

Place: Raymond High School; Media Center

Call to Order: 7:00 p.m.

Members Present: Bill Cantwell, Chairman; Peter Buckingham, Vice Chairman; Steve Naoum, Secretary; Frank Bourque, Selectmen's Representative; Gretchen Gott; Maurice Titcomb; Jonathan Wood.

Planning Staff: Richard Mailhot, Code Enforcement Officer; Robert Price, Planning Technician.

Pledge of Allegiance

Public Hearings – Pelletier Special Permit

Application #2007-026 - An application for a Special Permit has been submitted by Joseph Pelletier to convert a single-family home into a two-family home. The property is shown on Raymond Tax Map 44, Lot 44; NH Route 107.

Planning Technician Price stated that the application should be considered complete for purposes of review.

MOTION: Gretchen Gott made a motion to accept the application as complete for purposes of review. Mo Titcomb seconded. The motion passed with a unanimous vote of 7-0-0.

Planning Technician Price stated the applicant is seeking a special permit to convert his single-family home into a two-family home, as is required by the Zoning Ordinance. The Zoning Determination clarifies that all dimensional requirements are met, and this conversion can be done.

Joseph Pelletier stated he is seeking this special permit because his mother-in-law and sister-in-law each require constant care. Obtaining the additional living unit makes this much easier to handle.

Gretchen Gott asked if the applicant will be installing fire doors, or installing a breezeway, per Fire Chief Pratt's concern at the Technical Review Committee meeting. Mr. Pelletier responded that he would be installing a breezeway.

Gretchen Gott asked about the septic system. Code Enforcement Officer Mailhot clarified that the applicant will need to propose a new, separate system or an expansion to their current system. He stated that this is dealt with during the building permit process.

PUBLIC COMMENT

Cynthia Fauth, an abutter, stated she and her husband are in total favor of the application. She stated they are the only home in the area having a full-view of the property, and they have no problem at all with the conversion.

Gretchen Gott clarified the different sizes of the addition which the applicant is considering, and if there would be any problem with setbacks. Code Enforcement Officer Mailhot stated the applicant would have no problem, as his home is situated in the middle of a large piece of land.

MOTION: Jonathan Wood made a motion to grant the Special Permit to allow Joseph Pelletier to convert an existing single family dwelling located on Tax Map 44, Lot 44 to a duplex, with the following conditions:

1. The Planning Board, in accordance with Table 3 of the Impact Fee Schedule and Methodology adopted on January 13, 2005, assesses impact fees for the project as follows: the project consists of one (1) new dwelling unit within a single family dwelling to duplex conversion; the school impact fee for each unit is \$2,666.00 and the road impact fee is \$443.00; the total impact fee for the added unit is \$3,109.00 and the total impact fee assessed for the project is \$3,109.00. Such fees shall be collected prior to the issuance of a certificate of occupancy.

Mo Titcomb seconded. The motion passed with a unanimous vote of 7-0-0.

JJ Living Trust Subdivision

Application #2007-025 - A subdivision application has been submitted by Prudential Verani Realty on behalf of The JJ Living Trust to subdivide one new lot of 2.36 acres from the existing lot. As a part of this application, the JJ Living Trust also proposes a Lot Line Adjustment with Aggregate Industries Land Company, Inc. which will dedicate 12.079 acres to Aggregate Industries. Finally, The JJ Living Trust and Aggregate Industries Land Company, Inc. propose to dedicate 2,452 sq. ft. of land to the State of New Hampshire for additional road right-of-way width along NH Route 102. The existing two-family building will be served by the remaining 3.275 acres. The properties are shown on Raymond Tax Map 5, Lot 94, Map 5, Lot 95, and Map 10, Lot 3; NH Route 102 (Chester Road).

Peter Buckingham disclosed that he knows Dennis Lydon, who is representing Aggregate Industries, rather well. He stated he has served with him on several committees in the past. He stated this will not affect his ability to judge this case.

Jonathan Wood disclosed that he too knows Mr. Lydon, and has worked on his boat in the past. He also stated this will not impair his ability to judge on this case.

Planning Technician Price stated that the application should be considered complete for purposes of review.

MOTION: Gretchen Gott made a motion to accept the application as complete for purposes of review. Steve Naoum seconded. The motion passed with a unanimous vote of 7-0-0.

Planning Technician Price stated the application is a series of lot line adjustments and a subdivision. He explained that the lot line adjustments will transfer approximately 12

acres of land to Aggregate Industries, and will transfer approximately 2,400 square feet of land to New Hampshire DOT for additional right-of-way on NH Route 102 (Chester Road). He stated after the lot line adjustments, the remaining 5.365 acre lot will be subdivided into two lots: one lot will be 3.275 acres and will contain the existing two-family dwelling. The other lot will be comprised of 2.36 acres, capable of supporting a single-family dwelling. Lastly, the new lot will be subject to impact fees.

Tim Bernier of T. F. Bernier, Inc. presented the plans to the Board. Mr. Bernier broke the plan down into the three parts for descriptive purposes. He stated they have State Subdivision Approval. He also submitted a letter from NH DOT which states they will accept the land for right-of-way. He stated the subdivided lots will have a shared driveway access.

Chairman Cantwell stated there is an area around the property that is currently staked out. He asked if this was the area which will be dedicated to the DOT for the right-of-way. Tom Duffy, representing the applicant stated this is correct.

Steve Naoum asked what Aggregate Industries plans to do with the 12+ acres they are receiving. Dennis Lydon replied this land will be used to expand the entrance drive, and also to allow for an expanded buffer zone, which they will be encroaching on with the addition of a second scale house. He stated there are currently no plans to mine the land; however he will not deny that it may be a possibility in the future. He stated he anticipates bringing forward a warrant article to change the zoning of that property to Industrial.

Steve Naoum asked how many truck trips are currently permitted for Aggregate. Mr. Lydon stated 800 trips per day.

Frank Bourque asked once the lot lines go away if the zoning line will remain. Code Enforcement Officer Mailhot stated he believes the zoning line will also go away, possibly creating a dual-zoning issue. He stated this may mean Mr. Lydon does not need to bring forth a petition warrant article to change the zoning.

Frank Bourque asked if the annexed 12+ acres could be used for quarrying. Mr. Lydon responded by saying no because he did not have a chain of ownership on that property at the time of the RSA 155E Legislation.

PUBLIC COMMENT

There was no public comment.

MOTION: Peter Buckingham made a motion to approve the series of lot line adjustments and subdivision in accordance with the proposed Subdivision and Annexation Plan from JJ Living Trust and Aggregate Industries Land Company, Inc. dated March 2007, amended September 20, 2007, Sheets 1, 2 and 3 subject to the following conditions:

1. The conditions of approval designated as conditions precedent must be fulfilled within six (6) months, unless otherwise specified or this approval shall become null and void. The following are conditions precedent:
 - a. Applicant must receive all required local, state and federal permitting for the project;
 - b. **FOR SUBDIVISION APPROVAL:** All fees authorized to be charged to applicant pursuant to subdivision and site plan review regulations including, but not limited to, application fees, costs of special studies and legal review, shall be paid by the applicant **prior to signing the Mylar;**
 - c. Deeds, easements, including an easement deed or other deed suitable to NHDOT for transfer of property to NHDOT as noted on the plan, and any other legal documentation pertinent to this development;
 - d. The Planning Board, in accordance with Table 3 of the Impact Fee Process and Methodology adopted on January 13, 2005, assesses impact fees for the project as follows: the project comprises one new unit consisting of one Single Family Detached Dwelling; the school impact fee for each unit is \$3,550.00 and the road impact fee is \$772.00; the total impact fee for each unit is \$4,322.00 and the total impact fee assessed for the project is \$4,322.00. If impact fees are not collected for any lot prior to the adoption of any amendments to the 2005 impact fee schedule, then any lot or lots which have not paid impact fees will be subject to the amended fee amount providing they are not eligible for the four year vesting status under RSA 674:39. Additionally, once the four year period under RSA 674:39 elapses, then the amount under any amended impact fee schedule shall be imposed.
 - e. A Performance Guarantee Agreement shall be executed between the Town of Raymond and the Applicant within 30 days of the plan approval date of October 25, 2007. **Failure to execute the required agreement will result in plan approval revocation.**
2. The following items must be completed within twelve (12) months of Planning Board approval of this project to constitute “active and substantial development or building” pursuant to (RSA 674:39):
 - a. Property pins placed to delineate new property boundaries for the lot line adjustment and for the newly created lot.
3. The following items must be completed to constitute “substantial completion of the improvements” pursuant to (RSA 674:39):
 - a. There are no improvements proposed at this time.

Jonathan Wood seconded. The motion passed with a unanimous vote of 7-0-0.

Other Business

Planning Technician Price stated the New Life Church has requested that the Planning Board waive the requirement to post a bond prior to the start of work.

Peter Buckingham recused himself from this discussion because he recused himself when this applicant came before the Board.

Code Enforcement Officer Mailhot stated the bond amount would not be calculated until they seek to occupy the building, as it is all on-property improvements. The only amount due at this point is whatever remains to be constructed.

Frank Bourque stated he would suggest not dealing with this until it is really needed.

Gretchen Gott stated she agrees with Mr. Bourque, as it could set a troublesome precedent.

Chairman Cantwell took a non-binding poll of the Board whether to wait until another time or to waive the requirement as requested by the applicant.

POLL RESULTS

- Gretchen Gott – Wait
- Jonathan Wood – Wait
- Steve Naoum – Wait
- Mo Titcomb – Wait
- Frank Bourque – Wait
- Bill Cantwell – Wait

Peter Buckingham returned to his seat for the remainder of the meeting.

Planning Technician Price brought forth an email from Jack Munn asking the Board to grant permission to apply for the Sourcewater Protection Grant, as the deadline is November 1.

Chairman Cantwell polled the Board to see if they would allow the Planning Commission to apply for the Grant, if Richard Mailhot and Dennis McCarthy are in agreement with the proposal, as was presented to the Board with the email.

POLL RESULTS

- Gretchen Gott – Yes
- Jonathan Wood – Yes
- Peter Buckingham - Yes
- Steve Naoum – Yes
- Mo Titcomb – Yes
- Frank Bourque – Yes
- Bill Cantwell – Yes

Peter Buckingham asked for an update as to Frank Bourque or Jim Tuttle being the Selectmen's Representative to the Planning Board.

Frank Bourque stated that Mr. Tuttle does not feel comfortable taking on the role of serving on the Planning Board. He asked Mr. Bourque to swap out with his spot on the Budget Committee, resulting in Mr. Bourque becoming the Selectmen's Rep to the Planning Board and Mr. Tuttle becoming the Selectmen's Rep to the Budget Committee. In the event that Mr. Bourque could not make a Planning Board meeting, Mr. Tuttle will step in as the Alternate Selectmen's Rep.

Chairman Cantwell polled the Board as to sending a recommendation to the Board of Selectmen that Frank Bourque should be the Selectmen's Rep to the Planning Board.

POLL RESULTS

Gretchen Gott – Yes
Jonathan Wood – Abstain; stating the vote is irrelevant
Peter Buckingham – Yes
Steve Naoum – Yes
Mo Titcomb – Yes
Frank Bourque – Abstain
Bill Cantwell – Yes

Chairman Cantwell polled the Board as to sending a recommendation to the Board of Selectmen as to who the Alternate Rep. to the Planning Board should be?

POLL RESULTS

Gretchen Gott – Yes; stating she would prefer Greg Bemis
Jonathan Wood – Abstain; stating this poll is irrelevant
Peter Buckingham – Yes
Steve Naoum – No; stating this is the Selectmen's decision
Mo Ticomb – Yes
Frank Bourque – Abstain
Bill Cantwell – Yes

Code Enforcement Officer Mailhot left the meeting.

Frank Bourque stated he thinks the Planning Board needs to recommend the CIP to the Board of Selectmen. He would like the Planning Board to make a recommendation to the Selectmen on the final number the CIP Committee came up with. That way, even if the vote is not required, it has been taken. Chairman Cantwell stated his concern with this is that there are 5 members of the Planning Board who have not even seen the CIP whatsoever.

A lengthy discussion was held as to who has the responsibility to make a recommendation, whether it is the Planning Board or the CIP Committee, and if Bill

Cantwell and Peter Buckingham should give an overview of the CIP to the Planning Board, as they are the Planning Board reps to the CIP Committee.

MOTION: Jonathan Wood made a motion to adjourn. There was no second. The motion failed.

Jonathan Wood left the meeting.

MOTION: Peter Buckingham made a motion that the Planning Board recommend to the Selectmen the amount of \$362,110, which the CIP Committee came up with for the CIP. Bill Cantwell seconded. Bill Cantwell and Peter Buckingham voted in favor of the motion. Gretchen Gott, Steve Naoum and Mo Titcomb voted against the motion. Frank Bourque abstained. The motion failed.

The Board decided after much discussion to meet at 6:30 p.m. on November 1 to discuss the CIP with the Chairman of the CIP Committee.

Adjournment

MOTION: Frank Bourque made a motion to adjourn. Mo Titcomb seconded. The motion passed with a unanimous vote of 6-0-0. Meeting adjourned at 9:12 p.m.

Respectfully submitted,

Robert Price
Planning Technician