

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

**Call to Order:** 7:03 p.m.

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

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

### **Pledge of Allegiance**

### **Approval of Minutes**

MOTION: Peter Buckingham made a motion to approve the minutes of 10/18/07 as drafted. Steve Naoum seconded. The motion passed with a vote of 5-0-2, with Mo Titcomb and Frank Bourque abstaining.

MOTION: Frank Bourque made a motion to approve the minutes of 11/08/07 as drafted. Steve Naoum seconded. The motion passed with a unanimous vote of 7-0-0. (*\*\*Note\*\* these minutes were mistakenly put on the agenda. The Planning Board approved these minutes on November 29 as originally drafted, as was done tonight*).

MOTION: Jonathan Wood made a motion to approve the minutes of 11/15/07 as drafted. Gretchen Gott seconded. The motion passed with a vote of 4-0-3, with Mo Titcomb, Steve Naoum and Frank Bourque abstaining.

### **Public Hearings – James Gregoire Yield Plan**

*A Yield Plan for an 11-lot Conservation Subdivision has been submitted by James Gregoire for the purpose of Planning Board acceptance. Additionally, the applicant is requesting a waiver for road length. The applicant was granted a Use Variance from the Zoning Board of Adjustment to allow a yield plan for a conservation subdivision to show a private road rather than a public road on November 14, 2007. The property is shown on Raymond Tax Map 23, Lot 4; Batchelder Road.*

Erik Saari of Jones and Beach Engineers presented the plan to the Board. He explained that they are seeking approval of a yield plan showing frontage on a private road. He stated they acquired a variance to show a private road on the yield plan at the November 14, 2007 ZBA meeting. He stated the yield plan shows 11 units, and they would be seeking a bonus 12<sup>th</sup> unit when the subdivision application comes forward. The open space for a conservation subdivision is shown toward the rear of the property. He stated that they are seeking a waiver for road length, explaining that the road is 1,286 feet; 286 feet over the regulatory maximum.

Jonathan Wood asked if the homes were supposed to have sprinkler systems. James Gregoire stated this issue came up during Technical Review in the spring. He stated that Fire Chief Pratt was ok with not having sprinkler systems because of the secondary

access to Southern NH Services as well as all the homes being within 1,000 feet of pressurized water service. Jonathan Wood asked if the applicant has any intent to install sprinkler systems in the homes. Mr. Saari responded that he does not.

Jonathan Wood asked if there is something showing the proposed secondary access. Mr. Saari stated the location is not shown on the yield plan, but he described the location to Mr. Wood. He stated this would come forth in the full subdivision plan.

Frank Bourque asked for the total lot size. Mr. Saari replied 31.02 acres. Mr. Bourque asked for confirmation that approximately 22 acres is being put aside for conservation. Mr. Saari confirmed.

Bill Cantwell asked where the hydrants would be located. Mr. Saari responded there will be one hydrant at the end of the cul-de-sac, and one at the intersection with Batchelder Road. He stated if Fire Chief Pratt wants a third hydrant, they are amenable to that, and it will be discussed during Technical Review. Mr. Saari noted that this plan, when it comes forward, will include the fire pond.

Gretchen Gott asked if granting or denying a waiver for road length would have any impact on the neighboring property owner's request for a means of access to the road. Mr. Saari explained that the applicant does not have the right to grant access over the road to other properties because he does not control the easements. He stated the easements belong to Donna Stathos and Southern NH Services. He stated his understanding is that Ms. Stathos is not willing to grant access to anyone other than Mr. Gregoire. James Gregoire added that Code Enforcement Officer Mailhot stated at the November 14 ZBA meeting that Mr. Richard has an active variance granted to construct a single family home on his property, acquired a number of years ago.

#### PUBLIC COMMENT

Michael Cunningham asked if the plan would have any impact on traffic at the intersection of Batchelder Road and Route 102. Additionally, he asked if there were plans to install a traffic signal at that location. Gretchen Gott stated that intersection is under state jurisdiction, and certain parameters need to be met before a light would be installed. She stated at the current time, the parameters are not being met.

Fred Richard stated he is the neighboring property owner requesting access. He stated he is seeking a 50-foot right-of-way, adding that he currently has a 20-foot right-of-way. Gretchen Gott stated she does not want to interfere with Mr. Richard's rights to develop his property. Jonathan Wood stated this will be addressed when the full subdivision application comes forward.

Fred Richard asked if the traffic would affect his existing driveway. Bill Cantwell replied that this will be handled during the full subdivision application process.

Jonathan Wood requested that the applicant present documentation showing the easement access from Southern NH Services. He also requested that all future plans show the access, where the gate will be, the maintenance plan, etc.

*VOTE ON WAIVER REQUEST CRITERIA*

There was initially some confusion with the responses to criteria A and B, however this was straightened out and the vote was retaken with the following responses given:

**A. The granting of the waiver WILL/WILL NOT be detrimental to the public safety, health, or welfare or injurious to other adjacent property:**

Gretchen Gott: Will; the emergency access is inadequate

Mo Titcomb: Will Not

Peter Buckingham: Will Not

Jonathan Wood: Will Not; because they will have 2-3 hydrants and an easement agreement with Southern NH Services

Steve Naoum: Will Not

Frank Bourque: Will Not

Bill Cantwell: Will Not

**B. The conditions upon which the request for a waiver is based ARE/ARE NOT unique to the property for which the waiver is sought, and are not applicable generally to other property:**

Gretchen Gott: Are

Mo Titcomb: Are

Peter Buckingham: Are

Jonathan Wood: Are

Steve Naoum: Are

Frank Bourque: Are

Bill Cantwell: Are

**C. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner WOULD/WOULD NOT result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out:**

Gretchen Gott: Would

Mo Titcomb: Would

Peter Buckingham: Would

Jonathan Wood: Would

Steve Naoum: Would

Frank Bourque: Would

Bill Cantwell: Would

**D. The waiver WILL/WILL NOT, in any manner, vary the provisions of the Zoning Ordinance, Master Plan or Official Zoning Map:**

Gretchen Gott: Will Not  
Mo Titcomb: Will Not  
Peter Buckingham: Will Not  
Jonathan Wood: Will Not  
Steve Naoum: Will Not  
Frank Bourque: Will Not  
Bill Cantwell: Will Not

MOTION: Jonathan Wood made a motion to grant a waiver from Subdivision Regulation Article 5.6E3 for road length with the following condition:

- The future application and plans will show the road, the secondary means of egress granted from Southern NH Services, and placement of fire hydrants.

Steve Naoum seconded. The motion passed with a vote of 6-1-0, with Gretchen Gott opposed, stating that her opposition is based on her vote for waiver criteria A, where she finds the emergency access inadequate.

MOTION: Jonathan Wood made a motion to approve the yield plan as presented with the print date of 11/16/07 for the Bohle Way Conservation Subdivision on Raymond Tax Map 23, Lot 4. Frank Bourque seconded. The motion passed with a unanimous vote of 7-0-0.

**Batchelder Place**

*An application for Site Plan Review has been submitted by Bemis Construction to construct a three-unit multi-family residential building. The applicant was granted a variance for this use by the Zoning Board of Adjustment on May 9, 2007. The property is shown on Raymond Tax Map 17, Lots 31-2 & 31-3; Batchelder Road.*

Frank Bourque stated he is going to recuse himself from this discussion as he serves with Mr. Bemis on the Board of Selectmen, and does not want to vote on something when they sit on decisions together with the BOS.

Gretchen Gott stated she has been appointed to numerous Boards and Committees by both Mr. Bemis and Mr. Wood; however she feels this will not impact her objectivity in any way.

Jonathan Wood stated he has occasionally ‘bumped elbows’ and has been appointed to the Conservation Commission by both Mr. Bemis and Mr. Wood; however he feels this will not impact his objectivity in any way.

Community Development Director Creveling stated the plan is complete, and should be accepted for the purpose of review.

MOTION: Gretchen Gott made a motion to accept the plans for the purpose of review. Jonathan Wood seconded. The motion passed with a unanimous vote of 6-0-0.

Community Development Director Creveling stated there are two ½ acre lots which will be consolidated, and the applicant has already turned in the consolidation form, making a 1 acre parcel. The proposal is to create a three-unit multi-family townhouse style building with a condominium ownership. He stated the applicant has turned in condominium documents that will be reviewed by Counsel. Mr. Creveling stated the Technical Review Committee made a number of suggestions and comments, and the applicant has gone back and revised the plans to the point where conditional approval is recommended.

Dick Wood of Wood Engineering stated the Zoning Board of Adjustment granted the applicant a variance on May 9, 2007. He stated the units will have sprinkler systems installed. Mr. Wood stated condo documents have been submitted, but revision will be made to the documents and they will be re-submitted. He added there is very little landscaping proposed as the site is heavily wooded already. Mr. Wood noted that there will be a retention pond, and calculations show water will be absorbed into the ground. Mr. Wood explained the soils are highly absorbent, and will not cause a ponding situation to develop. Mr. Wood indicated this property will be on Town Water.

Community Development Director Creveling asked about the Individually Developable Areas as shown on the plan. He asked why the parking spaces were placed in the IDA. Mr. Wood explained he was under the impression that the TRC wanted designated parking spaces for each unit, and they would need to be a part of the IDA to accomplish this. Mr. Creveling replied that he believes it is important to delineate spaces for each unit, but does not feel they would need to be considered as a part of the IDA. Mr. Wood stated he will make this change.

Gretchen Gott stated there is no visitor parking shown on the plan, which could be problematic. Mr. Wood responded that the driveway is large enough so that visiting cars could parallel park on the far side without causing problems to those parked in spaces.

#### PUBLIC COMMENT

There was no public comment.

Gretchen Gott stated she would like to see a no-cut zone around the property marked.

Jonathan Wood requested that the Board be polled as to the adding of a condition of approval stating that an area of no disturbance shall be marked before cutting begins, however safety maintenance of trees is allowed.

#### POLL RESULTS

Gretchen Gott: Yes

Mo Titcomb: Yes

Peter Buckingham: Yes

Jonathan Wood: Yes

Steve Naoum: Yes

Bill Cantwell: Yes

MOTION: Jonathan Wood made a motion to approve the proposal for Raymond Tax Map 17, Lots 31-2 & 31-3 showing a three-unit residential townhouse-style building with condominium ownership with 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. 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, conservation easements, condominium documents maintenance agreements, and any other legal documentation pertinent to this development shall be reviewed and approved by Town Counsel, and where applicable, the Board of Selectmen pursuant to RSA 41:14-a;
  - d. A Performance Guarantee Agreement shall be executed between the Town of Raymond and the Applicant within 30 days of the plan approval date of: December 06, 2007. **Failure to execute the required agreement will result in plan approval revocation.**
  - e. The applicant shall address to the satisfaction of the Town's Review Engineer, any remaining engineering issues identified as a result of this peer review. Written concurrence, from the Town's Engineer and the Raymond Community Development Director, with the design corrections of any identified engineering issues shall be required prior to final plan approval.
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. Installation of full foundation, septic system and water service lines.
3. The following items must be completed to constitute "substantial completion of the improvements" pursuant to (RSA 674:39):
  - a. Completion of construction of 3-unit building as depicted on the approved plan, along with all site work and landscaping.

4. Bonding, for on site earth construction, as determined by the Planning Board and/or its designee, shall be in place prior to the start of site work. Bonding for maintenance or any other purpose shall be posted prior to the issuance of a Certificate of Occupancy.
5. This approval is subject to the following waivers as granted by the Raymond Planning Board:
  - a. *N/A*
6. 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 consists of three (3) new units consisting of multi-family townhouse style building; the school impact fee for each unit is One Thousand nine hundred eighty-four dollars (\$1,984.00) and the road impact fee is Three Hundred Ninety-seven Dollars (\$397.00); the total impact fee for each unit is Two Thousand Three Hundred Eighty-one Dollars (\$2,381.00) and the total impact fee assessed for the project is Seven Thousand One Hundred Forty-three Dollars (\$7,143.00). If impact fees are not collected for any lot prior to the adoption of any amendments to the 2005 impact fee schedule, then the lots which have not paid impact fees will be subject to the amended fee amount if 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 the amended impact fee schedule can be imposed.
7. Other Conditions Imposed by the Planning Board:
  - a. No-cut zone to be delineated before cutting begins
  - b. Condo documents shall reflect that safety maintenance of trees is allowed under certain circumstances
  - c. Identification of the parking spaces as part of the Individually Developable Area shall be removed. Parking spaces shall be assigned and marked per each unit.
8. Off site improvement fees for specific deficiencies found to have a rational nexus to this project are as follows: *(describe in detail and amount)*
  - a. *N/A*

Steve Naoum seconded. The motion passed with a unanimous vote of 6-0-0.

*Frank Bourque returned to his seat for the remainder of the meeting.*

#### **Work Session – Royal Oaks Estates**

Chairman Cantwell stated the purpose of this meeting is solely to gather information about the status of the project. The Planning Board will not be formulating any decisions following the meeting of December 6, 2007.

Community Development Director Creveling stated the Planning Board was given a copy of a letter dated October 4, 2007 written by Town Counsel and submitted to Mr. Papalian's legal counsel. He stated this meeting was called at the Planning Board's request to come forth and address some outstanding issues with the project, and to give a status report to the Board. Mr. Creveling stated in the second paragraph of the aforementioned letter, there is a list of items that need to be addressed. These items are as follows:

1. When will the applicant post an inspection escrow?
2. When will the applicant complete a forestry management plan?
3. When will the applicant place the no-cut markers, and post the landscape performance bond, as stated in the performance agreement?
4. What is the timetable to start construction of any improvements on the site?
5. What is the applicant's proposed schedule of construction for all improvements and will such improvements be substantially completed prior to September 2009, and if so, when?

Steve Bibeau of RSL Layout & Design, and Mark Vines, each representing the applicants, addressed the Planning Board's concerns during this work session.

Mr. Vines stated the Inspection Escrow will be posted by December 31, 2007.

Mr. Bibeau stated the Forestry Management Plan will be submitted by March 31, 2008.

Mr. Bibeau stated the no-cut markers will be in place by January 1, 2008.

Mr. Vines stated the Landscape Performance Bond will be posted by February 29, 2008.

Mr. Vines stated the timetable to begin at this point will be determined later. Mr. Bourque stated this timetable should be put together by March 1, 2008, and a second work session with the applicant will be held later that month to review these items again.

The Planning Board discussed with the applicant a good time to meet to review the progress of these items. The applicants and the Board determined that March 20, 2008 will be the next work session. Mr. Bourque reminded the applicants that everything must be done and submitted by March 13, 2008.

Peter Cleaves an abutter to the project stated he would like to ask the Planning Board a couple of questions. He stated he has sent several letters to the Board asking questions that have never been addressed.

Bill Cantwell requested that Mr. Cleaves submit his questions in writing again to the Planning Department. Mr. Cleaves stated that he has done this three times, and his questions have been ignored.

Gretchen Gott stated these questions should be submitted to the Planning Department in writing by March 13, 2008 so they can potentially be addressed at that work session on March 20.

**Adjournment**

MOTION: Gretchen Gott made a motion to adjourn. Steve Naoum seconded. The motion passed with a vote of 6-1-0, with Jonathan Wood being opposed. Meeting adjourned at 8:43 p.m.

Respectfully submitted,

Robert Price  
Planning Technician