

**Place:** Raymond High School; Media Center

**Call to Order:** 7:00 p.m.

**Members Present:** Peter Buckingham, Vice Chairman; Steve Naoum, Secretary; Frank Bourque, Selectmen's Ex-Officio; Jonathan Wood; Gretchen Gott; Carolyn Matthews.

**Staff Present:** Ernest Creveling, Community Development Director; Robert Price, Planning Technician.

*Peter Buckingham served as Chairman for the duration of the meeting in the absence of Bill Cantwell.*

### **Pledge of Allegiance**

#### **Letendre Minor Subdivision**

*Application #2007-021: An application for a Minor Subdivision has been submitted by John and Rose Letendre to subdivide a lot consisting of 1.5034 acres into three lots, one lot of 0.4919 acres containing an existing home, the second lot being 0.4959 acres and the third lot being 0.5156 acres. The property is shown on Raymond Tax Map 28-1, Lot 76; Epping Street.*

Community Development Director Creveling stated the application can be considered complete for review purposes.

**MOTION:** Jonathan Wood made a motion to accept the application as complete for review purposes. Gretchen Gott seconded. The motion passed with a unanimous vote of 6-0-0.

Community Development Director Creveling stated the proposal is unusual because the lots are encompassed partially by the flood plain, and there are wetlands on them. However, FEMA guidelines have a mechanism that allows for someone to fill wetlands so long as a calculation is done proving that the floodplain will not be impacted anywhere else in the community by more than one foot. He noted that the applicant did this calculation and that it appears to work. He stated the Board will have to listen to the presentation and weigh the applicant's evidence against a couple of places in the Subdivision Regulations that discuss avoiding development of lots that are conducive of flooding (Sections 1.3 & 4.4 of the 2006 Subdivision Regulations).

Richie Ladd of RSL Layout & Design, Inc. stated the property is located in Zone A, and will meet the minimum requirement of 100 feet of frontage. He stated the existing wetland area is shown as being 2,840 square feet, and this will be filled. The wetland that will be created will be 2,872 square feet. He stated the 100-year floodplain line is at elevation 190. He stated in this area, the 2007 flood event brought water to elevation 191.4, exceeding the 100-year flood plain.

Mr. Ladd stated the tops of the foundations of the proposed homes will be at elevation 194, and the bed bottom of the septic systems will be at elevation 192, each sitting above

the 100-year flood plain. He stated at the completion of the project, a Letter of Map Amendment (LOMA) will be provided to remove the houses from the floodplain. Mr. Ladd explained that this project will raise flood waters less than ¼", as evidenced through their calculation. Mr. Ladd stated the dredge and fill permit has been approved, and noted that State Subdivision approval will be granted on the condition that the filling and re-creation of the wetland area must be completed first.

Community Development Director Creveling asked about the timeframe for the fill-work. John Letendre stated he would like to do it fairly quickly, noting that the State gave him 5 years to complete it, and 1 year has already passed since receiving the Dredge and Fill permit.

Jonathan Wood stated the applicant did come before the Conservation Commission, and the Cons. Com. has no objection to the applicant applying to the State for their permits.

Gretchen Gott asked if there will be any deed restrictions saying that the wetland area can not be disturbed. Mr. Ladd stated he is unsure if they need to do this, but they can do it if it is requested.

Jonathan Wood asked about drainage off School Street. Mr. Ladd explained drainage currently runs between the Jewett property and the Schrieber property. He stated they will install a swale, and drainage will flow over ground into the wetland.

Carolyn Matthews asked where the septic tanks are proposed. Mr. Ladd explained that they are being proposed in front of the houses, 10-feet off the street.

Frank Bourque stated he would like to do a site walk on this property because he is a little nervous about the project's impact.

MOTION: Jonathan Wood made a motion to hold a site walk at the subject property, located on Map 28-1, Lot 76; Epping Street on Saturday April 5, 2008 immediately following the Planning Board's already scheduled site walk that is occurring on Map 15, Lots 6 & 7; Lane Road. Gretchen Gott seconded for discussion. DISCUSSION: Frank Bourque asked if Mr. Letendre would be willing to allow the public to attend the walk. Mr. Letendre stated he had no objections to the public attending. VOTE: The motion passed with a unanimous vote of 6-0-0.

Carolyn Matthews asked if a stormwater analysis was conducted for this area. She stated she is concerned with the Diaz property, located at the bottom of School Street. Mr. Ladd stated water would flow into the new wetland, and would not flow to the Diaz's property.

Community Development Director Creveling noted that Public Works Director McCarthy had no concerns with drainage of this project other than the culvert issue that Mr. Ladd addressed earlier.

Gretchen Gott asked for Community Development Director Creveling to describe what the scope of the limited peer engineering review entailed. Mr. Creveling stated the objective was to review the flooding calculation done by Robert Moynihan. He noted that Altus Engineering, the Town's Engineer, had concerns with the project, and went above and beyond the intended scope.

#### PUBLIC COMMENT

Charles Schrieber stated he is a 23-year resident of Raymond, and provided the Planning Board with a series of photographs that were taken during the flood events of 2006 and 2007. Mr. Schrieber noted that Katherine and Angel Diaz live next to them, and have had to stay with them on four separate occasions as a direct result of flooding. He stated the field next to the Diaz's home routinely floods.

Marilyn Schrieber stated she is concerned with the filling, because she feels that her home will become the low area, causing flooding to impact them more severely than it has previously.

Angel Diaz stated he spent \$50,000 to raise his home 2 feet above the 100-year flood elevation following the 2006 flood event. He stated that the flood waters in 2007 came within 1 foot of coming into the first floor area.

Katherine Diaz stated that she and her husband are abutters to Mr. Letendre because they have a right-of-way through his property, and they were not notified of this meeting. Richie Ladd stated the right of way is written in Mr. Letendre's deed, and it gives the Diaz's the right to pass oxen over the property. He added that an argument can be made that this statement in the deed could be considered prescriptive, and has likely extinguished. Community Development Director Creveling stated that the Town would not have any idea about the language in the deed.

Gretchen Gott requested the Community Development Department to locate the language of a variance which was granted to Mr. Letendre a few years back. She also requested that research be conducted on a way to remove this variance because, after subdivision, there will not be adequate acreage to keep farm animals on the site.

**MOTION:** Frank Bourque made a motion to continue this hearing to May 1, 2008 at 6:30 p.m. at Raymond High School. Steve Naoum seconded for discussion.

**DISCUSSION:** Gretchen Gott requested that the time of the meeting be changed to 7:00 p.m. and not 6:30 p.m. Frank Bourque requested that the Board be polled to determine a meeting time.

#### POLL RESULTS

Gretchen Gott – 7:00 p.m.

Carolyn Matthews – 7:00 p.m.

Jonathan Wood – 7:00 p.m.

Steve Naoum – 7:00 p.m.

Frank Bourque – 6:30 p.m.

Peter Buckingham – No response.

As a result of the poll, Frank Bourque amended his motion to reflect the time change from 6:30 p.m. to 7:00 p.m., and Steve Naoum seconded the change. VOTE: The motion to continue the meeting to May 1 at Raymond High School at 7:00 p.m. passed with a unanimous vote of 6-0-0.

**Work Session regarding Royal Oaks Estates (Map 44, Lot 25)**

Acting Chairman Buckingham reminded the members of the public in attendance that no public comment would be allowed during this work session.

Mr. Buckingham read a letter into the record submitted by abutters Peter and Teresa Cleaves. A copy of this letter is attached to the original set of minutes on file at the Town Clerk's Office.

Community Development Director Creveling stated another set of questions has been submitted by Mr. Cleaves. He requested that the Board only acknowledge receipt of the questions at this time, and await Town Counsel's advice on how to respond to them.

Mr. Creveling stated during the previous work session, held December 06, 2007, the Planning Board requested a number of items be addressed by the applicant. These items have been addressed as follows:

- Inspection Escrow & Landscape Performance Bond – The Inspection Escrow has not yet been established, however it does not need to be established until the applicant is ready to start construction. The Landscape Performance Bond does not need to be established until such time that a Certificate of Occupancy is issued. Mr. Creveling added that numbers have been provided to Public Works Director McCarthy in regards to both the Inspection Escrow as well as the future Landscaping Bond.
- Forestry Management Plan – The applicant has submitted this document.
- No Cut Markers – A letter, dated March 6, 2008, has been provided by RSL Layout & Design indicating that the no-cut markers have been placed.
- Construction Timetable – The applicant has provided this information.

He summarized by stating that the applicant has provided the items that have been requested by the Board.

Jonathan Wood asked when the 4-year active and substantial development period comes to an end. Mr. Creveling stated that the period started September 27, 2005 per the decision of the Court, and expires September 27, 2009. He noted that the original Conditions of Approval lacked language regarding conditions precedent, and other such timeframes as are outlined in the Board's conditions today.

Gretchen Gott requested that work stop by 12:00 p.m. on Saturdays. Community Development Director stated the Conditions of Approval outlined the times, and they can not be changed.

Jonathan Wood requested that the issue with the 6-foot fence versus 8-foot fence be resolved. Doug Yasika stated that they will build an 8-foot fence. Mr. Wood asked when the fence will be constructed. Mr. Yasika stated that the fence will be constructed first.

Gretchen Gott asked if the issue of the uncapped wells has been resolved. Mark Veins stated the caps were repaired once before, and have been destroyed again. He stated when the snow melts they will fix the caps once again. Ms. Gott requested locked caps be placed on the wells.

Carolyn Matthews stated the Forestry Management Plan recommends that 29.5 acres be left for reserved management status. Gretchen Gott asked if the Plan is something that the applicant will follow, as it is merely recommendations. Rafik Papalian stated they will do they best they can to meet the recommendations outlined in the Plan. Doug Yasika stated the intent is to comply with the Forestry Plan and to follow its recommendations to the best of their ability.

The Board requested that they be informed when the applicant is given their “ok” from the Town to begin construction.

#### **Other Business - Reports from Other Boards/Committees**

Jonathan Wood stated that the Conservation Commission met last night, and spoke with the Chair of the Epping Conservation Commission to further discuss land located along Stingy River Road that straddles the Town Line.

Mr. Wood stated the Conservation Commission has set some goals and objectives for the year, including:

- Going out for an RFP to identify prime wetlands within Raymond
- Creation of a Natural Resources Inventory

Gretchen Gott stated the Board of Selectmen recently had a presentation from Brian Campbell, a member of the Fiscal Responsibility sub-committee of the Master Plan. She stated that BOS Chairman Tim Auclair presented information to the School Board last night, and the School Board has agreed to meet with the BOS in the future on the issue of sharing services.

Peter Buckingham stated the Raymond Business and Economic Development Council met last night and the issue of membership had been addressed. He added that the RBEDC is requesting that the RBEDC charter be amended by the Selectmen.

#### **Other Business - Any other discussions as may come before the Planning Board**

Steve Naoum stated he would like to receive an update for all projects that have been approved. Community Development Director Creveling stated that the Department is compiling a list of projects that need to have their approvals revoked, and hope to address this in June. Mr. Naoum stated he would like a quarterly status report for approved projects. Gretchen Gott stated she doesn't think the Planning Board can do anything until

the sunset date of approvals. The Board agreed that this should be discussed in further detail when Bill Cantwell returns.

Carolyn Matthews stated she would like to improve the attendance during Master Plan meetings, and requested that sub-committee group leaders be notified when their applicable chapter comes up for review.

**Adjournment**

MOTION: Jonathan Wood made a motion to adjourn. Frank Bourque seconded. The motion passed with a unanimous vote of 6-0-0. Meeting adjourned at 9:00 p.m.

Respectfully Submitted,

Robert Price  
Planning Technician