for the U.S. DOE and the U.S. EPA.



Propane Production and Distribution

Propane is a byproduct of natural gas processing and crude oil refining, with almost equal amounts of production derived from each of these sources. Most of the propane consumed in the United States is produced in North America. In addition to conventional propane fuel suppliers are producing renewable propane ([/fuels/propane-renewable](#))—which is made from renewable feedstocks.

Production

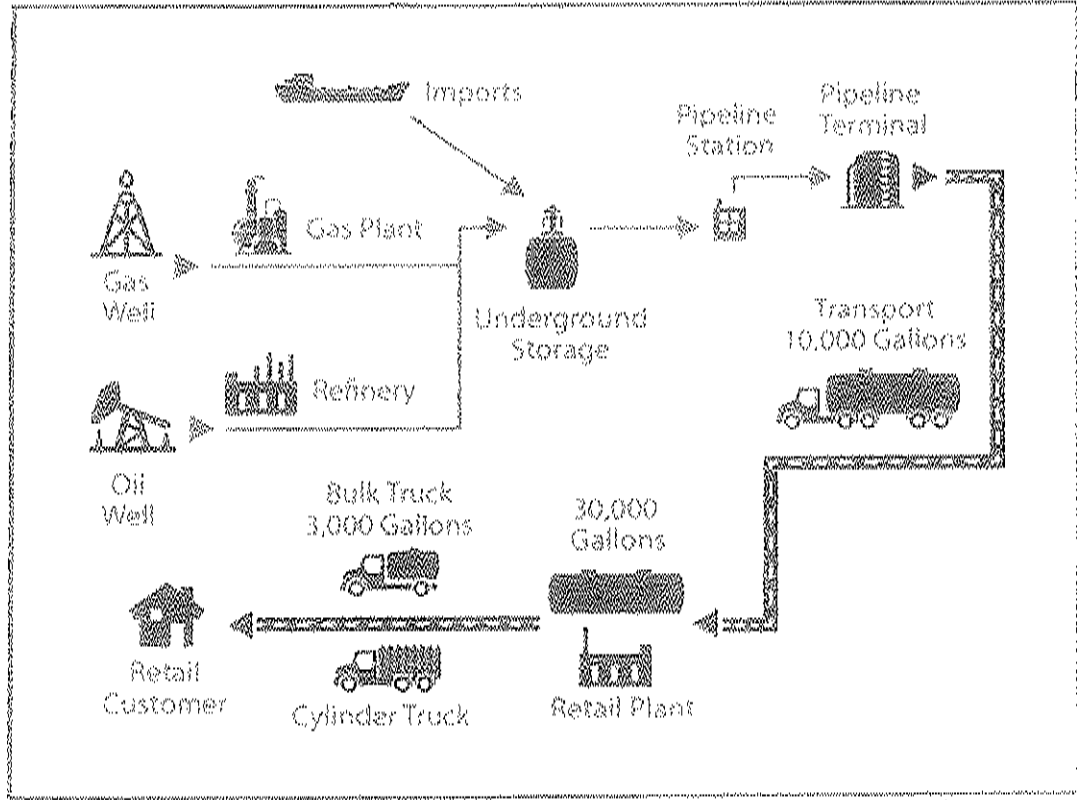
Propane is produced from liquid components recovered during natural gas ([/fuels/natural-gas-production](#)) processing. These components include ethane, methane, propane, and butane, as well as heavier hydrocarbons. Propane and butane, along with other gases, are also produced during crude oil refining.

Chemically identical to conventional propane, renewable propane is produced from non-petroleum feedstocks such as natural fats, vegetable oils, and various types of grease. Although the number of producers is small, renewable propane is currently produced in biodiesel refineries.

Distribution

Propane is shipped from its point of production to bulk distribution terminals via pipeline, railroad, barge, truck, or tanker ship. Propane marketers fill trucks at the terminals and distribute propane to end users, including retail fuel sites.

Find propane fueling station locations ([/fuels/propane-stations](#)).



Schematic of a typical propane distribution route (Source: [EIA \(https://www.eia.gov/\)](https://www.eia.gov/))



(mailto:technicalresponse@lcf.com) **Need project assistance?**
Email the Technical Response Service (<mailto:technicalresponse@lcf.com>) or call [800-254-6735](tel:800-254-6735) (<tel:800-254-6735>)

Navigation menu

ENERGY SOURCES

- Fuels
- Fossil Fuels
- Biofuels
- Nuclear Fuels
- Flows
- Hydro
- Solar
- Wind
- Geothermal

ENERGY USE

- Carriers
- Electricity
- Gasoline
- Hydrogen
- Sectors
- Transportation
- Residential
- Industrial

ENERGY IMPACTS

- Living standard
- Pollution
- Acid Rain
- Smog
- Pollutants
- Climate Change
- Climate Feedback
- Ocean Acidification
- Rising Sea Level

INDEX

Search Energy Education

Liquefied petroleum gas

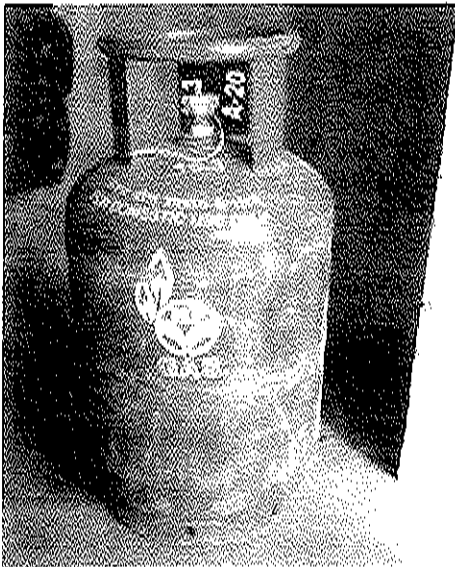


Figure 1. An LPG cylinder.^[1]

Liquefied petroleum gas or **LPG** is a type of hydrocarbon gas that is obtained by refining crude oil or processing natural gas. This gas is composed of either propane and butane by themselves or as a mixture of the two.^[2] In addition to its use as a fuel for cooking and heating, LPG is also important for use in manufacturing applications, as a fuel for cars, and it can be used to power cogeneration plants.^[3]

Production

Liquefied petroleum gas is produced during the refining process of crude oil or extracted during the processing of natural gas. The gases produced in this process are mainly propane and butane with small amounts of other gases. These gases are liquefied through pressurization to make them easier to transport and store.^[2]

To liquefy the fuel, gases are stored in sturdy tanks and held at high pressures—about 20 times atmospheric pressure. These tanks have additional safety features because of this extreme pressurization, mainly a built-in shutoff valve to seal the tank if there are leaks and an extra-sturdy design.^[4] Since LPG generally has no odour, small amounts of ethanethiol (a foul smelling mercaptan, a type of odorant) are added to help people smell dangerous gas leaks.

Use

LPG has a high caloric value, meaning that it is a good energy source as it provides a high level of heat. It is also a valuable fuel as it has almost no sulfur content, which results in cleaner burning.^[5] About half of the LPG used is consumed for heating and cooking and essentially is used in place of natural gas. The remaining 50% of LPG is split more or less equally between use in cars and industrial uses. Overall, LPG provides less than 2% of the total energy people use but it is still a major alternative to gasoline.^[5]

When used, LPG is generally delivered by trucks in a large tank and placed outside a home or other building. In addition, reusable gas canisters are available for powering stoves, heaters, and barbecues. Small canisters of LPG are also available for portable hair styling tools.^[5]

Two major disadvantages of the use of LPG are safety and cost. The high pressure needed to store LPG results in occasional tank bursts if canisters are not stored properly and maintained. In addition, LPG is highly flammable. However, suppliers take many safety precautions to ensure that LPG is as safe as ordinary natural gas supply. The cost of LPG is several times higher than ordinary natural gas, but LPG might prove to be a good option if access to natural gas is not available.^[5]

Use as a Vehicle Fuel

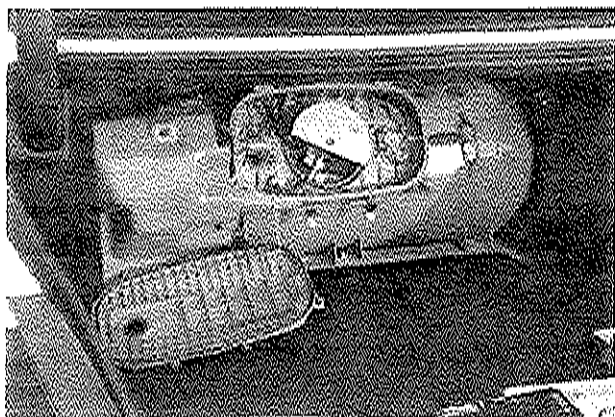


Figure 2. A vehicle's LPG tank.^[6]

Liquefied petroleum gas can be used as an alternative fuel to power internal combustion engines as it is more cleanly burning than gasoline and can produce lower amounts of some harmful emissions such as carbon dioxide.^[7] An estimated 6 million European vehicles run on LPG and there are around 17,500 gasoline stations in Europe supplying this fuel.^[5]

One of the major benefits of using LPG as an alternative fuel is that it is usually less expensive than gasoline.^[4] Additionally, the careful design and safety features of the tanks make them slightly safer to use than gasoline simply because they have a shut-off valve. This minimizes the risk of an LPG fire if used as a vehicle fuel.^[4] LPG can also be used as a fuel without taking away from vehicle performance.^[7] The use of LPG also helps with the issue of importing fuels for use from other countries as 90% of LPG used in the US comes from domestic sources.^[7]

However, the availability of vehicles that are LPG-fueled is limited. Some existing vehicles can be converted to use this LPG with installations, but involves installing a separate fuel system as the liquid is stored in highly pressurized fuel tanks.^[7] In addition, it is harder to find places to refill LPG as it is not as widely used as gasoline or diesel, and fewer miles can be traveled on a single tank of LPG.^[7]

For Further Reading

- Fossil fuels
- Fossil fuel formation
- Fossil fuel extraction
- Heat engine
- Or explore a random page

References

1. Wikimedia Commons. (May 29, 2015). *Cylinder Gas* [Online]. Available: http://commons.wikimedia.org/wiki/File:Cylinder_gas,HP,_Tamil,_Nadu451.jpeg#/media/File:Cylinder_gas,HP,_Tamil,_Nadu451.jpeg
 2. US EIA. (June 2, 2015). *Liquefied Petroleum Gases - Index* [Online]. Available: <http://www.eia.gov/tools/glossary/index.cfm?id=L>
 3. Origin Energy. (June 2, 2015). *What is LPG?* [Online]. Available: <http://www.originenergy.com.au/blog/about-energy/what-is-lpg.html>
 4. AltFuels. (June 2, 2015). *Liquefied Petroleum Gas* [Online]. Available: <http://www.altfuels.org/backgrnd/altftype/lpg.shtml>
 5. Chris Woodford. (June 2, 2015). *LPG* [Online]. Available: <http://www.explainthatstuff.com/lpg.html>
 6. Wikimedia Commons. (June 8, 2015). *In-vehicle LPG bottle* [Online]. Available: http://commons.wikimedia.org/wiki/File:In-vehicle_LPG_bottle_001.JPG#/media/File:In-vehicle_LPG_bottle_001.JPG
 7. US Department of Energy. (June 2, 2015). *Propane, Liquefied Petroleum Gas* [Online]. Available: <https://www.fueleconomy.gov/feg/lpg.shtml>
- Contact us About us Privacy policy Terms of use

[Home](#) / [Science](#) / [Chemistry](#)

Science & Tech

propane

chemical compound

[Print](#)
[Cite](#)
[Share](#)
[Feedback](#)

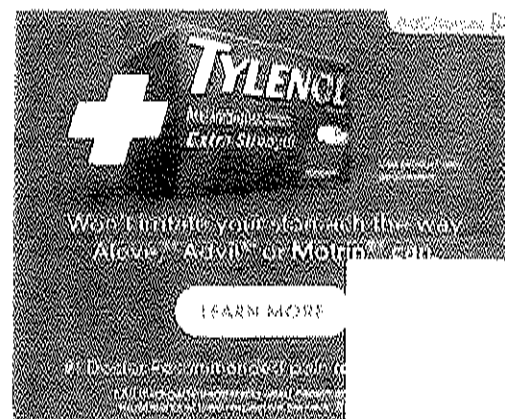
Written and fact checked by [The Editors of Encyclopædia Britannica](#)
 Article History

Table of Contents

Category: Science & Tech

Related Topics: paraffin hydrocarbon

[See all related content](#)



Propane, a colourless, easily liquefied, gaseous hydrocarbon (compound of carbon and hydrogen), the third member of the paraffin series following methane and ethane. The chemical formula for propane is C_3H_8 . It is separated in large quantities from natural gas, light crude oil, and oil-refinery gases and is commercially available as liquefied propane or as a major constituent of liquefied petroleum gas (LPG).

As with ethane and other paraffin hydrocarbons, propane is an important raw material for the ethylene petrochemical industry. The decomposition of propane in hot tubes to form ethylene also yields another important product, propylene. From propylene such organic chemicals as acetone and propylene glycol are derived. The oxidation of propane to such compounds of carbon, hydrogen, and oxygen as acetaldehyde is also of commercial interest.

Although a gas at ordinary atmospheric pressure, propane

English definition ▾

Forums

Advertisement

See Also:

- propaganda
- propagable
- Propaganda
- propaganda
- propagandist
- propagandize
- propagate
- propagation
- propagator
- propagule
- propene
- propylidene
- propylidene acid
- propyl
- propionic acid
- propylamine bromide
- propyl cation
- propyl
- propellant
- propellant
- propeller

Recent searches:

propane

View All

propane

UK: /ˈprɒpeɪn/ US: /ˈproʊpeɪn/ , (prŏ'pān)

in Spanish | in French | in Italian | English synonyms | English Usage | Conjugator | in context | images

Webster's Revised Unabridged Dictionary of American English © 2024

propane /ˈproʊpeɪn/

n. [uncountable] [Chemistry]
1. a colorless gas that easily ignites, occurs in petroleum and natural gas, and is used chiefly as a fuel.

Webster's Revised Unabridged Dictionary of American English © 2024

propane (prŏ'pān).

n. [Chem.] [Chemistry]
1. a colorless, flammable gas, C₃H₈, of the alkane series, occurring in petroleum and natural gas; used chiefly as a fuel and in organic synthesis. Also called dimethylmethane.

Etymology

→ PROP(IONIC) + -ANE, 1866

Collins Concise English Dictionary © HarperCollins Publishers

propane /ˈproʊpeɪn/

n.

a colourless flammable gaseous alkane found in petroleum and used as a fuel. Formula: CH₃CH₂CH₃

Etymology: 19th Century: from PROPIONIC ACID + -ANE

'propane' also found in these entries (note: many are not synonym translations):

- ano - bottled gas - brompheniramine - cyclopropane - dimeth isopropanol - liquefied petroleum gas - natural gas - phenyl(propyl) propanoic acid - propanoic acid - propanoic acid - propano group



Report an inappropriate ad.

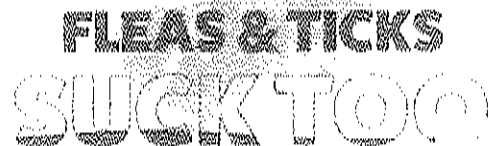
WordReference.com

WORD OF THE DAY

almost | hound

GET THE DAILY EMAIL!

SUBSCRIBE!



Webster's

PROPANE noun

pro·pane ('prŏ-,pān ◀)

: a heavy flammable gaseous alkane C_3H_8 found in crude petroleum and natural gas and used especially as fuel and in chemical synthesis

Recent Examples on the Web

In Derry, New Hampshire, a woman was killed Thursday morning, when authorities

To: Ken Robichaud, Town Manager
4 Epping Street
Raymond, NH 03077

From: Jason Grant, Deputy Chief
1 Scribner Road
Raymond, NH 03077

Re: January 4th Technical Review Meeting

March 28, 2024

Greetings Ken,

On January 4th, 2024, Chief Hammond asked me to attend the Technical Review Committee Meeting held in the Department of Public Works conference room. The meeting agenda included discussing a propane distribution facility (proposed by NRG) on Route 27 near Tranquility Estates and the West end of Long Hill Road. Fire Department personnel attended the meeting to provide fire protection input. Attending the meeting were members of the Planning Department, Police Department, Public Works, and among others, two SFC Engineers. Chief Hammond asked me to attend the meeting with him, so that he could recuse himself. The following summarizes the meeting from a fire protection perspective.

A representative opened the meeting with a general overview of the project. Phase one of the project would install a 30,000-gallon liquid propane storage tank. Phase two included adding a small structure (office building). One SFC Engineer offered a general overview of propane and answered questions from Committee members. The second SFC Engineer provided more in-depth information about propane, mentioning propane, if it escapes containers, quickly vaporizes to its gaseous state providing ambient temperatures are above -40 degrees Fahrenheit. The engineer also spoke about the prevention components engineered in devices during off-loading and on-loading of the product. A discussion about fire-fighting water supply followed.

During the required water supply discussion, SFC offered the dry hydrant located at the bridge at the Long Hill Road West end bridge as adequate fire protection. The Fire Department acknowledged the dry hydrant may supply the required gallons per minute (GPM) for the time specified by SFC engineers. However, the Fire Department expressed two concerns. One, the dry hydrant is in a low spot, where propane gas, if it were to escape, could accumulate, placing fire personnel at risk. Second, the Fire Department does not consider the dry hydrant a reliable water source, because factors including drought can influence the GPM flow from the

requirements, in principle, the Fire Department acknowledged that the anticipated Agreement Fire initial
apparatus response, and mutual aid apparatus from neighboring departments should meet the required water
flow requirements stated by SFC engineers. In addition, the Fire Department, in principle, acknowledged the
routine office building would need a sprinkler system to include a fire pump as per Town ordinance. However,
the Fire Department also reminded engineers of critical components.

The Fire Department reminded SFC that a fire safety analysis must be submitted prior to final construction
permitting due to the proximity of the proposed to a residential neighborhood. A fire safety analysis provides
information including modes of fire protection and product control systems. Of note, once constructed, any
updates in storage capacity would require an updated fire safety analysis.

In closing, during the meeting, engineers did not afford the Fire Department preliminary plan review
documentation supporting fire flow calculations. The meeting adjourned soon after.

Respectfully submitted,



Cx Paul Hammond, Fire Chief



TOWN OF RAYMOND

Planning & Development Department
4 Epping St. Raymond, NH 03077
(603) 895 – 7016

Town of Raymond Zoning Board of Adjustment Abutters' Notice

You are receiving this notice because you are an abutter to property subject to a rehearing of Zoning Board of Appeals decision as noted below:

You are receiving this Notice of Public Hearing in accordance with *NH-RSA 676:4 d (1)*

You are hereby notified that the **Raymond Zoning Board of Adjustment at 6:30 P.M. on Wednesday, June 26, 2024**, at the Raymond High School Media Center (library), 45 Harriman Hill Rd., will hold a public hearing to consider the following:

Rehearing of Zoning Board of Appeals decision on Application 2024-002 Fuel NRG Raymond: A motion of the Raymond Board of Selectmen for rehearing of the March 27, 2024 Zoning Board of Appeals decision regarding NRG Energy's Application for installation of a bulk storage propane tank with a 30,000 gallon capacity has been received. The property is located on NH Route 27 and is identified as Raymond Tax Map 32, Lot 69 within Zone C1.

The applicant was denied by the Planning Board on January 11, 2024. The applicant appealed the decision to the Zoning Board on March 27, 2024.

You are invited to attend, or you may submit written comments to: Town of Raymond, Planning and Development Department, Office of Planning & Zoning, 4 Epping Street, Raymond, NH 03077. If you require audio or visual aids, please contact the Selectmen's Office at least 72 hours prior to the meeting. If for any reason this meeting is postponed, it will be heard at the next regularly scheduled public hearing of the ZBA.

Jessica Hatch ✓
 119 Rockingham Road
 Windham, NH 03077-
 03087

Jodi M. & Amy M. Grant ✓
 236 Route 27
 Raymond, NH 03077

Jessica Hatch ✓
 119 Rockingham Road
 Windham, NH 03077

Jason M. Gourley ✓
 Heather A. Marston ✓
 75 Long Hill Road
 Raymond, NH 03077

Eugene W. & Laura L. Roy ✓
 71 Long Hill Road
 Raymond, NH 03077

June A. & Harold L. Barnard ✓
 3 Old Cart Road
 Raymond, NH 03077

Robert S. Rouse ✓
 1 Old Cart Road
 Raymond, NH 03077

Katie A. Mills ✓
 2 Old Cart Road
 Raymond, NH 03077

Tranquility Estates Cooperative, Inc. ✓
 8 Old Cart Road
 Raymond, NH 03077

Panciocco Law, LLC ✓
 Attn: Patricia M. Panciocco, Esq.
 One Club Acre Lane
 Bedford, NH 03110

SFC Engineering Partnership, Inc. ✓
 Attn: Daniel M. Flores, PE
 183 Rockingham Road, Unit 3 East
 Windham, NH 03087

S&H Land Services LLC
 Attn: J. Robert Degan, LLC
 141 Londonderry Turnpike
 Hooksett, NH 03106

BSC Group ✓
 Attn: Luke Hurley
 150 Dow Street
 Manchester, NH 03101

SFC Engineering Partnership, Inc. ✓
 Attn: Jeffrey M. Murphy, PE
 183 Rockingham Road, Unit 3 East
 Windham, NH 03087

+ Board of Selectmen
 4 Epping St
 Raymond, NH 03077

**Town of Raymond
Zoning Board of Adjustment
Public Hearing Notice**

You are hereby notified that the **Raymond Zoning Board of Adjustment at 6:30 P.M. on Wednesday, June 26, 2024**, at the Raymond High School Media Center (library), 45 Harriman Hill Rd., will hold a public hearing to consider the following:

Rehearing of Zoning Board of Appeals decision on Application 2024-002 Fuel NRG Raymond:

A motion of the Raymond Board of Selectmen for rehearing of the March 27, 2024 Zoning Board of Appeals decision regarding NRG Energy's Application for installation of a bulk storage propane tank with a 30,000 gallon capacity has been received. The property is located on NH Route 27 and is identified as Raymond Tax Map 32, Lot 69 within Zone C1.

The applicant was denied by the Planning Board on January 11, 2024. The applicant appealed the decision to the Zoning Board on March 27, 2024.

You are invited to attend, or you may submit written comments to: Town of Raymond, Planning and Development Department, Office of Planning & Zoning, 4 Epping Street, Raymond, NH 03077. If you require audio or visual aids, please contact the Selectmen's Office at least 72 hours prior to the meeting. If for any reason this meeting is postponed, it will be heard at the next regularly scheduled public hearing of the ZBA.

PANCIOCCO LAW, LLC

Patricia M. Panciocco *
*Admitted in NH & ME

One Club Acre Lane
Bedford, New Hampshire 03110
www.panciocolaw.com

Tel. 603-518-5370
Fax 603-206-5946
E-mail: Pat@panciocolaw.com

February 9, 2024

HAND-DELIVERED

Community & Economic Development Director
Town of Raymond
4 Epping Street
Raymond, NH 03077

RECEIVED

FEB 09 2024

TOWN OF RAYMOND

Re: Application for Appeal of Administrative Decision
Owner: Jessica Hatch
Property: Route 27 (Tax Map 32 Lot 69), Raymond NH

To Whom it may Concern:

Enclosed please find the following in connection with the above-referenced:

1. Original Application for Appeal of Administrative Decision;
2. Abutter List with 3 sets of mailing labels for each abutter;
3. Authorization from Jessica Hatch; and
4. Check in the amount of \$290.00 payable to the Town of Raymond (\$150.00 Application fee, 14 x \$10.00 Abutter Fees- \$140.00).

Please let this office know if you require additional information to process this application.

Sincerely,

Lynn Davis

Lynn Davis
Paralegal to Patricia M. Panciocco

Enclosures

cc: Client (via e-mail)
Daniel M. Flores, P.E. (via e-mail)



TOWN OF RAYMOND

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

RECEIVED

FEB 09 2024

TOWN OF RAYMOND
Tel: (603) 895-4735
Fax: (603) 895-0903
<http://www.raymondnh.gov>

Application for Appeal of Administrative Decision

Site Information

Property Address: Route 27

Map #: 32 Lot #: 69

Property Owner Information

Name: Jessica Hatch Phone: (603) 800-7051

Address: 119 Rockingham Road, Windham, New Hampshire 03087

Address: _____

Applicant/Agent Information

Name: Patricia M. Panciocco, Esquire Phone: (603) 518-5370

Address: One Club Acre Lane, Bedford, New Hampshire 03110

Address: _____

Complete the Following

1. Name and Title of person or board whose decision you are appealing:

Town of Raymond Planning Board

2. Date of the decision you are appealing:

January 11, 2024

3. Article & Section of the Zoning Ordinance involved:

Section 5.2.10.7

4. Nature of the decision you are appealing:

The Planning Board denied Owner's site plan application proposing propane storage, handling and delivery in the C-1 Zone. The basis of the Planning Board's decision was that Section 5.2.10.7 prohibits a "petroleum bulk plant or terminal" in the Groundwater Conservation Overlay District. However, 5.2.4.13 listing regulated products, and substances as those listed under 40 CFR 302, 7-1-05 edition, excludes propane and other liquified fuels which exist as gases at normal atmospheric temperature and pressure.

5. Reasoning for appeal:

The project successfully completed review by the Raymond Community Development and Planning department, the Raymond Technical Review Committee, and by Dubois & King, the Town's consulting engineer, as well as initially reviewed by the Rockingham County Planning Commission's circuit planner, and none of them questioned the proposed use of propane storage within the Groundwater Conservation Overlay District. Although NHDES regulates oil products, which it defines as synonymous with "petroleum and petroleum products" liquified propane is expressly excluded from this definition. RSA 146-A:2, III.

Signature of Applicant*

*If the applicant is not the property owner, then a notarized letter of permission from the property owner authorizing the applicant to represent their interests shall be provided.

Patricia M. Panciocco, Esq. Panciocco Law, LLC



Applicant's Signature*

February 9, 2024

Date

RECEIVED

FEB 09 2024

TOWN OF RAYMOND

LIST OF ABUTTER NOTIFICATIONS

February 8, 2024

TAX MAP/LOT	STREET ADDRESS	OWNER/APPLICANT
Tax Map 32 Lot 69	Route 27	Jessica Hatch (Owner/Applicant) 119 Rockingham Road Windham, NH 03077
TAX MAP/LOT	STREET ADDRESS	ABUTTERS
Tax Map 32 Lot 2-33 Tax Map 32 Lot 2-34 Tax Map 32 Lot 2-35	232 Route 27 236 Route 27 238 Route 27	Jodi M. & Amy M. Grant 236 Route 27 Raymond, NH 03077
Tax Map 32 Lot 2-37	Route 27	Jessica Hatch 119 Rockingham Road Windham, NH 03077
Tax Map 32 Lot 2-38	75 Long Hill Road	Jason M. Gourley Heather A. Marston 75 Long Hill Road Raymond, NH 03077
Tax Map 32 Lot 2-40	71 Long Hill Road	Eugene W. & Laura L. Roy 71 Long Hill Road Raymond, NH 03077
Tax Map 38 Lot 4-60	3 Old Cart Road	June A. & Harold L. Barnard 3 Old Cart Road Raymond, NH 03077
Tax Map 38 Lot 4-61	1 Old Cart Road	Robert S. Rouse 1 Old Cart Road Raymond, NH 03077
Tax Map 38 Lot 4-62	2 Old Cart Road	Katie A. Mills 2 Old Cart Road Raymond, NH 03077
Tax Map 38 Lot 4-125	Route 27	Tranquility Estates Cooperative, Inc. 8 Old Cart Road Raymond, NH 03077

LIST OF ABUTTER NOTIFICATIONS**February 8, 2024**

		PROFESSIONALS
	Attorney	Panciocco Law, LLC Attn: Patricia M. Panciocco, Esquire One Club Acre Lane Bedford, NH 03110
	Civil Engineer	SFC Engineering Partnership, Inc. Attn: Daniel M. Flores, PE 183 Rockingham Road, Unit 3 East Windham, NH 03087
	Land Surveyor	S&H Land Services LLC Attn: J. Robert Degan, LLC 141 Londonderry Turnpike Hooksett, NH 03106
	Soil Scientist	BSC Group Attn: Luke Hurley 150 Dow Street Manchester, NH 03101
	Fire Protection Engineer	SFC Engineering Partnership, Inc. Attn: Jeffrey M. Murphy, PE 183 Rockingham Road, Unit 3 East Windham, NH 03087

Jessica Hatch
119 Rockingham Road
Windham, NH 03077

Jason M. Gourley
Heather A. Marston
75 Long Hill Road
Raymond, NH 03077

Robert S. Rouse
1 Old Cart Road
Raymond, NH 03077

Panciocco Law, LLC
Attn: Patricia M. Panciocco, Esq.
One Club Acre Lane
Bedford, NH 03110

BSC Group
Attn: Luke Hurley
150 Dow Street
Manchester, NH 03101

Jodi M. & Amy M. Grant
236 Route 27
Raymond, NH 03077

Eugene W. & Laura L. Roy
71 Long Hill Road
Raymond, NH 03077

Katie A. Mills
2 Old Cart Road
Raymond, NH 03077

SFC Engineering Partnership, Inc.
Attn: Daniel M. Flores, PE
183 Rockingham Road, Unit 3 East
Windham, NH 03087

SFC Engineering Partnership, Inc.
Attn: Jeffrey M. Murphy, PE
183 Rockingham Road, Unit 3 East
Windham, NH 03087

Jessica Hatch
119 Rockingham Road
Windham, NH 03077

June A. & Harold L. Barnard
3 Old Cart Road
Raymond, NH 03077

Tranquility Estates Cooperative, Inc.
8 Old Cart Road
Raymond, NH 03077

S&H Land Services LLC
Attn: J. Robert Degan, LLC
141 Londonderry Turnpike
Hooksett, NH 03106

RECEIVED

FEB 09 2024

February 9, 2024


TOWN OF RAYMOND

To: Town of Raymond
Zoning Board of Adjustment
4 Epping Street
Raymond, NH 03077

Re: Route 27, Tax Map 32 Lot 69, Raymond, NH

I, the undersigned, owner of the property located on Route 27 in Raymond, New Hampshire (Tax Map 32 Lot 69); authorize Patricia M. Panciocco, Esquire of Panciocco Law, LLC to submit all necessary zoning applications to the Town of Raymond Zoning Board of Adjustment for the subject property.

Very truly yours,




Jessica Hatch

**STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH**

On this 9th day of February, 2024, personally appeared Jessica Hatch, known to me, or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument and acknowledged that she executed the same for the purposes therein contained, as her free act and deed.

Before me,



Notary Public
My Commission Expires: February 16, 2027



PANCIOCCO LAW, LLC

Patricia M. Panciocco *
*Admitted in NH & ME

One Club Acre Lane
Bedford, New Hampshire 03110
www.pancioccolaw.com

Tel. 603-518-5370
Fax 603-206-5946
E-mail: Pat@pancioccolaw.com

May 22, 2024

VIA EMAIL ONLY: Planningtech@raymondnh.gov
communitydevdirector@raymondnh.gov

Town of Raymond Zoning Board of Adjustment
4 Epping Street
Raymond, NH 03077

**Re: Jessica Hatch/Route 27 (Tax Map 32 Lot 69) Raymond, NH (“Property”)
Case Number 2024-002**

Dear Members of the Board:

This letter is submitted on behalf of Jessica Hatch (“Applicant”) who filed the Administrative Appeal of the Planning Board’s January 11, 2024 decision denying her site plan application (“Application”) because Section 5.2.10.7 of the Raymond Zoning Ordinance (“Ordinance”) excludes the siting or operation of a “*petroleum bulk plant or terminal*” in the Groundwater Conservation Overlay District (“GCOD”). On March 27, 2024, the ZBA granted the Applicant’s appeal after reviewing the language of the Ordinance, the definitions in several statutes and determined a “*Bulk Storage Plant or Terminal*” does apply to propane or my client’s proposed installation of a 30,000 gallon propane tank on their property.

On April 24, 2024, the Raymond Board of Selectmen (“BOS”) filed a motion for rehearing claiming the Applicant submitted a site plan application “*to authorize the installation*” of a 30,000 gallon “*Propane Bulk Storage Facility*” on the Property. This statement is patently false, presents an unreasonably narrow view of my client’s Application, the site plan review process and completely ignores other language in the Ordinance. In addition, nothing in the BOS Rehearing raises new issues and its attachments have no bearing on the language in the Ordinance. For these reasons, and the reasons set forth below, the BOS Rehearing should be denied.

“Issue Presented on Appeal”

The ZBA has exclusive jurisdiction to interpret the language in its Ordinance. RSA 674:33, I. When doing so, a court views the language in context and does not construe isolated words or phrases. Working Stiff Partners, LLC v. City of Portsmouth, 172 N.H. 611, 616

(2019). The following provisions using the term “petroleum” appears in Section 2.11 of the Ordinance General Provisions which states:

“All petroleum tanks in Raymond shall conform to regulations issued by the New Hampshire Department of Environmental Services (DES, currently regulation WS411); and tanks not covered by WS411¹ shall be installed and maintained in accordance with the applicable NFPA Codes.”

Section 2.11 distinguishes “petroleum” tanks regulated by NHDES, from all other tank installations which fall squarely within the jurisdiction of the Raymond Fire Department. Furthermore, its comments will need to be fully addressed before any site plan approval is granted by the Planning Board.

“Propane is [NOT] a Petroleum Product.”

The Property is subject to the Groundwater Conservation Overlay District (“GCOD”). With the exception of Section 2.11, the only section of the Ordinance where the term “petroleum” appears is in the GCOD Ordinance:

“5.2.4.5. GASOLINE STATION: Means that portion of a property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and distributed for the purposes of retail sale of gasoline.”²

*5.2.4.11. PETROLEUM BULK PLANT or TERMINAL: Means that portion of the property where petroleum products are received by **tank vessel, pipeline, tank car, or tank vehicle** and are **stored or blended in bulk** for the purpose of distributing such liquids by tank vessel, pipeline tank car, tank vehicle, portable tank, or container.*

*“5.2.4.13. REGULATED SUBSTANCE: Petroleum, petroleum products, and substances listed under 40 CFR 302, 7-1-05 edition, **excluding the following substances**: (1) ammonia, (2) sodium hypochlorite, (3) sodium hydroxide, (4) acetic acid, (5) sulfuric acid, (6) potassium hydroxide, (7) potassium permanganate, and (8) **propane and other liquefied fuels which exist as gases at normal atmospheric temperature and pressure.**”*

When a term is defined by the Ordinance, that definition controls. *Id.* However, the BOS readily admit the term “petroleum” is an undefined term and in those cases, courts will review the term’s common usage, the dictionary and related statutes and caselaw. Working Stiff Partners, LLC at 623; Appeal of Town of Lincoln, 172 N.H. 244, 248 (2019). However, that is unnecessary here because the above language provides further insight, in addition to the Fire Department having exclusive jurisdiction.

¹ These Administrative Rules no longer exist.

² This definition is provided only to ensure completeness.

1. It is undisputed that the Applicant is not proposing a gasoline station.
2. There is nothing in the Application referring to a proposed “*Petroleum Bulk Plan or Terminal*” where a “*tank vessel, pipeline or tank car*” will deliver propane to the Property. See Exhibit A. The Applicant has also not proposed onsite blending of fuels for delivery to third parties.
3. More importantly however, Section 5.2.4.13 of the GCOD Ordinance provides a definition of “*Regulated Substances*” and it expressly excludes “*propane and other liquefied fuels*”.

The express purpose of the GCOD is provided in Section 5.2.2:

“The purpose of this Ordinance is, in the interest of public health, safety, and general welfare, to preserve, maintain, and protect from contamination existing and potential groundwater supply areas and to protect surface waters that are fed by groundwater. The purpose is to be accomplished by regulating land uses which could contribute pollutants to designated wells and/or aquifers identified as being needed for present and/or future public water supply.”

The GCOD follows the lead provided by RSA 485-C, the New Hampshire’s Groundwater Protection Act which sets acceptable limits for certain chemicals found in groundwater. RSA 485-C:2, XIII defines a “*regulated contaminant*” as any physical, chemical, biological, radiological substance or than naturally occurring substances, and sets levels which adversely affect human health or the environment. Those levels must meet or exceed the limits found in the Federal Safe Drinking Water Act. RSA 485-C:7, II expressly states above ground and below ground storage facilities **for oil and hazardous substances** defined by RSA 146-C are potential sources of contamination.

RSA 146-C:1, VII-a defines the term “*hazardous substance*” as regulated substances listed under 42 USC 6991(2)(A) and those identified by RSA 146-C:9, VI-a. RSA 146-C:6, IX-a authorizes the Commissioner of NHDES to adopt administrative rules to establish procedures to determine whether a material is considered hazardous substance under RSA 146-C and RSA 146-C:1, XII refers the reader to RSA 146-A:2 for the definition of “*oil*”.

RSA 146-A:2, III defines the term “**oil**” as **petroleum products and any of their byproducts, in any form** including, but not limited to, petroleum, fuel, sludge, crude oil, refuse, or oil mixed with waste, and all other liquid hydrocarbons regardless of specific gravity and which are used as motor fuel, lubricating oil or any oil used for heating or processing but expressly states: “The term ‘oil’ shall not include natural gas, liquified petroleum gas or synthetic natural gas regardless of derivation or source.”

For regulatory purposes, the State of New Hampshire does not recognize propane as included in the definition of “*oil*” or “*petroleum*”.

“Arguments Advanced by NRG are Irrelevant and Misleading.”

It cannot be denied that applying the rules of statutory construction is difficult, but the definition found in Section 5.2.4.13 may only be applied in the GCOD and must be read together with other definitions in order to not reach an absurd outcome. In the case of doubt, the definitions provided by the N.H. legislature control and municipalities may not adopt conflicting ordinance provisions. The NH Groundwater Protection Act applies to the entire state and local ordinances must remain aligned with its provisions.

As to the Fire Department, the point presented during the hearing was that the Fire Department did not object to the Application as a “Petroleum Bulk Plan or Terminal” which is expressly prohibited in the GCOD. As stated above, all Fire Department comments will be fully addressed during the site plan review process, which will include, but not be limited to traffic, impacts on abutters, noise, odor, vibration, sound and fire suppression.

For these reasons, the ZBA must deny the BOS Rehearing as not presenting anything new for review, because the language of the Ordinance and New Hampshire law controls.

Sincerely yours,

Patricia Panciocco

Panciocco Law, LLC

Cc: Client, SFC Engineering, Crown Energy

EXHIBIT A

“Tank Vessel”



Pipeline”



“Tank Car”



PANCIOCCO LAW, LLC

Patricia M. Panciocco *
*Admitted in NH & ME

One Club Acre Lane
Bedford, New Hampshire 03110
www.panciocolaw.com

Tel. 603-518-5370
Fax 603-206-5946
E-mail: Pat@panciocolaw.com

May 30, 2024

VIA OVERNIGHT MAIL

Town of Raymond
Zoning Board of Adjustment
Attn: James McLeod
4 Epping Street
Raymond, NH 03077

**Re: Variance Application for property owned by Jessica Hatch
Map 32, Lot 69, Route 27, Raymond, NH**

Dear Mr. McLeod:

Enclosed please an original and one (1) copy of an Application for a Variance along with the following in connection with the above-referenced:

1. One (1) copy of the Planning Board January 11, 2024 Notice of Decision;
2. One (1) copy of the Site Development Plan;
3. Signed Authorization for Jessica Hatch;
4. One (1) Abutter List with 3 sets of mailing labels for each abutter; and
5. Check No. 1707 in the amount of \$290.00 payable to the Town of Raymond (\$150.00 Application fee, 14 x \$10.00 each abutter - \$140.00).

Per your communications with Attorney Panciocco, she is requesting this Application be added to the June 26, 2024 public meeting. Please let us know if you have any questions. Thank you.

Sincerely yours,

Lynn Davis

Lynn Davis,
Paralegal to Patricia M. Panciocco

Enclosures

cc: Client



TOWN OF RAYMOND

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

Tel: (603) 895-4735
Fax: (603) 895-0903
http://www.raymondnh.gov

Application for a Variance

Site Information

Property Address: Route 27

Map #: 32 Lot #: 69

Property Owner Information

Name: Jessica Hatch Phone: (603) 800-7051

Address: 119 Rockingham Road, Windham, New Hampshire 03087

Address: _____

Applicant/Agent Information

Name: Patricia M. Panciocco, Esquire Phone: (603) 518-5370

Address: One Club Acre Lane, Bedford, New Hampshire 03110

Address: _____

Complete the Following

A variance is being requested from Article 5, 2, Section 4.11 of the Town of Raymond Zoning Ordinance in order to permit the installation of two (2) 30,000 propane tanks on the property.

Facts in Support of Granting the Variance (if more space is needed, attach additional sheets)

1) Granting a variance would not be contrary to the public interest because: _____

See Attachment to Variance Application.

2) Granting a variance would be consistent with the spirit of the ordinance because: _____

See Attachment to Variance Application.

3) Granting a variance would do substantial justice because: _____

See Attachment to Variance Application.

4) Granting a variance would not diminish the values of surrounding properties because: _____

See Attachment to Variance Application.

5) Owing to the special conditions of the property that distinguish it from other properties in the area, literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because...

- a. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

See Attachment to Variance Application.

- b. The proposed use is a reasonable one because:

See Attachment to Variance Application.

6) If you cannot provide a response establishing the criteria in 5(a) and 5(b) above, explain how an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of the property.

ATTACHMENT TO VARIANCE APPLICATION

1) Granting a variance would not be contrary to the public interest because:

To be contrary to the public interest, the Variance must substantially conflict with the objectives of the restriction, here, the Groundwater conservation Overlay District (“GCOD”). The purpose of the GCOD is to protect surface water and groundwater from potential contamination by pollutants, to protect public health, safety and welfare by ensuring safe drinking water. (RZO, Sec. 5.2.2). Propane gas is an alternative fuel which vaporizes when it is exposed to air, does not contaminate soil and is not a threat to surface water or groundwater.

2) Granting a variance would be consistent with the spirit of the ordinance because:

The property is located with the C-1 zoning district, with exception of its northeast corner. Commercial businesses are expressly permitted in the C-1 zone. The property has frontage along a State road and the proposed propane tanks will be placed to the rear of the proposed office building. Propane tanks of all sizes are found in all zoning districts, above ground and below ground, and these tanks will be installed with all property permits and in accordance with all fire department recommendations, and will offer consumers an alternative source of heating fuel.

3) Granting a variance would do substantial justice because:

To be substantial just, the public’s gain must exceed the Applicant’s loss. Here, the public gains nothing by prohibiting propane tanks on the Property and will lose a local source of heating fuel that is clean and not a threat to the environment, and the Applicant will be denied a reasonable and permitted use of its property.

4) Granting a variance will not diminish the values of surrounding properties because:

The property is located in the C-1 zone where a commercial business, such as NRG Fuel, are expressly permitted. The office building will face the road and the tanks will be located behind the office. There is no evidence allowing a new business to be located on the Property will diminish surrounding property values, especially when propane tanks of all sizes are allowed in all zoning districts.

5) Owing to the special conditions of the property that distinguish it from other properties in the area, literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because:

The unique shape of the Property and its limited frontage limit the commercial use of the Property to a small business. In addition, setback requirements associated with Dudley Brook restrict the useable area of the Property and an overbroad, and inconsistent interpretation of the term “petroleum products” found in Section 5.2.4.11 of the Ordinance imposes an unnecessary hardship of the Property.

- a. **There is no fair and substantial relationship between general public purpose of the Ordinance (which remains a question) and its specific application to the Property because:**

The purpose of the GCOD of protecting surface and groundwater from contamination is not furthered by an overbroad and inconsistent interpretation of the term “petroleum products” to exclude a clean fuel like propane gas which is not a contaminant.

- b. **The proposed use is a reasonable one because:**

A propane supply business with two (2) 30,000 gallon storage tanks is a permitted use and presumed reasonable.

- 6) **If you cannot provide a response establishing the criteria in 5(a) and 5(b) above, explain how an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of the property.**

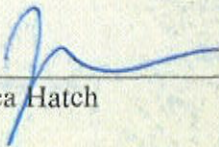
May 30, 2024

To: Town of Raymond
Zoning Board of Adjustment
4 Epping Street
Raymond, NH 03077

Re: **Route 27, Tax Map 32 Lot 69, Raymond, NH**

I, the undersigned, owner of the property located on Route 27 in Raymond, New Hampshire (Tax Map 32 Lot 69); authorize Patricia M. Panciocco, Esquire of Panciocco Law, LLC to apply/file to the Town of Raymond Zoning Board of Adjustment for all necessary permits, land use applications to include, but not be limited to, special exemption, variance, subdivision and site plan relative to the subject property.

Very truly yours,

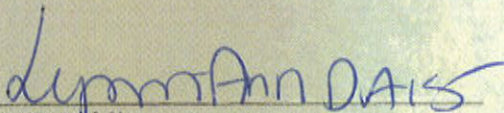


Jessica Hatch

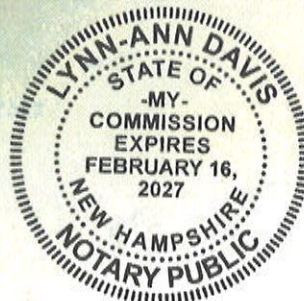
**STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH**

On this 30th day of May, 2024, personally appeared Jessica Hatch, known to me, or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument and acknowledged that she executed the same for the purposes therein contained, as her free act and deed.

Before me,



Notary Public
My Commission Expires:



The Town of Raymond, NH- Planning Board

Site Plan Application #2023-016 Fuel NRG Raymond Findings of Fact for Application Denial 01/11/2024

A. Introduction

Pursuant to NH RSA 676:3 and in compliance with the requirements of the State of New Hampshire and the Town of Raymond Site Plan Regulations, as amended, the following is presented as Findings of Fact and written decision of denial of Application #2023-016 (the "Application") an Application for Site Plan for a site located in Ramond Tax Map #32, Lot 69, within Zone C1, on NH Route 27, Raymond, NH 03077 and submitted by Daniel M. Flores of SFC Engineering Partnership, Inc. on behalf of Jessica Hatch of Fuel NRG, landowner.

B. Authority

Raymond Site Plan Regulations ARTICLE I – PURPOSE AND AUTHORITY 1.01 AUTHORITY

Pursuant to the authority vested in the Town of Raymond Planning Board by the voters of the Town on March 12, 1983, and in accordance with New Hampshire Revised Statutes Annotated (NH RSA) 674:44, the Planning Board does hereby adopt the following Regulations for the governing of the review of non-residential site plans, the development of multi-family dwelling units and changes of use. These Regulations shall be entitled the "Site Plan Review Regulations for the Town of Raymond.

Raymond Zoning Regulation 2023; ARTICLE 1: PREAMBLE

1.1. Purpose: The purpose of this Zoning Ordinance is to promote the health, safety, economic and social well-being of the community, to protect the natural resources including the lakes, rivers, streams, drinking water and aquifer, to lessen congestion in the streets, to secure safety from fires, panic, and other dangers, to promote adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate provision of transportation, water, sewerage and schools. The Town of Raymond, New Hampshire adopted this Ordinance in conformance with New Hampshire RSA674:16.

C. Findings of Fact and Regulations

1. In March of 2023 Zoning Ordinance 5.2.10 was amended by a majority vote of the citizens of Raymond. Article 6 was approved with 1030 in favor and 264 opposed, roughly 80% vs 20% (Exhibit A)

LIST OF ABUTTER NOTIFICATIONS**May 30, 2024**

TAX MAP/LOT	STREET ADDRESS	OWNER
Tax Map 32 Lot 69	Route 27	Jessica Hatch (Owner) 119 Rockingham Road Windham, NH 03077
TAX MAP/LOT	STREET ADDRESS	ABUTTERS
Tax Map 32 Lot 2-33	232 Route 27	Jodi M. & Amy M. Grant
Tax Map 32 Lot 2-34	236 Route 27	236 Route 27
Tax Map 32 Lot 2-35	238 Route 27	Raymond, NH 03077
Tax Map 32 Lot 2-37	Route 27	Jessica Hatch 119 Rockingham Road Windham, NH 03077
Tax Map 32 Lot 2-38	75 Long Hill Road	Jason M. Gourley Heather A. Marston 75 Long Hill Road Raymond, NH 03077
Tax Map 32 Lot 2-40	71 Long Hill Road	Eugene W. & Laura L. Roy 71 Long Hill Road Raymond, NH 03077
Tax Map 38 Lot 4-60	3 Old Cart Road	June A. & Harold L. Barnard 3 Old Cart Road Raymond, NH 03077
Tax Map 38 Lot 4-61	1 Old Cart Road	Robert S. Rouse 1 Old Cart Road Raymond, NH 03077
Tax Map 38 Lot 4-62	2 Old Cart Road	Katie A. Mills 2 Old Cart Road Raymond, NH 03077
Tax Map 38 Lot 4-125	Route 27	Tranquility Estates Cooperative, Inc. 8 Old Cart Road Raymond, NH 03077

LIST OF ABUTTER NOTIFICATIONS

May 30, 2024

		PROFESSIONALS
	Attorney	Panciocco Law, LLC Attn: Patricia M. Panciocco, Esquire One Club Acre Lane Bedford, NH 03110
	Civil Engineer	SFC Engineering Partnership, Inc. Attn: Daniel M. Flores, PE 183 Rockingham Road, Unit 3 East Windham, NH 03087
	Land Surveyor	S&H Land Services LLC Attn: J. Robert Degan, LLC 141 Londonderry Turnpike Hooksett, NH 03106
	Soil Scientist	BSC Group Attn: Luke Hurley 150 Dow Street Manchester, NH 03101
	Fire Protection Engineer	SFC Engineering Partnership, Inc. Attn: Jeffrey M. Murphy, PE 183 Rockingham Road, Unit 3 East Windham, NH 03087

Jessica Hatch
119 Rockingham Road
Windham, NH 03077

Jodi M. & Amy M. Grant
236 Route 27
Raymond, NH 03077

Jessica Hatch
119 Rockingham Road
Windham, NH 03077

Jason M. Gourley
Heather A. Marston
75 Long Hill Road
Raymond, NH 03077

Eugene W. & Laura L. Roy
71 Long Hill Road
Raymond, NH 03077

June A. & Harold L. Barnard
3 Old Cart Road
Raymond, NH 03077

Robert S. Rouse
1 Old Cart Road
Raymond, NH 03077

Katie A. Mills
2 Old Cart Road
Raymond, NH 03077

Tranquility Estates Cooperative, Inc.
8 Old Cart Road
Raymond, NH 03077

Panciocco Law, LLC
Attn: Patricia M. Panciocco, Esq.
One Club Acre Lane
Bedford, NH 03110

SFC Engineering Partnership, Inc.
Attn: Daniel M. Flores, PE
183 Rockingham Road, Unit 3 East
Windham, NH 03087

S&H Land Services LLC
Attn: J. Robert Degan, LLC
141 Londonderry Turnpike
Hooksett, NH 03106

BSC Group
Attn: Luke Hurley
150 Dow Street
Manchester, NH 03101

SFC Engineering Partnership, Inc.
Attn: Jeffrey M. Murphy, PE
183 Rockingham Road, Unit 3 East
Windham, NH 03087



Raymond Fire Department

1 Scribner Road Raymond NH, 03077

Bus: (603) 895 – 3321 Fax: (603) 893 – 0188



Chief Paul Hammond

Deputy Chief Jason Grant

To: Ken Robichaud; Town Manager
4 Epping Street
Raymond, N.H. 03077

From: Jason Grant; Deputy Chief
1 Scribner Road
Raymond, N.H. 03077

Ref: January 4th Technical Review Meeting

March 28, 2024

Greetings Ken,

On January 4th, 2024, Chief Hammond asked me to attend the Technical Review Committee Meeting, held in the Department of Public Works conference room. The meeting agenda included discussing a propane distribution facility (proposed by NRG) on Route 27 near Tranquility Estates and the West end of Long Hill Road. Fire Department personnel attended the meeting to provide fire protection input. Attending the meeting were members of the Planning Department, Police Department, Public Works, and among others, two SFC Engineers. Chief Hammond asked me to attend the meeting with him, so that he could recuse himself. The following summarizes the meeting from a fire protection perspective.

A representative opened the meeting with a general overview of the project. Phase one of the project would install a 30,000-gallon liquid propane storage tank. Phase two included adding a small structure (office building). One SFC Engineer offered a general overview of propane and answered questions from Committee members. The second SFC Engineer provided more in-depth information about propane, mentioning propane, if it escapes containers, quickly vaporizes to its gaseous state providing ambient temperatures are above -40 degrees Fahrenheit. The engineer also spoke about fire prevention components engineered in devices during off-loading and on-loading of the product. A discussion about firefighting water supply followed.

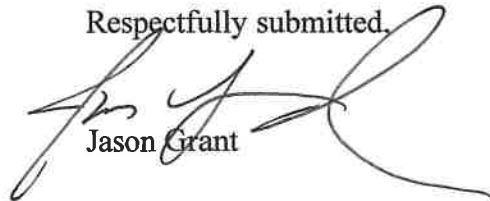
During the required water supply discussion SFC offered the dry hydrant located at the bridge at the Long Hill Road West end bridge as adequate fire protection. The Fire Department acknowledged the dry hydrant may supply the required gallons per minute (GPM) for the time specified by SFC engineers. However, the Fire Department expressed two concerns. One, the dry hydrant is in a low spot, where propane gas, if it were to escape, could accumulate, placing fire personnel at risk. Second, the Fire Department does not consider the dry hydrant a reliable water source, because factors including drought can influence the (GPM) flow from the dry hydrant.

SFC then advised the required water flow does not need to come from a hydrant or static water source. Water on wheels (fire apparatus such as engines and tankers) can also meet the required water flow requirements. In principle, the Fire Department acknowledged that the anticipated Raymond Fire initial apparatus response, and mutual aid apparatus from neighboring departments should meet the required water flow requirement stated by SFC engineers. In addition, the Fire Department, in principle acknowledged the future office building would need a sprinkler system to include a fire pump as per Town ordinance. However, the Fire Department also reminded engineers of critical components.

The Fire Department reminded SFC that a fire safety analysis must be submitted prior to final consent, primarily due to the proximity of the proposal to a residential neighborhood. A fire safety analysis provides information including modes of fire protection and product control systems. Of note, once constructed, any update in storage capacity would require an updated fire safety analysis.

In closing, during the meeting, engineers did not afford the Fire Department preliminary plan review documentation supporting fire flow calculations. The meeting adjured soon after.

Respectfully submitted,



Jason Grant

Cc: Paul Hammond; Fire Chief

Why this petition matters



Started by [James Brigham](#)

As residents of Tranquility Estates in Raymond, NH, we are deeply concerned about the proposed installation of an NRG plant on our doorstep (tax map 32 lot 69). This is not just a matter of inconvenience; it's a question of safety for us and our neighbors on Long Hill Road and across Route 27.

Firstly, there are serious fire safety issues. The water from the dry hydrant in Dudley Brook cannot be relied upon for quantity, pressure. The nearest wet hydrant is one mile away on Long Hill Road - far too distant to provide effective response to a potential fire at the plant.

Secondly, traffic safety is at risk. The rise at Tranquility entrance/exit blinds oncoming traffic to dangers posed by passing vehicles using the center turn lane. Traffic often travels faster than the posted speed limit here which could lead to catastrophic accidents with increased truck activity due to plant operations.

Lastly but no less important is noise, odor, fumes, light pollution associated with plant operations. This will disrupt our peaceful community and negatively impact quality of life.

We urge you to consider these points seriously when making your decision about allowing this NRG Plant installation. We believe that it poses significant risks that outweigh any potential benefits it might bring. Please deny permission for this potentially hazardous development in our community - help us keep Tranquility Estates safe! Sign this petition today!

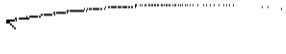

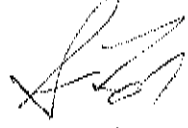
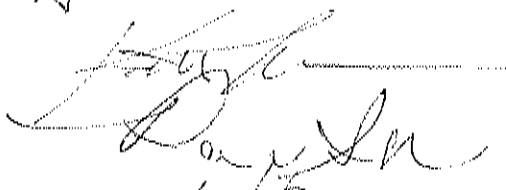
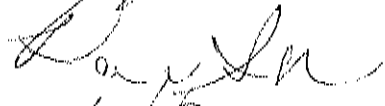

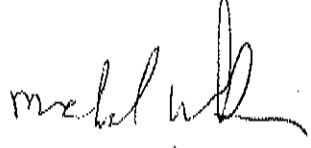
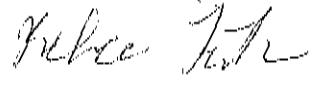
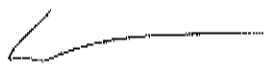
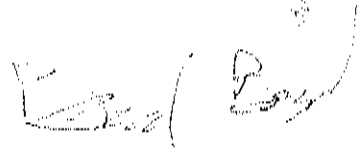
Petition To RAYMOND, NH PLANNING BOARD

Printed Name	Address	Signature
ANTHONY GENNA	31 OLD CART	
Lisa Gardner	71 Barbours Ln	
RAE Guilbert	78 Boxwood LANE	
Heidi Day	26 old Cart	Heidi Day
Dana Day	26 old Cart	Dana Day
Laurie Vail	29 old cart rd	Laurie Vail
Karin Merrill	17 old Cart Rd.	
Jessica Merrill	17 old cart rd	Jessica Merrill
Linda McCann	16 old cart rd	Linda McCann
Elizabeth Moise	14 old Cart Rd	
AUSTIN WARD	14 old cart rd	
MIKE BARBETTA	15 OLD CART RD	
DONNA BARBETTA	15 OLD CART RD	
Brooklyn Turner	10 old Cart Rd	Brooklyn Turner
Mary Holiskey	9 Old Cart Rd	Mary Holiskey
Kathryn Constock	8 OLD CART RD	KATHRYN CONSTOCK
Deanna Call	12 old cart rd	Deanna Call
Ken Rowe	1 OLD CART RD	Ken Rowe
Ken Schulz	6 Old Cart Rd	Ken Schulz

Petition To RAYMOND, NH PLANNING BOARD

Printed Name	Address	Signature
Gary Dumas	2 pine wood CV,	
Jessica Neskey	9a Pinewood Cove	
Robert FAYETTE	55 barberry	
<i>[Signature]</i>	57 barberry lane	
K M D	72 BARBERY LANE	
<i>[Signature]</i>	74 BARBILLY LANE	
Grace P. D. [Signature]	58 Barberry Lane	
Kelly [Signature]	56 Barberry Ln	
Renard Noep	56 Barberry LN	
Nick Kaiser	52 Barberry LN	Nick Kaiser
LEIGH ANN KAISER Leigh Ann Kaiser	52 Barberry Ln.	Leigh Ann Kaiser
Jean McKinley	119 Woodland Circle	
Judith A. Heis	50 Barberry Ln. <u>No</u>	
William J. [Signature]	50 Barberry Ln No William J. [Signature]	
Robert W. Inall	46 Barberry Lane	
Amarda Pal	47 Barberry Lane	AP
Linda K Stewart	36 Old Cart Rd	
Nichelle M. Edman	39 old Cart Rd	Nichelle M. Edman
Pat L. [Signature]	40 Old Cart Rd	

Petition To Planning Board Raymond

Printed Name	Address	Signature
Jim Brigham	120 Woodland T.E.C.I.	
M. Francis	126 WOODLAND CIRCLE	
Linda M Miller	129 Woodland Circle	
Stephen Wynn	20 OLD CART	
Drew K. Jensen	85 BOXWOOD LN	
Scott B. Webster	107 Boxwood Lane	
ALAN GRAVES	98 Boxwood Ln.	
Stephen Tomic	100 Boxwood LN	
John DeSic	97 Boxwood Lane.	
PATRICIA Spencer	91 Boxwood Lane	
Steve Hayes	123 Woodland Cr.	
Karin Ann	85 Boxwood Lane	
Russell Stratton	83 BOXWOOD LN	
NATHAN ISAACSON	82 BOXWOOD LA.	
Mehel Wulb	78 BOXWOOD LN	
Rebecca Fittin Rebecca Fittin	3 PINWOOD COVE	
Aaron Neskey	99 Pinewood Cove	
Janet Coane	8A Pinewood Cove	
Evel Boyd	6 Pinewood Cove	

Petition To

Printed Name	Address	Signature
Katie Mills Katie Mills	2001 Cart rd	K. Mills
BRYAN DEMERS Bryan Demers	201d Cart Rd	Bryan Demers
Dwight Hill	24 old Cart Rd	Dwight Hill
Molly Niland	124 Woodland Cir.	Molly Niland
ERIC BURGGREN	122 WOODLAND CIR	Eric Burggren
Jason Farrell	116 woodland cir	Jason Farrell
Matthew Hawkes	115 woodland cir	Matthew Hawkes
Jacqueline Fuller	118 Woodland cir	Jacqueline Fuller
LEO S DOHERTY	117 woodland circle	Leo S Doherty
Karen Paschal	127 woodland circle	Karen Paschal
Joan Allen	128 Woodland Circle	Joan Allen
Jillian George	130 Woodland circle	Jillian George
Jeff Dion	130 woodland circle	Jeff Dion
Charles Jardine	132 woodland cir.	Charles Jardine
Brenda M Gauphi	131 Woodland Cir	Brenda M Gauphi
Christine Comeau	33 Old Cart Rd.	Christine Comeau
Eric Allen	33 Old Cart Rd	Eric Allen
Phyllis Brown	113 Woodland Circle	Phyllis Brown
Landra Waite	44 Barbary Lane	S

Petition To *Maintain Road Raymond, NH*

Printed Name	Address	Signature
Lisa Fogarty	93 Boxwood lane	<i>Lisa Fogarty</i>
Josh Trimbh	95 Boxwood Lane	<i>Josh Trimbh</i>
Stephen Picard	5 Pinewood Cove	<i>Stephen Picard</i>
Nathan Proszak	47 Barberry Ln.	<i>Nathan Proszak</i>
Carol Dumas	2 Pinewood cove	<i>Carol Dumas</i>
Patricia Moulton	23 Long Hill Rd	<i>Patricia Moulton</i>
Laura Roy	71 Long Hill Rd	<i>Laura Roy</i>
Shannon Coase	69 Longhill Rd	<i>Shannon Coase</i>
Bob Henley	68 Longh. II Rd	<i>Bob Henley</i>
Angie mansfield	72 Longhill Rd	<i>Angie Mansfield</i>
MARK PANAGEAS	72 Longhill Rd	<i>Mark Panageas</i>
Tammy Dussault	70 Longhill Rd	<i>Tammy Dussault</i>
zech Dussault	70 long hill Rd	<i>Zech Dussault</i>
JUSTIN AUBIN	91 Boxwood Ln	<i>Justin Aubin</i>
Thomas Nahn	111 woodland	<i>Thomas Nahn</i>
Ronita Nahn	111 woodland	<i>Ronita Nahn</i>
DAVID LEVEILLE	4 old carT RD	<i>David Leveille</i>
GARY BIDDY	42 OLD CAR RD	<i>Gary Biddy</i>

Petition To RAYMOND PLANNING BOARD

Printed Name	Address	Signature
Brian Shaller	125 Woodland Cir	Brian Shaller
Ethel Cosman	54 Barberrry Lane	Ethel Cosman
Ashley Nelson	45 Barberrry Lane	Ashley Nelson
Donald D. Wilkey George Livingston	49 Barberrry Lane	Donald D. Wilkey
George Livingston	64 Barberrry Lane	George Livingston
Paul Popoloni rusty jeewood	66 Barberrry	Paul Popoloni
Kim Binette	110 Boxwood Lane Raymond, NH 03077	Kim Binette
STEPHEN A BINETTE	118 BOXWOOD LANE RAYMOND NH 03077	Stephen A Binette
Robert Rouse	1 old cart road Raymond N.H. 03077	Robert Rouse



Petition To Planning Board Raymond, NH

Printed name	Address	Signature
Jamie Jordan	99 Boxwood Ln.	Jamie Jordan
Ray Dutois Jr.	4 Ridge Rd.	Ray Dutois Jr.
Laura Dostie	4 Ridge Rd.	Laura Dostie
Kristen Florence	3 ridge Rd.	Kristen Florence
Tabatha Antine	10 Upper Scotland	Tabatha Antine
STAN BORACZKA	11 Lower Scotland Dr	Stan Boraczka
Timothy Granolini	14 Lower Scotland Dr.	Timothy Granolini
Alela Bitodeana	13 Lower Scotland Dr	Alela Bitodeana
Judy Needham	3 Dustin Dr Raymond NH	Judy Needham
Meghan O'Brien	5 Lower Scotland Dr.	Meghan O'Brien
Marianne Walker	" "	Marianne Walker
Kristina McCain	11 Upper Scotland Dr.	Kristina McCain
Jasen Gourley	75 Long Hill rd	Jasen Gourley
June Dickerson	76 Long Hill Road	June Dickerson
Anthony Dickerson	76 Long Hill Road	Anthony Dickerson
Jane Bailey	76 Longhill Rd.	Jane Bailey
Deborah A Martin	90 Boxwood Ln	Deborah A Martin
PAUL JACQUES	90 BOXWOOD LN.	Paul Jacques
Pattick Fogarty	93 Boxwood Ln	Pattick Fogarty

RECEIVED

APR 17 2024

ADMINISTRATIVE APPEAL and VARIANCE REQUEST
TOWN OF RAYMOND

PROPERTY:	T/M 17-31 Lot 1¹ Address: 27 Old Fremont Road, Raymond, NH 03077	
OWNER/ APPLICANT:	American Building Solutions, Inc.² 182 Rockingham Road, Suite B, Derry, NH 03038	
AGENT:	Andrew H. Sullivan, Esq.³ 24 Eastman Ave., Bedford NH 03110 (603) 644-5291 andy@andrewsullivanlaw.com	
ZONE:	C2	
DIMENSIONS NEEDED for Commercial use in C2:		
	REQUIRED	ACTUAL
AREA:	.5 acre	1 acre
FRONTAGE:	50 feet	more than 50 feet
SETBACKS:	15 feet for Front, Side and Rear	at least 15 feet

A. BACKGROUND:

1. Sean Nadeau is owner of Scott's Roofing and of American Building Solutions, Inc.
2. American Building Solutions, Inc. ("Applicant") purchased the property in May 2023 and plans to use it for his roofing company: Scott's Roofing, a commercial service business allowed by right in the C2 zone (See ZO Art. 14: Allowed Uses Table).
3. The Property had been used as an automotive repair shop for at least 30 years, and at time of purchase was improved with a 3-bay commercial garage built in 1990, with attached one floor 280 sf office.

1 See **Tax Map** and **Tax Cards**, and **Vision Appraisal** sheet annexed hereto as **EXHIBIT A**, **EXHIBIT B**, and **EXHIBIT C**.

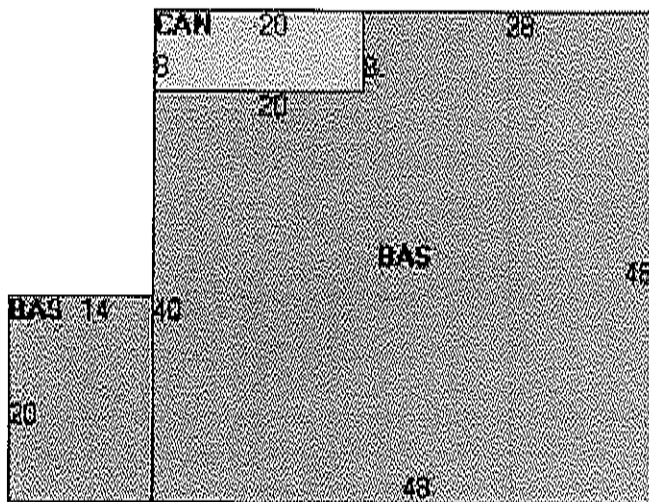
2 See **Source Deed** at **EXHIBIT D**.

3 See **Authorization** at **EXHIBIT E**.

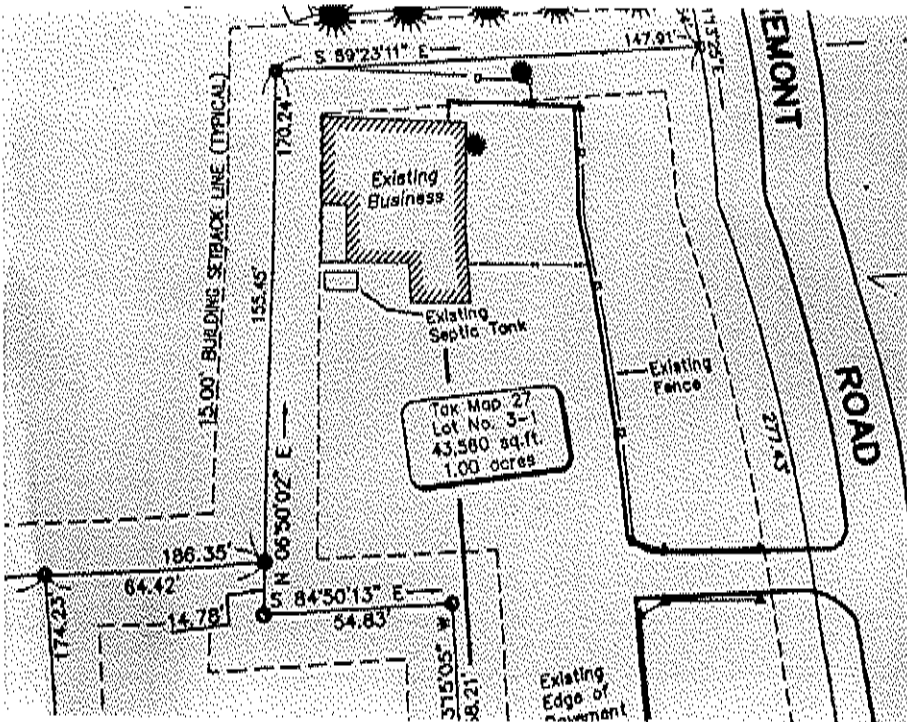
4. Below is aerial photo of what Property looked like at time of purchase.



5. The 2,304 sf 3-Bay garage has in place a sprinkler system, but the former 280 sf office space did not have a sprinkler system. The buildings 2,584 sf floor original layout is depicted below:

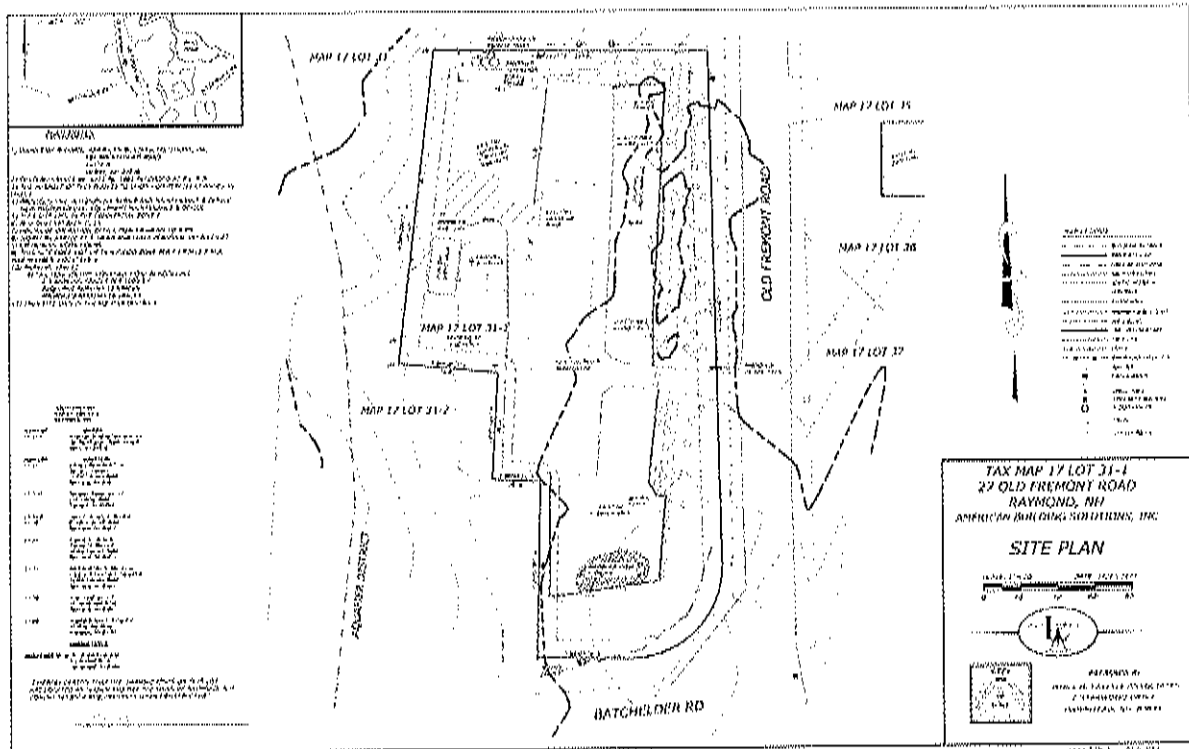


6. Portion of site plan prior to building's office addition shown below:



7. Applicant received a building permit on June 1, 2023 to add a 2,300 sf office addition to the existing garage bays to office space use. (See copy at **EXHIBIT G**).
8. Applicant, in good faith reliance on the properly issued building permit built the additional office area.
9. Construction was started but then stopped on the orders of the previous Community and Economic Development Director for reason of lack of site plan approval and then started again with permission from Town. All plans and construction have been within compliance with Town regulations.
10. The original building had 2,584 sf of space (280 sf of office space and 2,304 sf of garage space). The office addition added 1,544 sq ft net office space, an overall increase in total building floor space of 60%.
11. This new office addition will hold 6 small offices, two half bathrooms, a break room, a showroom, an office-size kitchen, and a conference room.
12. The office showroom and conference room will be open to the public Monday through Friday, 8:00 AM to 4:00 p.m.

13. Below is the most current site plan showing the additional office space footprint as the hash-marked area on the south side of the building.



14. Dana Dinsmore, current building inspector confirmed all electrical, plumbing, building, and mechanical work has been inspected and approved. See his 3/14/24 email at **EXHIBIT H**. In that email he stated:

15. ZO Art. 8.3.3 states, in pertinent part, that:

residential board and care, or group housing. Further, any new uses additions, renovations to commercial and or industrial buildings needing the approval of the planning board or exceeding 50% improvement of such a building as determined by the building inspector, shall require the entire structure to be brought into compliance with this section as a condition of approval before issuance of the certificate of occupancy. Sprinkler plans shall be submitted to and approved by the Raymond Fire Department fire inspector(s).

16. In his 3/14/24 email, Dana Dinsmore stated:

“Once I have final authorization from the fire department that their inspections and requests have been completed and approved, I will then issue the CO for the building based on conditions set forth by the planning board.”

17. But, in his 4/16/24 denial letter (attached as **EXHIBIT J**) Dana Dismore stated he is not able to issue the CO unless a sprinkler system was installed in the office addition.
18. The Fire Department has no authorization to required or to disallow a sprinkler system: See 3/21/24 copy of email from Chief Hammond indicating that ZO Art. 8.3.3 “does not direct the decision of a required Sprinkler System to the Fire Department... [it] is not my decision” at **EXHIBIT I**
19. Further, Raymonds Site Plan Review Regulation Sec. 54-4 is clear that the Planning Board is empowered only to review, approve or disapprove site plans and, consequently, has no authority to direct or override a building inspector’s decision regarding building conditions, including any requirement that a sprinkler system has to be installed in the new office addition!

§ 54-4 Authorization to review and approve for certain developments.

The Town of Raymond empowers the Planning Board to review and approve or disapprove site plans for the development of tracts for nonresidential uses or for multifamily dwelling units other than one- or two-family dwellings, whether or not such development includes a subdivision or resubdivision of the site.

20. The decision of Paul Ayer as duly authorized building inspector in June 2023 to issue a building permit to Applicant without requiring a sprinkler system in the additional office space was, pursuant to ZO Art. 8.3.3, a determination by the building inspector that cannot be overridden by the Planning Board.
21. The Doctrine of Municipal Estoppel provides that if (a) an authorized officer of the Town said something calculated or intended to induce a party to believe certain facts existed and to act on that belief, (b) the party who was told these facts by the Town officer lacked knowledge of the true facts, and (c) the party relied on the facts stated by the Town officer, and (d) the acting party would be subjected to a substantial loss if the Town were permitted to negate the acts of its authorized officer.

22. HERE, THE APPLICANT WOULD HAVE BUILT THE SPRINKLER SYSTEM IF THE DULY AUTHORIZED CODE ENFORCEMENT OFFICER HAD REQUIRED IT. BUT THE CODE ENFORCEMENT OFFICER DID NOT REQUIRE A SPRINKLER SYSTEM AS A CONDITION TO THE BUILDING PERMIT.

23. Applicant has obtained estimates that it will cost \$150,000.00 to add the sprinkler system, due not only to the cost of installation and deconstructing and reconstructing the walls and ceilings affect, but because of the extra length of piping, a large pipe

size is required in the entire building, thereby necessitating replacement of the sprinkler pipes in the 3-Bay garage.

24. To make matters worse, the owners of the space where Applicant is now located has issued an eviction notice to Applicant to get out of that space because the owner has have lined up a new tenant based on their belief that Applicant would be able to move into its Raymond Property once the additional office space was completed (without a sprinkler system). Copy of Eviction Notice attached as **EXHIBIT K**.
25. Under this fact pattern, the Doctrine of Municipal Estoppel prohibits the Town of Raymond from retroactively negating the June 2023 building permit by now requiring a further condition that a sprinkler system be installed in the new office addition.
26. Consequently, neither Dana Dinsmore, current code enforcement officer nor the Planning Board, nor the Fire Department has authority to reach back in time and negate the building permit issued to Applicant by Paul Ayer in June 2023, a duly authorized building inspector of the Town of Raymond.

B. APPEAL OF ADMINISTRATIVE DECISION: THRESHOLD QUESTION:

27. “[C]ontained in every variance application is the threshold question whether the applicant’s proposed use of property requires a variance” See, Bartlett v. City of Manchester, 164 N.H. 634 (2013).
28. A decision of an administrative officer includes “any decision involving construction, interpretation or application of the terms of the [zoning] ordinance. RSA 67k5:5, II(b); see, e.g., Batchelder v. Town of Plymouth, 160N.H. 253 (2010).
29. In this case, the determination made by Paul Ayer in June 2023 that Applicant was not required to install a sprinkler system in the new office addition (as evidenced by not having that condition on the Building Permit) was a decision of an duly authorized administrative officer, and was, pursuant to ZO Art. 8.3.3, a

determination for which only he had authority to make, was a determination that was reasonably relied upon by Applicant, but if the Town now requires a sprinkler system before it will issue a CO, that retroactive determination will cause Applicant to suffer a huge financial loss.

30. “The doctrine of municipal estoppel has been applied to municipalities to prevent unjust enrichment and to accord fairness to those who bargain with the agents of municipalities for the promise of the municipalities,” Thomas v. Town of Hooksett, 153 NH 717 (2006) . To prove municipal estoppel there must be a “false representation or concealment of material facts with knowledge of those facts, the party to whom the representations was made must be ignorant of the truth of the matter, the representation must have been made with the intention of inducing the other party to rely upon it, and the other party must have been induced to rely upon the representation to his injury. Id. Consequently, the answer to the threshold question of whether the applicant’s proposed use of property requires a variance” is that a variance request is not required because, based on both the Doctrine of Municipal Estoppel and ZO Art. 8.3.3 Applicant is not required to install a sprinkler system in the new office addition.
31. Additionally, Art. 8.3.3. is so patently arbitrary in its form and application as to violate the constitutionally protected equal protection rights of the Applicant because as applied, property owners with more or less than the square footage of Applicants office space addition may not be required to add a sprinkler system. The Equal Protection Clause requires classification in the law to be substantially related to the ends sought by the legislation. Dow v. Town of Effingham, 148 NH 121 (2002). Because the addition of 1,544 square feet to a 3,200 sf building would not require a sprinkler system, but the addition of a 1,544 square feet to a 2,584 sf building would, as written and applied to Applicant’s property, Art. 8.3.3 violates Applicant’s equal protection rights because Applicant is being treated differently that other properties. Consequently, application of this ordinance to Applicant’s Property is constitutionally prohibited and no variance is required.

32. Further, Applicant's substantive due process rights were violated because strict application of Art. 8.3.3. is not rationally related to a legitimate government interest under the facts of this case, to wit that, as explained in Par. 33, above, the fact that differing results of requiring a sprinkler system may result in a building with just a 201 sf addition on a 400 sf building could be required to have one installed, juxtaposed against a building of over 10,000 sf feet with a 4,999 sf addition would not be required to have a sprinkler system. Although an ordinance may be facially valid because it promotes public health, safety and general welfare, in this case because the ordinance is arbitrary and unreasonable as applied to Applicant's property, it violates Applicant's substantive due process rights and is, therefore unenforceable. "To determine whether an ordinance is arbitrary and unreasonable, the injury or loss to the landowner must be balanced against gain to the public," Buskey v. Town of Hanover, 133 N.H. 318, 323 (1990). In this case, the injury to the Applicant if as sprinkler system is required because he added 1,544 sf when other properties which added much more area would not be required to install a sprinkler system, the Applicant's injury far outweighs any gain to the public. Consequently, in this matter, no variance is required.

33. Therefore, pursuant to RSA 674:33, I(a)(1), the first question before the ZBA is an appeal of the April 16, 2024 administrative decision by Dana Dinsmore the current building inspector, to require a sprinkler system be installed in the new office addition of the Property. before he is able to issue a CO for the office addition. See **Exhibit H** for copy of decision),

C. RSA 674:33 VARIANCE REQUESTED:

34. Applicant seeks a variance waiving ZO Art. 8.3.3 so that sprinkler system will not have to be installed in the Property's office space.

D. APPLICABLE STATUES and ORDINANCES

35. Raymond Zoning Ordinance Article 9.3 provides:

9.3. Criteria for a Variance (03/2010) - Before authorizing a Variance from the Ordinance, the Board of Adjustment shall find that the five (5) following conditions as set forth by RSA 674:33, I(b), as may be amended from time to time, have been met:

9.3.1. The variance will not be contrary with the public interest;

9.3.2. The spirit of the Ordinance is observed;

9.3.3. Substantial justice is done;

9.3.4. The values of surrounding properties are not diminished; and

9.3.5. Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

37. NHRSA 674:33, I,(b) further provides:

(1) For purposes of subparagraph I(a)(2)(E), "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

(A) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and

(B) The proposed use is a reasonable one.

(2) If the criteria in subparagraph (1) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

(3) The definition of "unnecessary hardship" set forth in subparagraphs (1) and (2) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

E. VARIANCE ANALYSIS

38. **Granting the variance would not be contrary to the public interest or the spirit of the ordinance.** As the provisions of any zoning ordinance represent a declaration of public interest, any variance would in some measure be contrary thereto. Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 5025 (2011). *The requirement that the variance not be contrary to the public interest is related to the requirement that it be consistent with the spirit of the ordinance.* *Id.* The court in Chester Rod & Gun Club v. Town of Chester, 154 N.H. 577 (2005) stated that the criteria of whether the variance is “contrary to the public interest” or would “injure the public rights of others” should be construed together with whether the variance “is consistent with the spirit of the ordinance.” The court held in that case that **to be contrary to the public interest or injurious to public rights, the variance “must unduly, and in a marked degree” conflict with the basic zoning objectives of the ordinance**, *Id.*, at 514.

39. The first step in analyzing whether granting the variance would not be contrary to the public interest and would be consistent with the spirit of the ordinance is to examine the applicable ordinance.

40. Zoning Ordinance Article 8.3.3, addressing sprinkler systems, states in applicable part: *Any new additions to commercial and or industrial buildings needing the approval of the planning board or exceeding 50% improvement of such a building as determined by the building inspector, shall require the entire structure to be brought into compliance with this section as a condition of approval before issuance of the certificate of occupancy.*

41. Granting this variance will have no impact on neighborhood quality because the sprinkler system, if installed, would be invisible from the exterior of the building and its existence or absence would not affect the neighborhood quality. Further, for the same reason, granting the variance will allow a use consistent with the essential character of the neighborhood, which for over 30 years, has been had in it this 3-bay commercial garage with attached office building on the property without a sprinkler system in the office portion of the building. Therefore, because granting the variance will not “unduly and in a marked degree” conflict with the basic zoning

objectives of the ordinance, there is no reasonable justification to strictly apply the sprinkler ordinance to the new office addition because such an application is not contrary to the public interest nor injurious to the public.

42. The Metzger Court also opined that “[w]hen the restriction ... as applied ... is unnecessary to accomplish a legitimate public purpose or the gain to the public is slight but the harm to the citizen and his property is great, the exercise of the police power become arbitrary and unreasonable, and this court will afford relief under the constitution of this state.”

43. Here, the gain to the public by requiring a sprinkler system because of a minor 10% increase over the 50% threshold test of the statute --- when other properties of different sizes may not be required to install a sprinkler system despite their additions being greater square footage than Applicant’s additional office space --- will not create a benefit to the public that outweighs the harm to the applicant.

44. It is equally clear for the same reasons stated above that granting this variance will not be contrary the spirit of the zoning ordinance because the spirit of the ordinance speaks to a fair and consistent application of the ordinance in manner that will not be contrary to public rights or injurious to the public while at the same time preserving the property values and property rights of Raymond’s residents. Consequently, to deny the variance would be arbitrary and unreasonable, and violate the spirit of the ordinance.

45. **By granting the variance, substantial justice would be done.** The New Hampshire Constitution, Pt. I, Arts. 21 and 12 guarantees to all persons the right to acquire, possess, and protect property. These guarantees limit all grants of power to the State that deprive individuals of the reasonable use of their land. “[T]he only guiding rule [on the substantial justice factor in variances] is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.” P. Loughlin, New Hampshire Practice, Land Use Planning and Zoning § 24.96, at 3025 (2002), (quoting New Hampshire Office of State Planning, The Board of Adjustment in New Hampshire, A Handbook for Local Officials (1997)). In Malachy Glen Assocs. V. Chichester, 155 N.H. 102 (2007), the Court held in addressing the “substantial justice” criterion,

observed that the two critical inquiries are (1) whether the gain to the public by denying the variance request outweighs any loss to the individual; and (2) whether the new development is consistent with the area's present use. The Court in Farrar v. City of Keene, 158 N.H. 684 (2009) in its substantial judgment analysis concluded substantial justice would be done by granting the variance due in part because (a) the use would not alter the essential character of the neighborhood, injure the rights of others or undermine public interest, and (b) the applicant had made substantial renovations to the property.

45. As shown above, denying the variance will create a loss to the Applicant that is not outweighed by a gain to the general public, but granting the variance will not "unduly, and in a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives", to wit: not having a sprinkler system in the additional office space will not injure the public who do not visit the Property and will be unlikely to cause injury to the public who do visit the Property as it will not be open for the public after 4:00 p.m. on weekdays or during the weekends.

46. Here, the variance relief sought, if granted, will not injure the public rights nor be injurious to the public, nor be contrary to the ordinance's basic zoning objectives. Consequently, the Zoning Ordinance as strictly applied to this Property interferes with the owner's reasonable use of the property, considering the limited office use, and that that deviation over 50% is only 10% --- when other properties of different sizes may not be required to install a sprinkler system despite their additions being greater square footage than Applicant's additional office space. Granting the variance, consequently, will not harm the general public and will not create a huge financial loss to the Applicant or any other lot owner in the area. Denying the variance will cause a substantial loss to the Applicant (in cost and potentially being evicted from its current space) that is not outweighed by a gain to the general public is an injustice. **Substantial justice, consequently, will be done by granting the variance.**

47. The independent Broker's opinion at **EXHIBIT L opines that granting the variance will not cause the values of the surrounding properties to diminish.**

48. **UNNECESSARY HARDSHIP exists if this variance request is denied:**

The use of the Property as a roofing company is an allowed use in the C2 zone. It is a reasonable use. Applicant has just spent \$178,719.83 building onto the commercial garage an additional 1,554 sq ft of office space in reasonable reliance on a duly authorized town building inspector ---- without being required to install a sprinkler system in the addition --- only to no be told a sprinkler system should have been installed. The cost estimate to put the sprinkler system is \$150,000.00 because of necessary deconstruction of portions of the completed office addition. No other property in the area has a property that shares these characteristics or predicament. Probably no other property in the Town of Raymond shares these circumstances. It is a special situation unique to this Property that distinguishes it from other properties in the area and in the Town. During the construction phase, no less than four officials of the Town of Raymond with actual or apparent authority in this situation came and went and came to work at the Town. Quite, frankly, the Town administrative staff was mess and Applicant and its property was caught up in the mess and --- through no fault of its own --- is now facing a financial and business crises it should not have to face.

The proposed variance will allow a reasonable use: to continue to have office space at this property without a sprinkler system in the office space, while maintaining the garage space existing sprinkler system.

Applicant's situation should be more appropriately viewed as a pre-existing property for which Art. 8.3.3 will not apply because at this stage of the game, it is pre-existing property to which the sprinkler requirement is being imposed. But, a pre-existing property with the office space already built would not be told by the building inspector to rip down large portions of the building to facilitate the system, or to replace the piping in the garage space sprinkler system because the new sprinkler system requires larger pipe size.

Since the work has been completed, all to the satisfaction of the current town building inspector, it would be a waste of the Property and a unjust financial injury to the Applicant as owner, to spend more money than was spent to build the additional office space to put in a sprinkler system that he was told was not required.

49. An unnecessary hardship exists, consequently, if the variance is not granted when, because the proposed use is a reasonable one, and due to the special conditions of the Property that distinguish it from other properties in the area, literal enforcement of Art. 8.3.3. because no fair and substantial relationship exists between the general purpose of the ordinance provision and the specific application to Applicant's property.

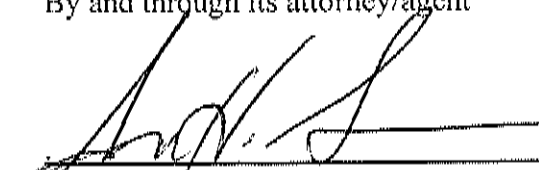
50. Moreover, an unnecessary hardship exists, consequently, if the variance is not granted when, owing to special conditions of the property that distinguish it from other properties in the area, the property as it stands today cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

PLEASE, THEREFORE, grant the variance(s) as requested.

RESPECTFULLY SUBMITTED

AMERICAN BUILDING SOLUTIONS, Inc.

By and through its attorney/agent



Andrew H. Sullivan, Esq.
24 Eastman Avenue
Bedford, NH 03110
(603) 644-5291

April 18, 2024

EXHIBIT LIST

EXHIBIT A	<u>TAX MAP</u>
EXHIBIT B	<u>TAX CARD</u>
EXHIBIT C	<u>VISION APPRAISAL</u>
EXHIBIT D	<u>SOURCE DEED</u>
EXHIBIT E	<u>AUTHORIZATION</u>
EXHIBIT F	<u>PRIOR SITE PLAN</u>
EXHIBIT G	<u>BUILDING PERMIT</u>
EXHIBIT H	<u>3-14-24 email from Dana Dinsmore</u>
EXHIBIT I	<u>3-21-24 email from Paul Hammond</u>
EXHIBIT J	<u>4 - 16- 24 DENIAL LETTER</u>
EXHIBIT K	<u>EVICITION NOTICE</u>
EXHIBIT L	<u>BROKER VALUATION LETTER</u>

EXHIBIT A

TAX MAP

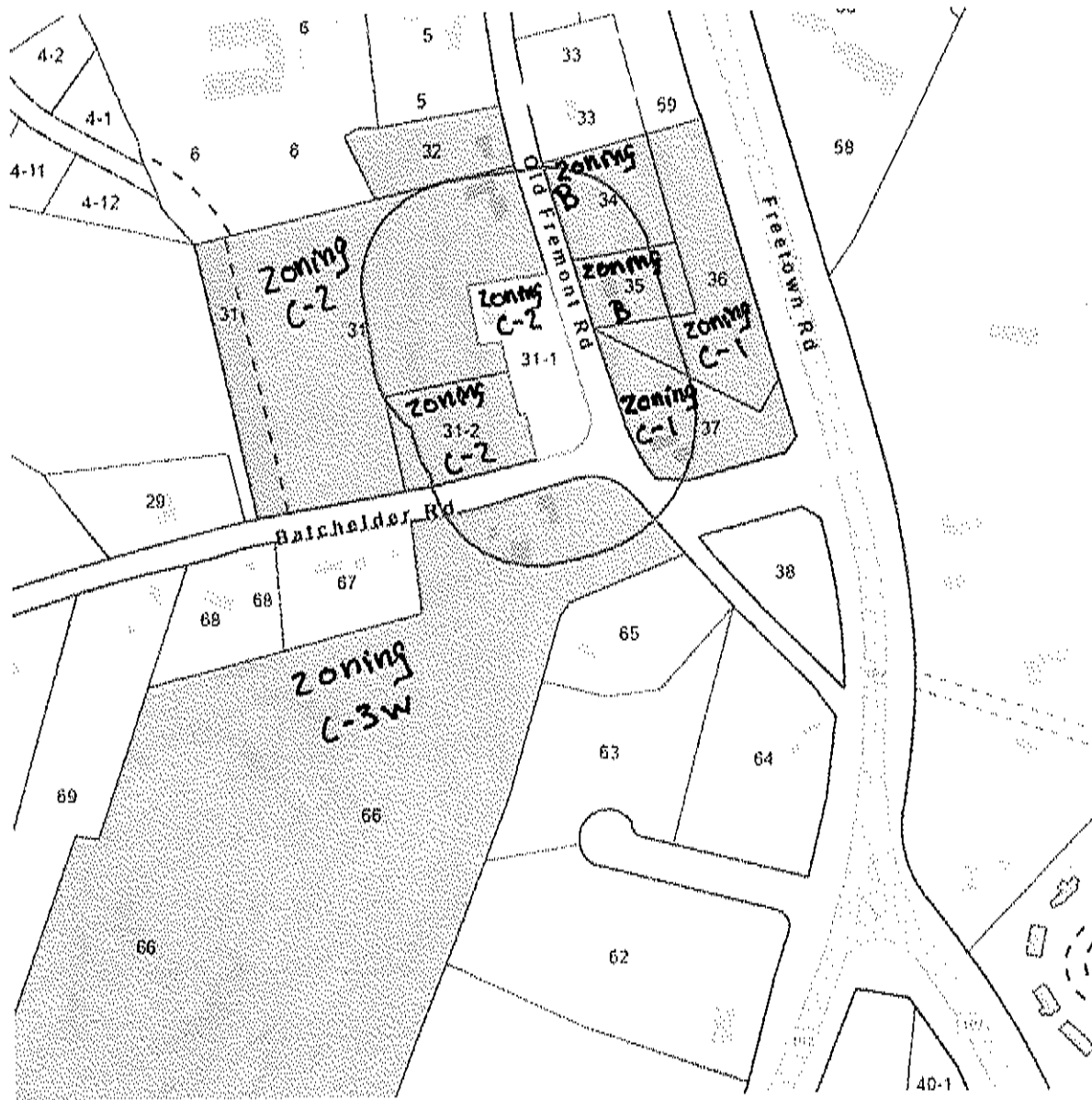


EXHIBIT B

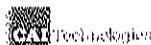
TAX CARD

Property Card: 27 OLD FREMONT ROAD

Town of Raymond, NH



Parcel Information	
Parcel ID: 017-000-031-001 Vision ID: 2963 Owner: AMERICAN BUILDING SOLUTIONS, INC. Co-Owner: Mailing Address: 182 ROCKINGHAM ROAD SUITE B DERRY, NH 03038	Map: 017 Lot: -031 Use Description: AUTO REPR Zone: C2 Land Area in Acres: 1
Sale History	Assessed Value
Book/Page: 6482 / 1142 Sale Date: 5/12/2023 Sale Price: \$489,000	Land: \$95,400 Buildings: \$124,500 Extra Bldg Features: (\$117,000) Outbuildings: (\$87,900) Total: \$219,900



www.cai-tech.com

This information is believed to be correct but is subject to change and is not warranted.

EXHIBIT C

VISION APPRAISAL

27 OLD FREMONT ROAD

Location 27 OLD FREMONT ROAD

Mblu 017/000 / 031/001 /

Acct# 003124

Owner AMERICAN BUILDING SOLUTIONS, INC.

Assessment \$290,000

Appraisal \$290,000

PID 2963

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2019	\$158,700	\$133,300	\$290,000

Assessment			
Valuation Year	Improvements	Land	Total
2019	\$158,700	\$133,300	\$290,000

Owner of Record

Owner AMERICAN BUILDING SOLUTIONS, INC.

Sale Price \$489,000

Co-Owner

Certificate

Address 182 ROCKINGHAM ROAD

Book & Page 6482/1142

SUITE B

Sale Date 05/12/2023

DERRY, NH 03038

Instrument 00

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
AMERICAN BUILDING SOLUTIONS, INC.	\$489,000		6482/1142	00	05/12/2023
GERARD GAGNON MANAGEMENT, LLC	\$215,000		5221/2862	00	06/10/2011
FITR, LLC	\$50,000		5200/2702	1L	03/09/2011
ALLEN, STEVEN	\$200,000		4256/1007	00	03/24/2004
STATHOS, CHARLES G	\$0		4256/1005	1A	03/24/2004

Building Information

Building 1 : Section 1

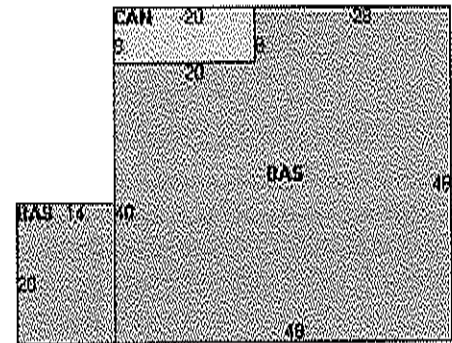
Year Built: 1990
Living Area: 2,424
Replacement Cost: \$180,305
Building Percent Good: 80
Replacement Cost Less Depreciation: \$144,200

Building Photo



(<https://images.vgsi.com/photos/RaymondNHPhotos/A00\00\02\64.jpg>)

Building Layout



(https://images.vgsi.com/photos/RaymondNHPhotos/Sketches/2963_2963)

Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	2,424	2,424	
CAN	Canopy	160	0	
		2,584	2,424	

Building Attributes	
Field	Description
Style:	Service Shops
Model	Ind/Comm
Grade	Average +10
Stories:	1
Occupancy	1.00
Exterior Wall 1	Pre-Fab Wood
Exterior Wall 2	
Roof Structure	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Minim/Masonry
Interior Wall 2	
Interior Floor 1	Minimum/Plywd
Interior Floor 2	
Heating Fuel	Oil
Heating Type	Forced Air-Duc
AC Type	None
Struct Class	
Bldg Use	AUTO REPR
Total Rooms	
Total Bedrms	00
Total Baths	0
1st Floor Use:	3320
Hea/AC	NONE
Frame Type	WOOD FRAME
Baths/Plumbing	LIGHT
Ceiling/Wall	CEIL & WALLS
Rooms/Prtns	AVERAGE
Wall Height	16.00
% Conn Wall	0.00

Extra Features

Extra Features

Legend

No Data for Extra Features

Land

Land Use

Use Code 3320
Description AUTO REPR
Zone C2
Neighborhood 500
Alt Land Appr No
Category

Land Line Valuation

Size (Acres) 1
Frontage 0
Depth 0
Assessed Value \$133,300
Appraised Value \$133,300

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
PAV1	PAVING-ASPHALT			10000.00 S.F.	\$12,500	1

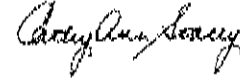
Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2023	\$156,700	\$133,300	\$290,000
2022	\$156,700	\$133,300	\$290,000
2021	\$156,700	\$133,300	\$290,000

Assessment			
Valuation Year	Improvements	Land	Total
2023	\$156,700	\$133,300	\$290,000
2022	\$156,700	\$133,300	\$290,000
2021	\$156,700	\$133,300	\$290,000

EXHIBIT D

SOURCE DEED



Return to:
American Building Solutions, Inc.
182 Rockingham Road, Suite B
Derry, NH 03038

LCHIP	ROA649274	25.00
TRANSFER TAX	RO122672	7,333.00
RECORDING		14.00
SURCHARGE		2.00

Property Address: 27 Old Fremont Road, Raymond, NH 03077

[space above line for recording data]

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That GERARD GAGNON MANAGEMENT, LLC, a New Hampshire Limited Liability Company, with a mailing address of 27 Old Fremont Road, Raymond, NH 03077 for consideration paid grants to AMERICAN BUILDING SOLUTIONS, INC., a Wyoming Corporation authorized to transact business in New Hampshire, with a mailing address of 182 Rockingham Road, Suite B, Derry, NH 03038, with WARRANTY COVENANTS:

A certain tract or parcel of land, with any buildings thereon, situated in Raymond, Rockingham County, State of New Hampshire, shown as Tax Map 27, Lot 3-1 on a plan entitled "A Survey and Plat of a Subdivision of Land of Donna Stathos, prepared for Chuck Stathos and situated in the Town of Raymond, N.H.", dated February 10, 2003, recorded at the Rockingham County Registry of Deeds as Plan D-30820, more particularly bounded and described as follows:

1. Beginning at a point on the northerly side of Batchelder Road, said point marking the southwesterly corner of the herein described premises; thence
2. North 01° 22' 05" East a distance of 95.68 feet to a point; thence
3. Turning and running North 86° 44' 55" West a distance of 26.26 feet to a point; thence
4. Turning and running North 03° 15' 05" East a distance of 58.21 feet to a point; thence
5. Turning and running North 84° 50' 13" West a distance of 54.83 feet to a point; thence
6. Turning and running North 06° 50' 02" East a distance of 170.24 feet to a point; thence
7. Turning and running South 89° 23' 17" East a distance of 147.91 feet to a point; thence
8. Turning and running South 01° 13' 25" East along the westerly side of Old Fremont Road a distance of 277.43 feet to a point; thence
9. Along Old Fremont Road and Batchelder Road along the arc of a curve (92° 09' 29") with a radius of 50 feet and length of 80.42 feet to a point; thence
10. Running North 89° 03' 56" West a distance of 48.04 feet to the point of beginning.

Containing 1.0 acre, more or less.

Subject to notes, restrictions, rights of way, easements, setbacks and other matters set forth on Plan No. D-30820.

Subject to water rights and right of way set forth in deed at Book 3637, Page 987.

Subject to septic system approvals set forth in Book 3137, Page 1339 and Book 3165, Page 877.

Subject to an easement to NH Electric Coop., Inc. recorded at the Rockingham County Registry of Deeds in Book 2180, Page 011, if applicable.

Also conveying all rights to take water from a well on the adjacent premises of said William McGall.

Excepting and reserving therefrom a 60' wide right of way from Batchelder Road along the existing stone wall separating the described premises and the McKinnon property for the purpose of accessing other land owned by the heirs of Herman Bohle.

Meaning and intending to describe and convey the same premises conveyed to Gerard Gagnon Management, LLC by virtue of a Warranty Deed from FITR, LLC, dated June 10, 2011 and recorded on June 15, 2011 at the Rockingham County Registry of Deeds in Book 5221, Page 2862.

The property is not the residence of the grantor or the grantor's spouse and is not subject to homestead rights.

This conveyance does not constitute the sale or transfer of all or substantially all of the grantor's assets within the State.

Executed this 12th day of May, 2023.

GERARD GAGNON MANAGEMENT, LLC



Gerard R. Gagnon, Duly Authorized Manager

State of New Hampshire
County of Rockingham

On this 12th day of May, 2023, before me, the undersigned notary public, personally appeared Gerard R. Gagnon, duly authorized Manager of Gerard Gagnon Management, LLC, proven to me through satisfactory evidence of identification, which was his Driver's License, to be the person whose name is signed on the preceding document in my presence and acknowledged to me that he signed it voluntarily for its stated purpose in his capacity as Manager of the company.



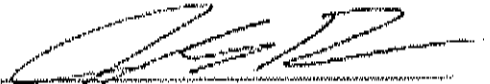

Notary Public/Justice of the Peace
Commission expiration: 09/23/2025

EXHIBIT E

AUTHORIZATION

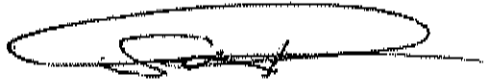
AUTHORIZATION TO REPRESENT

The undersigned, being the owner(s) of record, of the property described below authorizes Attorney, Andrew H. Sullivan of 24 Eastman Avenue, Bedford, New Hampshire, jointly and severally, to represent said owner(s) before the Town of Raymond Zoning Board of Adjustment and Planning Board for any application or petition (including, but not limited to: site plan application before the Planning Board and Variance petition before the Zoning Board) submitted to either of them and referencing the following property:

27 Old Fremont Road, Raymond, NH 03103 (T/M 17-31, Lot 1)

OWNER OF RECORD: American Building Solutions, Inc.
182 Rockingham Road, Suite B, Derry, NH 03038

By:



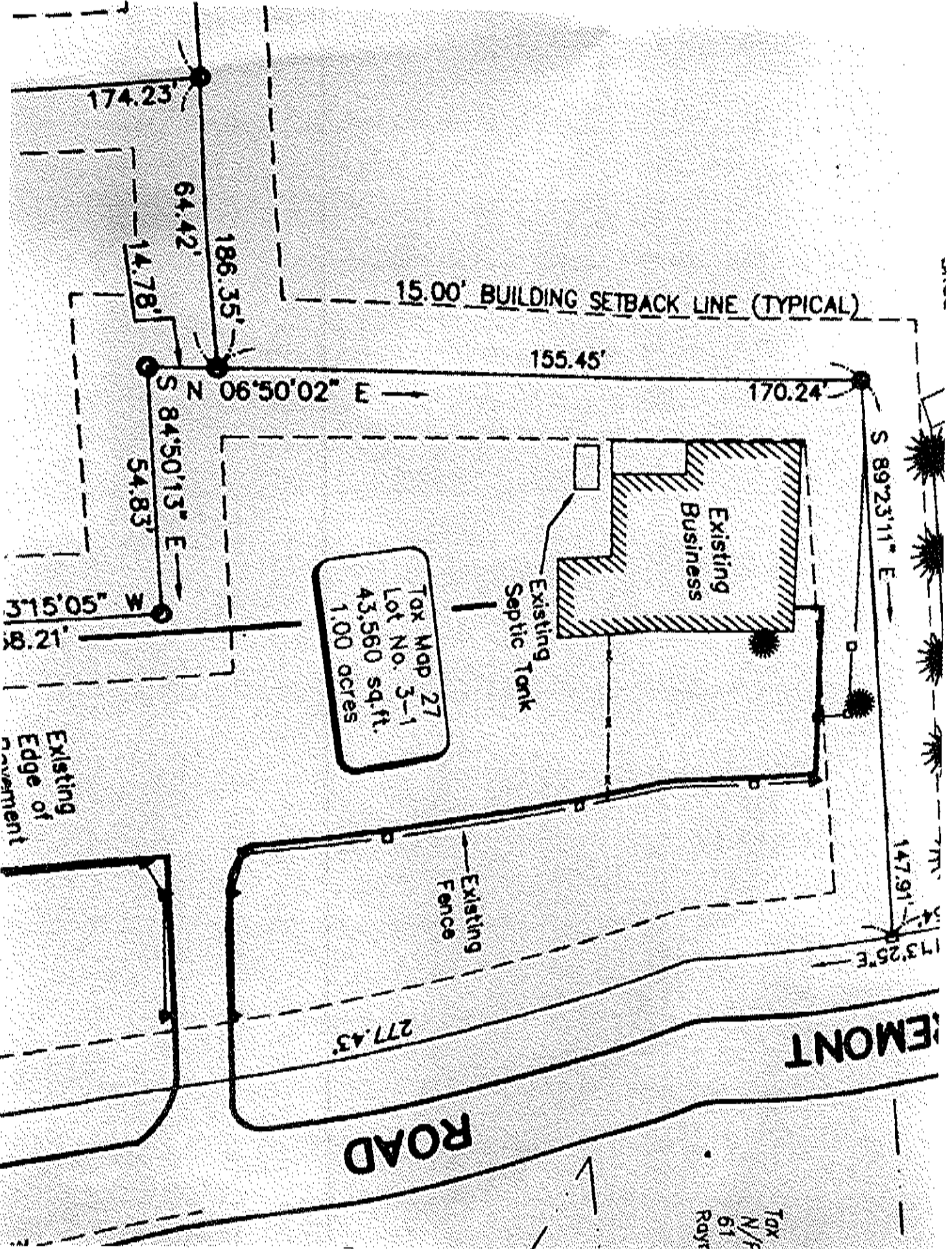
Date: April 15 2024

Sean Nadeau, President

EXHIBIT F

PRIOR SITE PLAN

15.00' BUILDING SETBACK LINE (TYPICAL)



Tax Map 27
Lot No. 3-1
43,560 sq. ft.
1.00 acres

Existing
Septic Tank

Existing
Business

Existing
Fence

Existing
Edge of
Pavement

ROAD

REMONT

Tax
N/F
61
Rohn

174.23'

64.42'

14.78'

186.35'

155.45'

170.24'

S 84°50'13" E
54.83'

3°15'05" W
88.21'

N 06°50'02" E

S 89°23'11" E

147.91'

173°25' E

277.43'

EXHIBIT G

BUILDING PERMIT

Town of Raymond
Minor Building Permit

Building Department
4 Epping Street
Raymond, NH 03077
603-895-7020

Permit Number
2023-00176
Date of Issue
6/01/2023
Expiration Date
5/31/2024

Owner: AMERICAN BUILDING SOLUTIONS, INC.

Applicant: Scott's Roofing Service

Location of Work: 27 OLD FREMONT ROAD
(No. and Street) (Unit or Building)

Description of Work: 2300 Sq. Ft. addition attached to existing garage bays (Wood Frame) Office Space.

Building Permit Fee \$1,110.00
Fire Inspection Fee \$375.00

Total Permit Fee \$1,259.00

ZONING DATA: District: C1 Map\Lot: 017/000/031/001

CONSTRUCTION DATA: Use Group: Min. Type Constr:

Design Occupant Load: Total Number of Dwelling Units: 0 Construction Area:

Building / Addition: Change in FootPrint: NO Irregular Size, See Plan: NO
Length: 0 FT. Width: 0 FT. Height: 0 FT. Number of Stories: 0.00

CONTRACTOR: Scott's Roofing Service 978-995-3404

REMARKS:

- **Building Permit Issuance Conditions are as follows:**
- THIS PERMIT CONVEYS NO RIGHT TO OCCUPY ANY STREET, ALLEY OR SIDEWALK OR ANY PART THEREOF, EITHER TEMPORARILY OR PERMANENTLY.
- THE ISSUANCE OF THIS PERMIT DOES NOT RELEASE THE APPLICANT FROM THE CONDITIONS OF ANY APPLICABLE SUBDIVISION AND OR SITE PLAN APPROVAL REQUIREMENTS.
- APPROVED PLANS MUST BE RETAINED ON JOB AND THIS CARD KEPT POSTED UNTIL FINAL INSPECTION HAS BEEN MADE.
- NO BUILDING SHALL BE OCCUPIED OR USED UNTIL A FINAL INSPECTION IS PREFORMED.
- YOU MUST FILE AN ELECTRICAL OR PLUMBING LICENSE OR A HOMEOWNERS CERTIFICATE FOR ELECTRICAL & PLUMBING INSTALLATIONS.
- WORK MUST BE STARTED WITHIN 6 MONTHS, AND COMPLETED WITHIN 1YEAR FROM THE DATE OF PERMIT ISSUANCE. A ONE TIME, 6 MONTHS EXTENSION MAY BE GRANTED UPON REQUEST.

Permit Holder: Scott's Roofing Service
(Taking Responsibility for the Work)
Company/Affiliation: Contractor Job Site Phone Number: 603-505-4455

Constr Cost: \$228,000 Permit Fee: \$1,259.00 Check No.: 4679 Cash: \$0.00

The Permit Card Shall be Posted and Visible From the Street During Construction


Code Official Permit Holder Date 6/01/2023

EXHIBIT H

3-14-24 EMAIL FROM DANA DINSMORE

FX: 603-644-0268

E-MAIL: andy@andrewsullivanlaw.com

WARNING: FRAUD ALERT If you receive an e-mail appearing to be from this office requesting that you wire or transfer funds, you must confirm the request and wire instructions with us via telephone before you initiate any transfer. Hackers are targeting the e-mail of parties involved with real estate transactions in attempts to distribute fraudulent wire instructions. Be certain you are speaking with someone from our office when confirming wire instructions. **VERIFY OUR TELEPHONE NUMBER FROM A SOURCE OTHER THAN THE PHONE NUMBER ACCOMPANYING THE E-MAILED WIRE INSTRUCTIONS.**

The information contained in this e-mail message is intended for the use of the individual or entity named above only, and may be protected from disclosure under applicable state and/or federal law. If the reader of this message is not the intended recipient, you are hereby notified that any unauthorized dissemination, distribution or copy of this communication is strictly prohibited. **If you have received this communication in error, please notify us immediately by telephone (603-644-5291) and destroy the original message.** Thank you.

From: Dana Dinsmore <Buildinginspector@raymondnh.gov>
Sent: Thursday, March 14, 2024 2:08:04 PM
To: Sean Nadeau <sean@srservicesinc.com>
Cc: Ken Robichaud <townmanager@raymondnh.gov>; Donna Giberson <dgiberson@raymondnh.gov>
Subject: 27 Old Fremont Rd

Good morning again Sean,

Per our conversation earlier, I am writing this to confirm that the inspections (electrical, plumbing, building, mechanical) are complete and approved. Once I have final authorization from the fire department that their inspections and requests have been completed and approved, I will then issue the CO for the building based on the conditions set forth by the planning board.

Dana



Dana Dinsmore
Town of Raymond NH
Building Inspector/Code Enforcement/Health Officer
Office: 603-895-7020
Cell: 603-340-5551
Email: Buildinginspector@raymondnh.gov



EXHIBIT I

3-21-24 EMAIL FROM CHIEF PAUL HAMMOND

Sent: Thursday, March 21, 2024 11:25 AM

To: Andrew Sullivan <andy@andrewsullivanlaw.com>; Dana Dinsmore <Buildinginspector@raymondnh.gov>; Ken Robichaud <townmanager@raymondnh.gov>

Cc: Ken Robichaud <townmanager@raymondnh.gov>

Subject: RE: 27 Old Fremont Rd

Andrew,

As I recall we discussed 8.3.3 in the 2023 Zoning Ordinance. You could not locate this article and I called you back to highlight its location. 8.3.3 clearly states "Further, any new uses additions, renovations to commercial and or industrial buildings needing the approval of the planning board or exceeding 50% improvement of such a building as determined by the building inspector, shall require the entire structure to be brought into compliance with this section as a condition of approval before issuance of the certificate of occupancy." As I read it, the Fire Department involvement comes into being after the Planning Board or Building Inspector determines a Sprinkler System is needed. This article does not direct the decision of a required Sprinkler System to the Fire Department. This is where I based my determination that the decision of this Town Ordinance is not my decision. This is currently being reviewed by the Planning Board as you are aware.

Paul Hammond
Fire Chief, EMD

Phone: 603-895-3321
1 Scribner Road, Raymond NH 03077

EXHIBIT J

4-16-24 DENIAL LETTER

Andrew Sullivan

From: Dana Dinsmore <Buildinginspector@raymondnh.gov>
Sent: Tuesday, April 16, 2024 12:59 PM
To: Andrew Sullivan
Subject: 27 Old Fremont Rd

I will not be able to issue a CO until a sprinkler system is installed in the addition to the building. I will also need clearance from the Planning Board regarding septic and drainage plans approval.

Dana



Dana Dinsmore
Town of Raymond NH
Building Inspector/Code Enforcement/Health Officer
Office: 603-895-7020
Cell: 603-340-5551
Email: Buildinginspector@raymondnh.gov



EXHIBIT K

EVICTIION NOTICE

EXHIBIT L

BROKER VALUATION LETTER

April 15, 2024

Andrew H. Sullivan
Esq. 24 Eastman Ave
Bedford NH 03110

RE: 27 Old Fremont Road, Raymond, NH

Dear Atty. Sullivan,

I have been a real estate broker for over 15 years and have working knowledge of both commercial and residential properties.

Pursuant to your request, I wish to render you my professional opinion on an upcoming variance request on 27 Old Fremont Road, Raymond, NH (Tax Map 17, Lot 31-1).

I found the following conditions exist:

- (a) This 1 acre property is located at the southwest intersection of Batchelder Road and Old Fremont Road in the C2 zone.
- (b) It has only six abutters: three in the C2 zone, two in the C1 zone and only one in the B zone.
- (c) The original building on the property, until recently, was comprised of a 2,340 sf 4-bay commercial garage with attached 280 sf single floor office and had been used for automotive repair for over 30 years.
- (d) The original building had 2,584 Sq ft of single level floor space (280 sq ft office and 2,304 sq ft of garage bay space) Recently 1,544 Sq Ft of additional 2-story office space was built, So the building now has 4,128 sq ft of floor space (1,544 sq ft of additional office space and 2,584 Sq ft of original space) Increasing the building size 57%
- (e) The 3-bay garage has its own sprinkler system and the original 280 sf attached office never had a sprinkler system. The new addition all windows are fire egress windows on both floors.
- (f) The variance seeks a waiver from applicable section of zoning ordinance so that a sprinkler system will not have to be installed in the new, additional office space.

I visited Property on April 14, 2024 to determine any impact the granting of this variance may have on any surrounding property values.

Based on the above facts and my site visit, it is my professional opinion that having no sprinkler in the new office space will not cause any diminution of value of the surrounding neighborhood properties for the obvious and simple reason that the interior of the office space cannot be seen from the exterior.



Darby Sullivan

Date: 4/15/2024



TOWN OF RAYMOND

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

Tel: (603) 895-1111
Fax: (603) 895-0903
http://www.raymondnh.gov

RECEIVED
MAY 02 2024
TOWN OF RAYMOND

Application for a Variance

Site Information

Property Address: 5 Old Manchester Road Raymond NH
Map #: _____ Lot #: 056 03077

Property Owner Information

Name: Carson Lustenberger Phone: 603 490 5202
Address: 43 Old Center rd Deerfield NH 03037
Address: _____ signature: [Signature]

Applicant/Agent Information

Name: Madeleine Phone: 603 630 6438
Address: 5 Old Manchester rd Raymond NH 03077
Address: _____

Complete the Following

A variance is being requested from Article 13 Section 13.1.4.2 of the Town of Raymond Zoning Ordinance in order to Have 5-7 chickens (Hens)
NO Roosters
Small chicken coop with run.

Facts in Support of Granting the Variance (if more space is needed, attach additional sheets)

- Granting a variance would not be contrary to the public interest because: The public would not be bothered by the chickens. The chickens would be in a coop. Also, no rooster for the noise people usually associate chicken with. along with a moveable coop being easy for yardwork and cleaning.
- Granting a variance would be consistent with the spirit of the ordinance because: The current ordinance states "Noncommercial Agriculture - Use of land accessory for residential use where the yard exceeds two acres." this ordinance does not state specific "land accessory"

Also, ordinance states 'crops' as an example.
Dated 3/1990 on the town website.

3) Granting a variance would do substantial justice because: my chickens again are doing no harm. We are trying to teach our daughters alike where food comes from, caring for animals, routine and life skills. Our 3 year old is with us 50/50 Her mother has chickens, us getting chickens has helped her

4) Granting a variance would not diminish the values of surrounding properties because: transitions.
The chickens won't be on other properties. Again, chickens aren't loud and we won't have a rooster. Many ~~other~~ surrounding towns allow chickens to some capacity.

5) Owing to the special conditions of the property that distinguish it from other properties in the area, literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because...

a. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

b. The proposed use is a reasonable one because:

The chickens won't be a bother to others.
The coop doesn't interrupt ~~coop~~ Home owners view
my backyard doesn't about any other houses.
The use of these chickens is for eggs only
for my household. No commercial use.

6) If you cannot provide a response establishing the criteria in 5(a) and 5(b) above, explain how an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of the property.

I'm writing to you on behalf of my chickens on 5 old Manchester rd Raymond NH. We live on a property plenty big enough for a handful of chickens.

I looked into the laws and regulations before getting the chickens. I wanted to do it the right way. I knew Raymond along with surrounding towns have plenty of residents either livestock and poultry. One of them being downtown on .50 of an acre.. a few more close to town as well. I also asked my landlord before doing so.

For the respect of the neighborhoods we will not have a rooster understanding that it's not everyone's favorite sound or wake up call.

In the letter we got states we need to remove our "livestock".. according to the U.S.Department of Agriculture chicken are poultry. Poultry is domesticated birds raised for meat or eggs. (In our case EGGS only)

The USDA classifies pork, veal, beef, and lamb as livestock. Poultry and fish are not included in the category.

Also, in the letter the code 13.1.4.2 is mentioned. I can't see that it says anything about livestock. It mentioned agriculture, this is indeed chickens and it is also crops as well.

Our birds are not bothering anyone.. especially without a rooster. Other close surrounding towns such as Nashua, Hampton, Portsmouth... have ordinances where you can't have a rooster and/or limit on the amount of chickens allowed on property. *Along with Raymond not have a ordinance in any other part of town.*

My chickens are providing food for our family. Providing my children fresh eggs and giving them a small sense of where their food comes from.

These chickens also aren't free ranging into people's yards.. digging up flower beds.. excessively barking.. speeding down the one way road I live on and/or revving their engines.

These are quiet birds, living in my backyard. The same as the ones many people have birdfeeders for. EXCEPT I provide mine shelter & in return they provide my family food.

I'm just asking for myself and my family we get to keep our small coop with our harmless chickens. Without a rooster. We are just trying to do what we can to provide. We take care of my animals.

I will attach photos a of our coop & yard for a better visual.

Thank you for your time and consideration-

Madeleine Levesque and Family

Madeleine Levesque
5/1/24



TOWN OF RAYMOND

Community Development Department
Office of Code Enforcement
4 Epping Street
Raymond, NH 03077

Tel: (603) 895-7020
Fax: (603) 895-7064
<http://www.raymondnh.gov>

April 23, 2024

Carson Lustenberger
5 B Old Manchester Road
Raymond, NH 03077

It has come to our attention that there are chickens on your property. Livestock is not allowed in Zone A on lots under 2 acres per zoning regulation 13.1.4.2. Please remove the chickens

Thank you.

Dana Dinsmore
Dana Dinsmore

Building Inspector/Code Enforcement Officer, Health Officer.
Phone: 603.895.7020
Email: buildinginspector@raymondnh.gov

E. List of Abutters

Applicant-

Madeleine Levesque (Renter)

5 old Manchester Rd Raymond NH 03077

Tax: 028. Lot: 056

Property owner-

Carson Eastenburger *Lustenburger*

Abutters-

#1 Eric and Elizabeth McKenzie.

123 Harizon LN candid, NH 03034

Tax- 028 Lot- 058.

#2 Richard and Teresse Look

7 old Manchester RD Raymond NH 03077

Tax- 028. Lot-055

#3 Alan Pettengill

3 old Manchester RD Raymond NH 03077

#4 Bernard L. And Sandra/ Trust

9 old Manchester RD Raymond NH 03077

Tax: 028. Lot: 057.

#5 .23-acre, Lot 70 Parking lot

Behind Vetrans of Foreign Wars.

Tax: 028. Lot: 054

#6 (Vetrans of Foreign Wars)

Post Office Box 751 Raymond NH 03077

Tax: 028. Lot: 069

#7 Virginia O'Neil.

6 Griffin Ave Londonderry NH 03053

#8. Wesley Farmer

8 old Manchester Rd Raymond NH 03077

Tax: 028. Lot: 002.

Tax: 028. Lot: 062

#9 Mildred Souter

6 old Manchester Rd Raymond NH 03077

#10 H & E Clark Family

4 Old Manchester Rd Raymond NH 03077

Tax: 028. #061.

Tax: 028. Lot: 060

#11 Lisa Desisto

1662 Elm St Manchester NH 03101

Tax: 021. Lot: 059



AA

next.axisgis.com



Town of Raymond | Town | Raymond, NH, USA

AxisGIS - RaymondNH



Town of Raymond, NH

Find Property



Next >

Parcel # : 028-003-056-000-000



Documents

Building Photo

Vision Online Property Records

Call Property List

Assessment BuildingData

ID : 2609

PropertyAddress : 5 OLD MANCHESTER ROAD

PropertyStreet : OLD MANCHESTER ROAD

MapSheet : 028

OwnerName : LUSTENBERGER CARSON

COOwnerName :

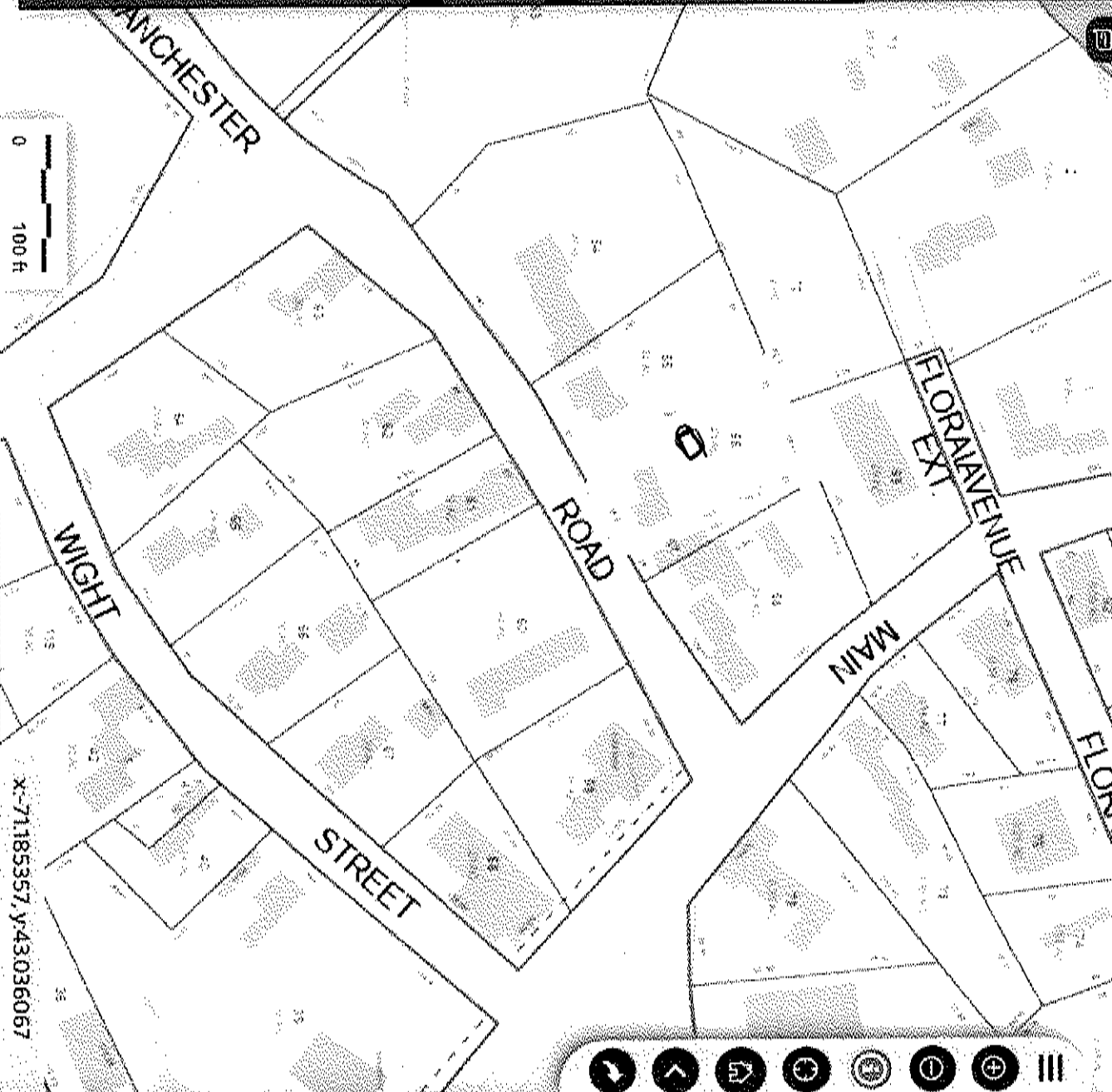
OwnerAddress : 5B OLD MANCHESTER ROAD

OwnerCity : RAYMOND

OwnerState : NH

OwnerZip : 03077

ParcelNumber : 028-003-056-000



x-71185357,y43036067



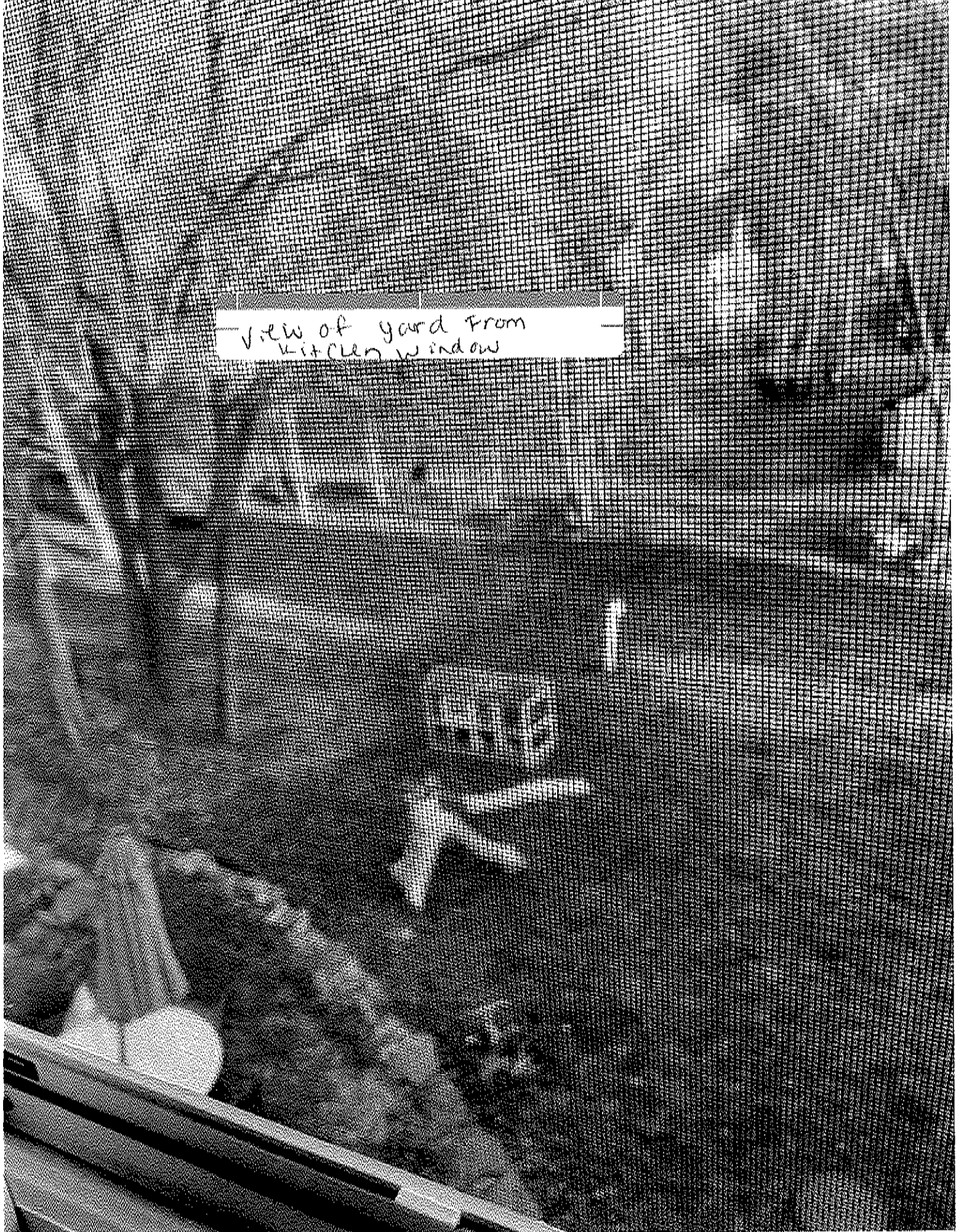
Neighbors yard

MS and my looie also said
they like the chicken and am

View from right property



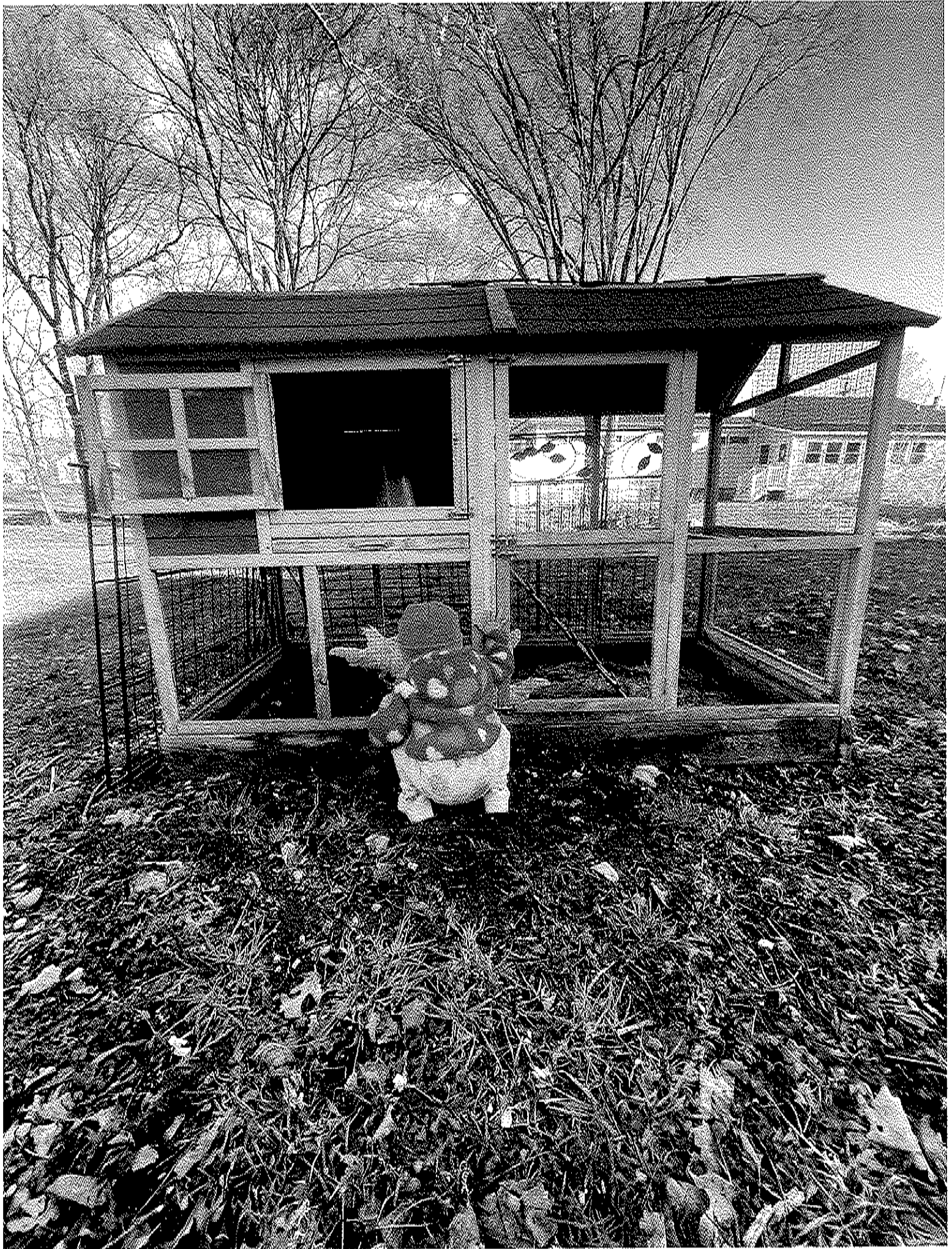
view of yard from
kitchen window



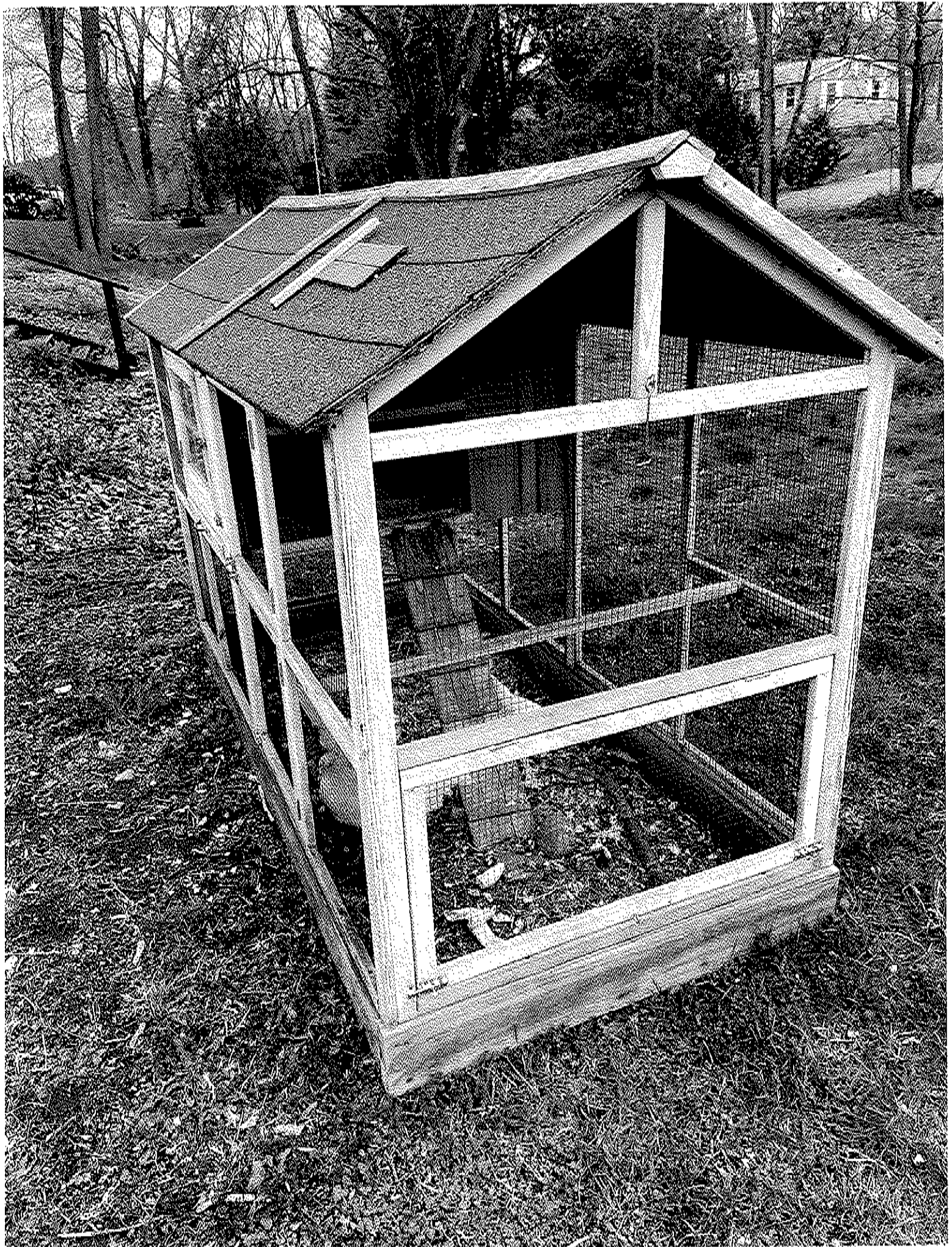
— View From Daughters
room. —



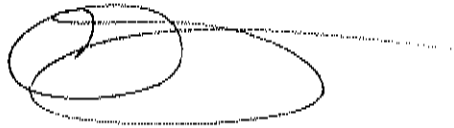








I, Carson Lustenberger, Owner of 5 Old Manchester Rd, Raymond, NH, authorize Madeleine Levesque and Joel Harrison to appear on my behalf and speak to application for variance # 2024-011



5/2/24

DONNA L. GIBERSON
Justice of the Peace - New Hampshire
My Commission Expires November 25, 2024



Kera Clements

Subject: FW: Chickens Update
Attachments: 20240526_164448.jpg; 20240523_112127.jpg

From: Dana Dinsmore <Buildinginspector@raymondnh.gov>
Sent: Tuesday, June 18, 2024 9:23 AM
To: James McLeod <communitydevdirector@raymondnh.gov>; Kera Clements <Planningtech@raymondnh.gov>
Subject: FW: Chickens Update



Dana Dinsmore
Town of Raymond NH
Building Inspector/Code Enforcement/Health Officer
Office: 603-895-7020
Cell: 603-340-5551
Email: Buildinginspector@raymondnh.gov



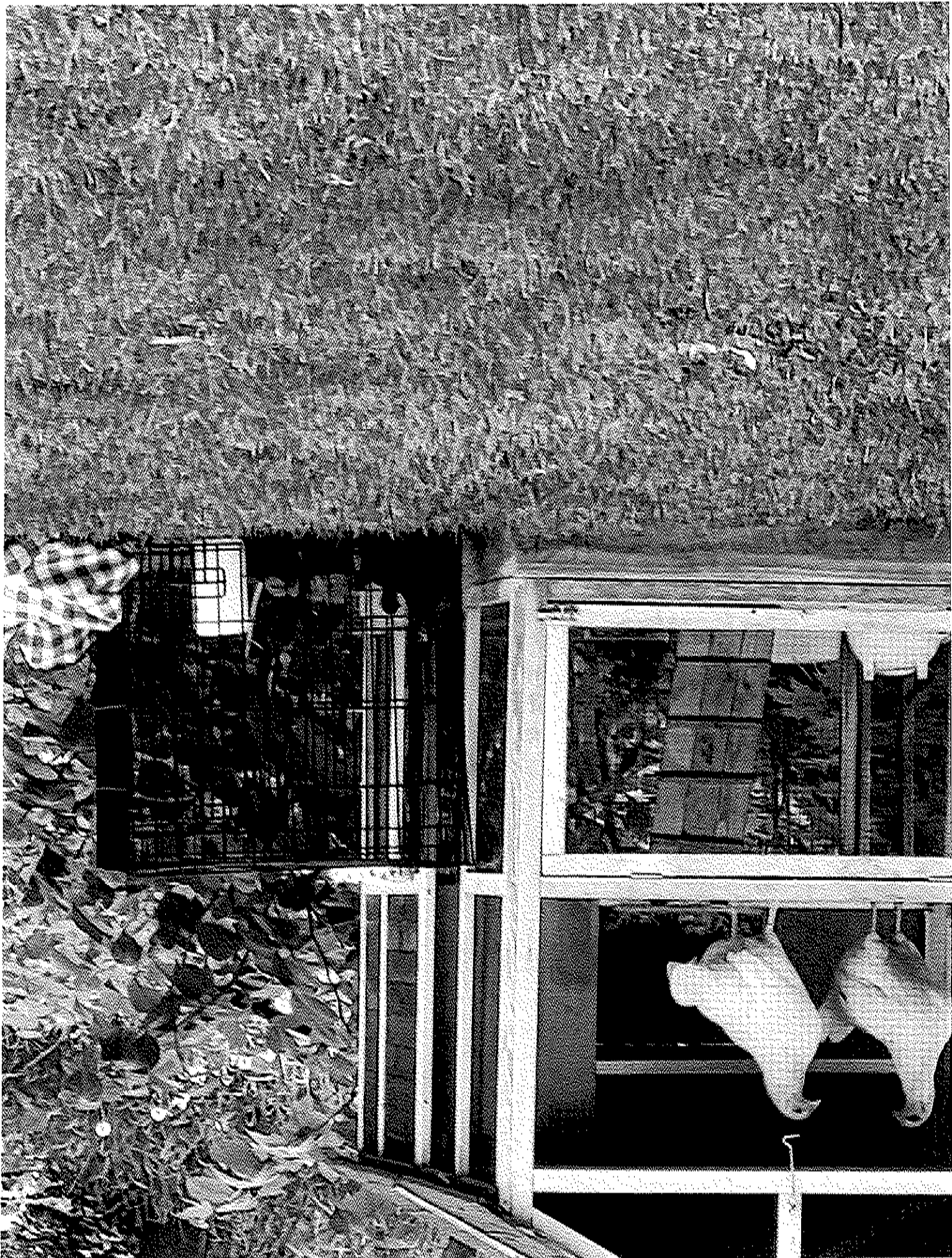
From: Amy Pettengill <cicelastella@gmail.com>
Sent: Wednesday, June 5, 2024 8:59 AM
To: Dana Dinsmore <Buildinginspector@raymondnh.gov>
Subject: Chickens Update

Hi Dana,

I wanted to make you aware that the occupants of 5 Old Manchester Rd continue to add chickens to the yard. This crate on the side of their coop is holding 4-5 babies.

On May 23 the chickens were loose and the solution to getting them all back was spreading chicken feed around the yard. Spreading chicken feed around the yard will attract other animals and rats. One of their chickens ended up in our tree outside of my father's bedroom windows at least 15 feet up and was crying for hours. My dad is in his late 60s and cannot climb trees to retrieve chickens for them. He was eventually able to go out and bend the tree enough to get the chicken to jump out.

Thank You,
Amy









From: [Amy Pettengill](#)
To: [Kera Clements](#); [James McLeod](#)
Subject: Statement for 6/26/24
Date: Thursday, June 20, 2024 1:25:08 PM
Attachments: [ZB letter.docx](#)

Hello,

Please accept the attached letter and photos as a written statement to be included at the Zoning Board Meeting on June 26. Due to a family emergency there is a likelihood I will not be able to attend in person and wanted to submit my concerns around the matter being addressed.

Thank You,
Amy Pettengill

6/20/2024

Planning & Development Department
4 Epping St.
Raymond, NH 03077

Dear Members of the Zoning Board

I was recently made aware of the tenants occupying 5 Old Manchester Rd request of a variance for relief from the minimum 2 Acre lot size requirement for non-commercial agriculture. I would like to request the zoning board stick to the spirit of the ordinance and deny the variance for the following reasons.

- My property is directly connected to the property of 5 Old Manchester Rd with no fence separation. Combined the back yard of 5 old Manchester Rd and 3 Old Manchester Rd is under .60 of an acre. There is very little space back there.
- Although the tenants at 5 Old Manchester Rd keep their chickens in a coop a lot of the time the chickens do get loose and end up on my property. Recently a chicken was loose and stuck in a tree in my back yard for hours. The tenant was unable to leave his yard to retrieve the chicken and my father at 68 years old could not climb the tree to retrieve it. The tenant's solution to getting the chicken back was to spread feed all around the property and allowing the other chickens to run loose in hopes of getting the chicken to return.
- By spreading food all around the yard it could've attracted other wild animals. It is a fact that chicken feed and droppings attract rats and mice. Our property is extremely close to the river and river banks are homes to many rats. We do not need to draw them closer.
- Although I do not want the chickens on my property due to the potential of attracting rats and other wildlife I have concern for the amount of chickens living in such small enclosures. There appears to be 4 large chickens in a small coop without a run and recently 4-5 mid-sized chickens have been added and they are living in a small crate next to the coop.

I do agree with the tenants of 5 Old Manchester Rd that chickens are fun and cool, the issue is our space is just not conducive to this type of animal. Should the tenants of 5 Old Manchester Rd be willing to put a solid fence up around their yard to prevent the chickens from exiting their property thus allowing them ample space to roam I would be supportive of the variance. Without the action of a solid fence I would like to request the Zoning Board deny the variance.

Sincerely,
Amy Pettengill
3 Old Manchester Rd
Raymond, NH 03077



TOWN OF RAYMOND

Community Development
Office of Code Enforcement
4 Epping St Raymond, NH 03077
Phone: 603.895.7020 • Fax: 603.895.7064
<http://www.raymondnh.gov>

MINOR BUILDING PERMIT APPLICATION

Today's Date

PROPERTY OWNER(S)	
NAME	ROBERT ZABALA
ADDRESS	39 TERRY AVE, SCHEENECTADY NY 12303
PHONE	
EMAIL ADDRESS	BUB ZAB @ VERIZON.NET
JOB ADDRESS (IF DIFFERENT FROM ABOVE)	54 DEERFIELD RD
MAP & LOT	044/000/023
ZONING	<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial
APPLICANT	
NAME	
COMPANY	
ADDRESS	
CITY/STATE/ZIP	
PHONE	518-441-7415
EMAIL ADDRESS	
TYPE OF JOB	
Description of Project	DETACHED 30 X 36 garage with a 12 x 28' carport off the back of the building
Cost of Job	\$ 90,000.00
Design Details for Construction Provided?	Yes [] No [x] Electric Company
APPLICANT SIGNATURE	
All work must conform with the State of NH Building and Fire Codes (International Residential & Building Code [2009 editions]), 2014 NEC, and current local building and zoning regulations. Some inspections required.	
Applicant	Robert Zabala
Date	May 14, 2024
** OFFICE USE ONLY **	
Application Received By	
Date	
Building Inspector	
Date	
<input type="checkbox"/> Approved	<input checked="" type="checkbox"/> Denied
Does not meet set back requirements of 30 feet.	
PERMIT NO.	
Amt \$	Ck
Date	Rec By



TOWN OF RAYMOND

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

Tel: (603) 895-4735
Fax: (603) 895-0903
<http://www.raymondnh.gov>

Application for a Variance

Site Information

Property Address: 54 DEERFIELD ROAD
Map #: 044 Lot #: 023

Property Owner Information

Name: ROBERT + BARBARA ZABALA Phone: 518-441-7415
Address: 39 TERRY AVE
Address: SCHENECTADY NY 12303

Applicant/Agent Information

Name: _____ Phone: _____
Address: _____
Address: _____

Complete the Following

A variance is being requested from Article 15 Section 2.1 of the Town of Raymond Zoning Ordinance in order to WE ARE REQUESTING A WAIVER TO A 10 foot SET BACK ALONG OUR LEFT SIDE LOT LINE. WE WOULD LIKE TO BUILD A DETACHED 30' X 36' GARAGE WITH A 12' X 28' CARPORT OFF THE BACK OF THE BUILDING.

Facts in Support of Granting the Variance (if more space is needed, attach additional sheets)

- 1) Granting a variance would not be contrary to the public interest because: THE LEFT SIDE OF THE PROPERTY PROVIDES THE BEST LOCATION FOR BUILDING THE GARAGE REQUIRING THE LEAST AMOUNT OF LAND CLEARING. THE WAIVER WILL ALLOW US TO SITE THE GARAGE MOST EFFECTIVELY DURING EXCAVATION. MAINTAIN FIRE LANE ACCESS.
- 2) Granting a variance would be consistent with the spirit of the ordinance because: THE HOUSE WAS BUILT BY MY WIFE'S PARENTS IN THE EARLY 1960's. AND IS THE HOME SHE GREW UP IN. IT IS OUR PLAN TO PERMANENTLY

RELOCATE TO 54 DEERFIELD RD AFTER HAVING THE GARAGE BUILT.

3) Granting a variance would do substantial justice because: THE GARAGE WOULD BE USED TO STORE AND PROTECT OUR TRACTOR AND EQUIPMENT USED TO MAINTAIN OUR TREE FARM, ALONG WITH SEVERAL MODEL T FORDS THAT WE OWN. THE CARPORT WOULD BE USED TO PROVIDE PROTECTION FOR OUR 26' MOTOR HOME.

4) Granting a variance would not diminish the values of surrounding properties because: GRANTING THE WAIVER WOULD NOT IMPACT THE SURROUNDING PROPERTY. THERE IS NO FENCE OR WALL IDENTIFYING THE PROPERTY LINE. VISUALLY THERE IS NOTHING TO IDENTIFY THE PROPERTY BOUNDARY, OUR ABUTTING NEIGHBOR ON BOTH SIDE LOT LINES ARE APPROX 800' AWAY.

5) Owing to the special conditions of the property that distinguish it from other properties in the area, literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because...

a. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

b. The proposed use is a reasonable one because:

IT WOULD NOT BE INJURIOUS TO THE ADJACENT PROPERTY OWNERS AS WE ARE THE OWNERS OF THE PROPERTY (044/000/021). THE PROPERTY SURROUNDING OUR HOUSE LOT IS AN 80+ ACRE PARCEL, REGISTERED AND CERTIFIED AS A NH TREE FARM (4/105) ITS CERTIFICATION AS A TREE FARM WAS GRANTED TO MY WIFE'S

6) If you cannot provide a response establishing the criteria in 5(a) and 5(b) above, explain how an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of the property.

5 b. CONT.

GRAND FATHER "JAMES H GARLAND" IN 1953. THE TREE
FARM IS AN IMPORTANT PART OF MY WIFE'S FAMILY
LEGACY, WITH THE LAND HAVING BEEN IN HER FAMILY
SINCE THE 1820'S

Signature of Applicant*

*If the applicant is not the property owner, then a notarized letter of permission from the property owner authorizing the applicant to represent their interests shall be provided.

Roloff Zibala
Applicant's Signature*

May 16, 2024
Date

List of Abutters for a Variance Application

Applicant: Robert & Barbara Zabala
39 Terry Ave, Schenectady, NY 12303
Property Details: 54 Deerfield Rd, Tax Map 044; Lot 023

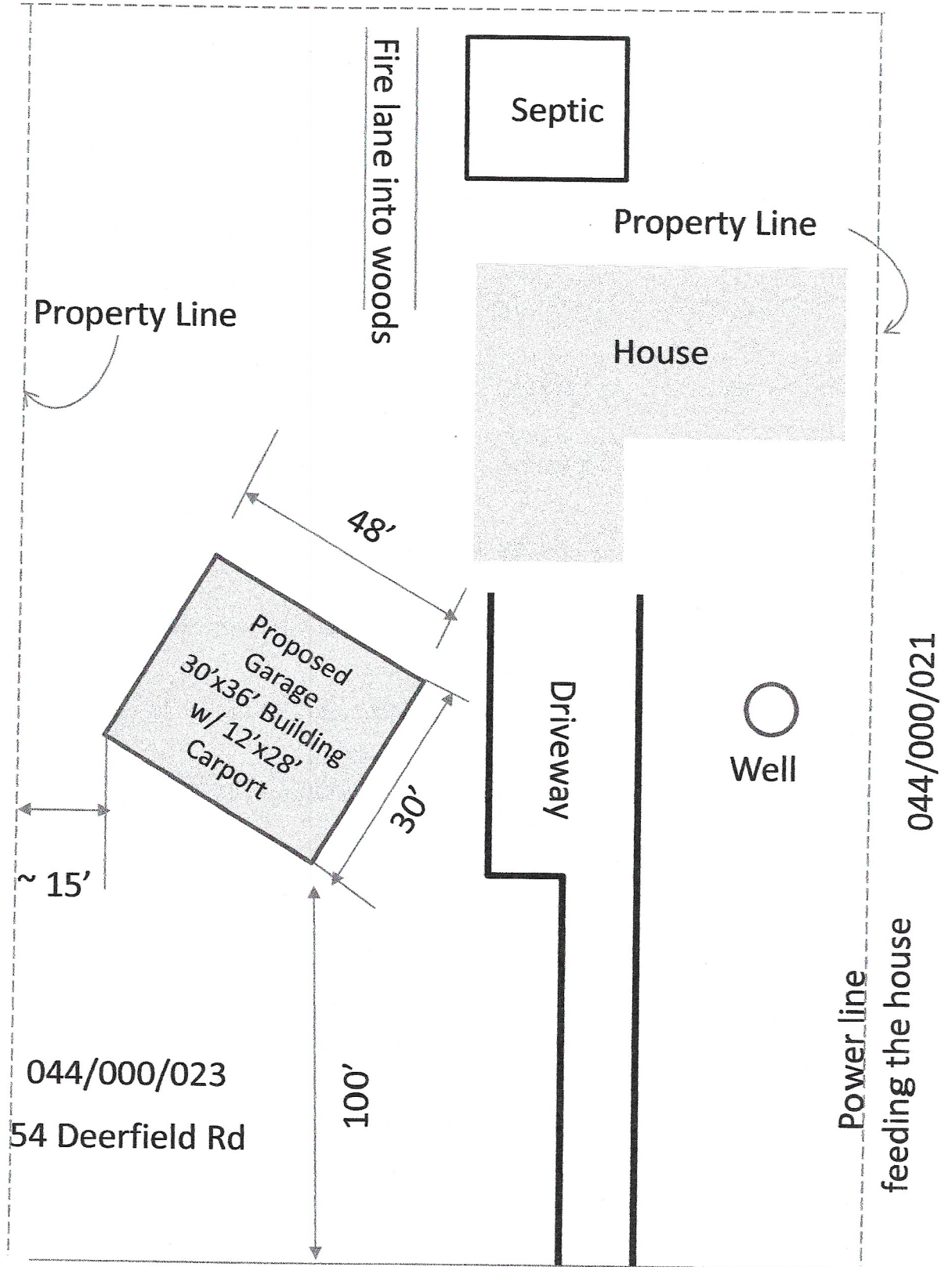
Abutters: Zabala Family Trust; Robert & Barbara Zabala
39 Terry Ave, Schenctady, NY 12303
Property Details: Tax Map 044; Lot 021

Jovin & Jhony Olikara
63 Deerfield Rd, Raymond, NH 03077
Tax Map 044; Lot 026

Town of Raymond
61A Deerfield Rd, Raymond, NH 03077
Tax Mao 044; Lot 029-1

044/000/021

044/000/021



044/000/021

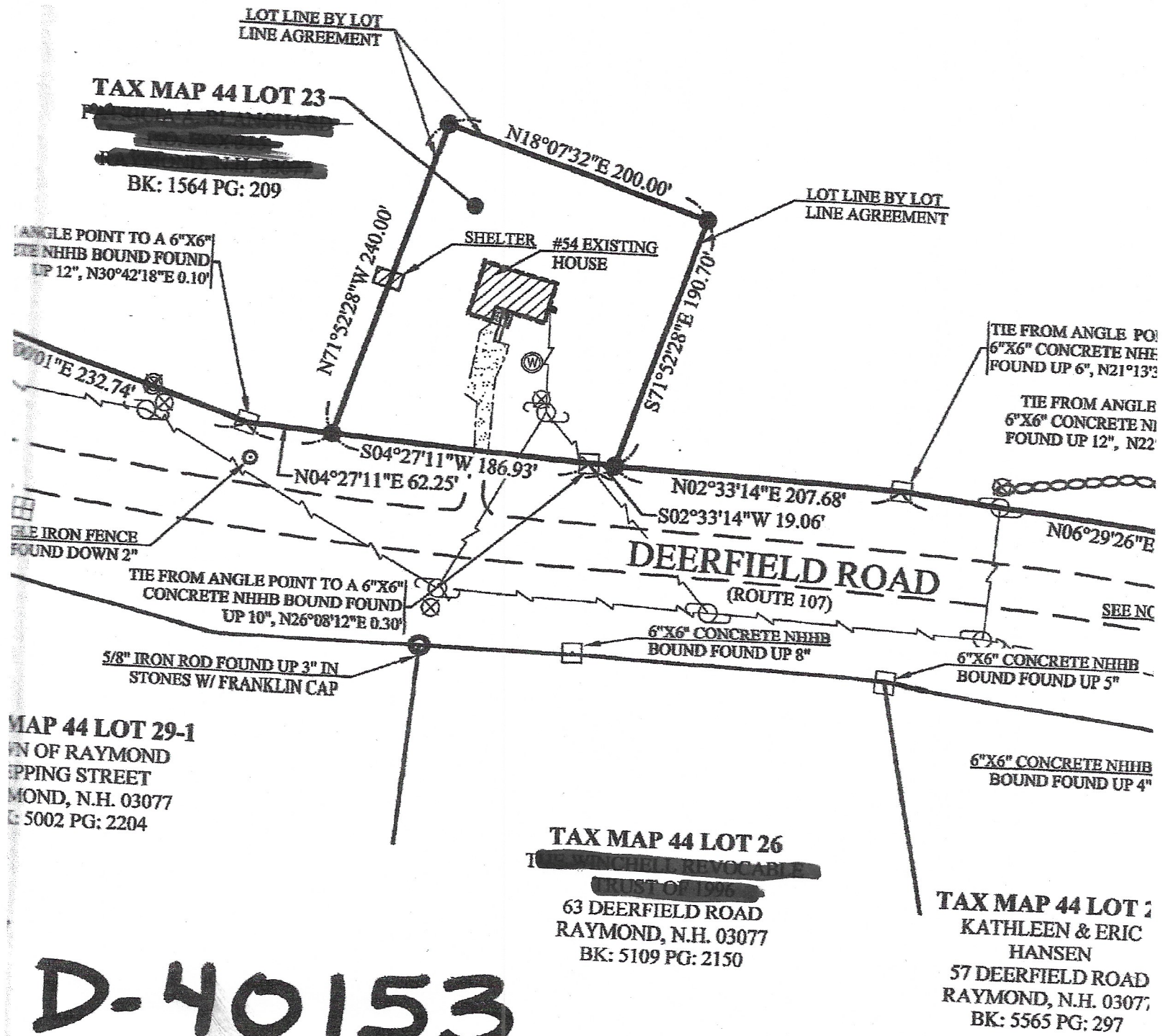
044/000/023
54 Deerfield Rd

Not to Scale

Roadway

TAX MAP 44 LOT 21

ZABALA FAMILY TRUST



D-40153



2/27/2024

Bob Zabala

Schenectady, NY 12303
Cell: (518) 441-7415
Other:

Dear Bob:

Thank you for giving us the opportunity to present you with a proposal for your building project. I will follow up with you within the next few days to answer any questions or concerns you might have.

As your Sales Consultant, I will work closely with you throughout the entire building process to help with financing, site selection, site layout for optimum land usage, site preparation and many issues you may not have considered, such as permits and proper drainage.

Morton Buildings, Inc. is the only building company that is fully integrated from receiving raw materials all the way to handing the keys over to you at the end of construction. This allows us to maintain our high quality, erecting buildings that operate efficiently with minimum maintenance and low costs year after year.

From basic to bold, small to large, and plain to fancy, Morton's buildings are constructed to satisfy almost every customer's needs. We put only the best materials and workmanship into every building and that is why we can confidently back our product with a very strong warranty package. Additionally, we can help guide you to a variety of sources for financing your construction project.

Again, thank you for allowing us to present you with this building proposal. I look forward to helping you make your building dream a reality.

Sincerely,

Liam Paul
Sales Consultant
Liam.Paul@mortonbuildings.com
Cell Phone: +1 603-932-3747

Office Phone: (603) 627-8995
Office Fax: 603-627-6958
885 Londonderry Turnpike
Auburn, NH 03032-3611

Building #1 Specifications

Building Info	Style	Width	Height	Length	Truss Spacing	Roof Pitch	Lower Chord	Peak Height	Soffit Height
	306	30'	12'	36'	7'	5/12	1/12	19' 9.5"	12' 8"

306 30'x12'x36' (#1) - Building Use: Suburban - Hobby Shop

Foundation

Formed Concrete Foundation Wall with Spread Footing and Isolated Floor Slab (Form 222 - Detail #4/4B)(Form 222 – Detail #4)

Laminated wood columns to be mounted to concrete foundation with steel column sockets using adhesive anchor rods, unless a professional engineer or design loads require other anchoring system.

Treated Wood splashboard system.

Siding

West, South, East, North wall(s) Fluoroflex™ 1000 Hi-Rib Steel Minimum .019 (Fastened with Stainless Steel Screws)

Wainscot

West, South, East with 36" tall Fluoroflex™ 1000 Hi-Rib Steel Minimum .019 wainscot (Fastened with Stainless Steel Screws) (Includes Building Wrap Under Hi-Rib Steel)
North with Versetta Stone Ledgestone Sterling wainscot with Taupe wainscot cap

Protective Liner

West, South, East, North wall(s) with 7/16" thick OSB by approx. 32" tall Protective Liner

Roof

Hi-Rib Steel Minimum .019 (Fluoroflex™ 1000) (Fastened with Stainless Steel Screws) with Vent-A-Ridge, 38 LF of (2) rows of Aluminum Snow Retainers on East side, 38 LF of (2) rows of Aluminum Snow Retainers on West side

Overhangs

West, East wall(s) 1' Wide Vented Sidewall Overhang with Standard 6" fascia, 5" Gutters and 3"x4" Downspouts, with elbows at base
South, North wall(s) 2' Wide Non Vented Endwall Overhang with Standard 6" fascia, two piece gable trim

Condensation Control

West: None
South: None
East: None
North: None
Roof: Formed Dry-Panel

Walk Doors

1 A 3' x 6'8" 9 Lite 2 Panel tempered glass in Fibersteel Walk Door(s) in swing right hinge with Chrome / Silver Hardware, hinges, single cylinder deadbolt, lockset


Windows

4 B 4'4"x2'9" 9 Lite MB Sliding Window(s) with low E glass with argon

Overhead Door Opening

2 C 10'0" x 10'0" Overhead Door Opening, 10' 2" X 10' 1" Panel, OHD/Operator requires 1' 4" Headroom, Available Headroom is 2' 4", with preparation for future interior liner
See Subcontract Section for Detailed Door Information

Porches

1 24' lineal feet of coverage, 12' wide Porch with 4/12 Pitch, 8' grade to porch rafter
Start porch on South wall 3' from left edge of building for 24'
Start of porch open and end of porch open
Roof of porch to be Fluoroflex™ 1000 Hi-Rib Steel Minimum .019
Porch on poured concrete.
ceiling (removed) and rafters with soffit at overhang
1' sidewall overhang with 5" Gutters and 3"x4" Downspouts, 1' overhang on West end and 1' overhang on East end

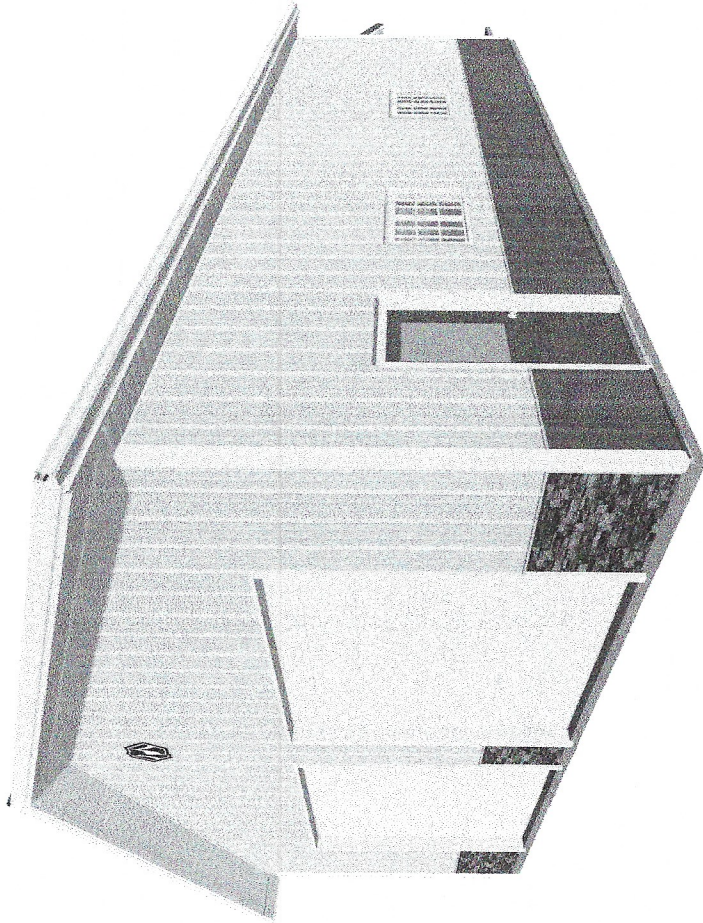
Energy Performer

1080 sq. ft Ceiling Finish with Hi-Rib Steel (.019 White CQ Polyester Solid) Fastened to Lower Chord of Truss with Painted Steel Screws, 4 Mil Vapor Retarder and Air Deflector at Eaves Between Trusses

Subcontracts

Install (2) 10' 2" X 10' 1" Frost White Raynor Insulated M200C 2" R18.30 Door with 2" Raynor Heavy Duty Track and hardware, Stucco Panels, Door/Operator requires 1' 4" headroom, 3" Gray rubber bottom seal. (3) 24" x 12" DSB Insulated window(s). Door operator is a Prodigy 3 Residential Jackshaft which includes control panel, 3 button transmitter, and photo eyes. Available Headroom is 2' 4"

306 30'x12'x36' North and West Walls



306 30'x12'x36' South and East Walls

