

Raymond Planning Board Minutes

July 22, 2010

Approved 08/12/2010

Place: Raymond High School; Media Center

Call to Order: 7:00 p.m.

Members Present: Jonathan Wood, Chairman; Carolyn Matthews, Vice Chairman; Bill Hoitt, Board of Selectmen Ex-officio; Gretchen Gott; Jim Kent; Bill Cantwell.

Doug Vogel was excused from this meeting.

Staff Present: Robert Price, Planning Technician.

Pledge of Allegiance

Approval of Minutes

Members Sitting for Approval of Minutes: Jonathan Wood; Carolyn Matthews; Bill Hoitt; Bill Cantwell; Jim Kent; Gretchen Gott.

MOTION: Mr. Cantwell made a motion, seconded by Mr. Hoitt, to approve the minutes of July 08, 2010 as amended. The motion carried with a vote of 5-0-1, with Ms. Gott abstaining.

The Board agreed to table the approval of the July 15, 2010 minutes until after the tape of the meeting had been reviewed, and additional detail had been added.

Public Hearing – I.C. Reed Site Plan

Continued from 06/17/2010; Application #2008-022 – An application for Site Plan Review has been submitted by Jones and Beach Engineers, Inc. on behalf of I.C. Reed & Sons, Inc. The applicant proposes to renovate an existing building for office space, and construct an associated parking area. Additionally, the applicant proposes to demolish the existing house located on Map 28-2, Lot 56, and relocate the private drive known as Evans Drive to this area. The previous location of Evans Drive will be partially demolished, and the remaining portion will be retained to service Map 28-2, Lot 53, with an easement granted for that lot's perpetual use. The applicant was granted a variance for this use on January 10, 2007 by the Zoning Board of Adjustment. The properties are shown on Raymond Tax Map 28-2, Lots 54, 55 and 56; 8 Evans Drive.

Members Sitting for this Hearing: Jonathan Wood; Carolyn Matthews; Bill Hoitt; Bill Cantwell; Jim Kent; Gretchen Gott.

Applicant/Agents Present: Sean Reed of I.C. Reed & Sons, Inc. (property owner), Joe Coronati of Jones & Beach Engineers, Inc.

Abutters/Public Present: None.

Mr. Price noted that the applicant has received two variances from the Zoning Board of Adjustment in the last two months:

1. A variance allowing the applicant to establish a commercial use, the relocation of Evans Drive, which serves as the entrance to its existing business, on Raymond Tax Map 28-2, Lot 56.

2. A variance allowing the applicant to not install the required sprinkler system in either the proposed garage space or existing office building, with the condition that no vehicles or combustible materials shall be stored in the proposed garage space.

Mr. Price also noted that the Alteration of Terrain Permit arrived earlier today's mail. Lastly, he noted that Altus Engineering completed a second peer review of the project on July 21, 2010. He distributed copies of the Altus report to the Board.

Mr. Coronati went through the July 21, 2010 Altus report, outlining all remaining outstanding issues with the Board, and offering explanations.

Item #2 – The NHDES Shoreland Permit is not valid for the site improvements proposed, and needs to be amended to reflect the current proposal. Mr. Coronati explained that permit applications will be submitted to the State next week. He noted there are three separate applications that need to be filed, as there are three separate lots involved. He added that he is uncertain how long the approval process will take.

Item #3 – The Wetlands Scientist should stamp the plans to certify the delineation of the edge of wetlands along the river bank. Mr. Coronati stated the final plans will be stamped.

Item #7 – The applicant should provide the access easement language to Town Counsel for review. Mr. Coronati stated the access easement language will be prepared and submitted to the Town for legal review.

Item #12 – The utility pole rack is encroaching onto State of New Hampshire Trails Bureau land at the rear of the property. This encroachment should be corrected at this time. Mr. Coronati stated in discussions with the applicant, the applicant has actually requested to leave the pole rack where it sits currently, adding that it has been in its current location, within the State's right-of-way, for 40-50 years, and it has never been an issue.

Ms. Gott stated she would prefer that the pole rack be relocated, adding she is concerned about setting a precedent by leaving it in place.

Mr. Cantwell asked if the applicant could instead, place a note on the plan explaining if the State ever wants the pole rack relocated, then the applicant will relocate the pole rack.

Ms. Gott stated she would like to see a letter from the applicant notifying the State of the situation, and requesting permission to leave the pole rack in its current location. She added that she would also like to see a letter from the State in response, allowing the pole rack to remain, or requesting that it be moved.

Mr. Wood polled the Board to determine if a note should or should not be placed on the plan explaining if the State wants the pole rack relocated, then the applicant will relocate it.

POLL RESULTS

Mr. Kent – Yes

Ms. Gott – Yes, in addition to a letter from the State

Mr. Hoitt – No

Mr. Cantwell – Yes

Ms. Matthews – Yes

Mr. Wood – Yes

As a result of the poll, the applicant will add the requested note to the plan.

Mr. Wood next polled the Board to determine if the Board felt a response letter from the State should be required regarding the pole rack, in addition to the note on the plans.

POLL RESULTS

Mr. Kent – Yes

Mr. Cantwell – No

Ms. Gott – Yes

Ms. Matthews – No

Mr. Hoitt – No

Mr. Wood – No

The Board agreed, however, that a letter should still be sent to the State notifying them of the situation, and a copy of that letter should be sent to the Community Development Department for inclusion in the file.

Item #15 – Based on the design intent stated in Note 1, the applicant proposes to construct a new parking lot further from the river than the existing lot. Based on the documents submitted, it is not clear as to how much pavement is being removed adjacent to the river. It would be beneficial for the designer to provide information on the impervious reduction in the wetland/river buffer areas. Mr. Coronati stated the additional information requested by Altus will be provided, and will be noted on the plans.

Item #20 – It is assumed that vehicles will be washed on the premises. Where will this be done, and how will the wash water be treated? Mr. Coronati stated sheet C4 of the plans now shows a 7,500 gallon holding tank to the east of the maintenance shed. He added the application for the tank is prepared and ready to be submitted to the State. He also explained that notes 21-26 on the plan were added regarding this holding tank.

Item #34 – The existing site lighting spills beyond the property lines onto the abutting properties and into the resource area. The designer should have shields installed to reduce the impacts. Mr. Coronati stated Sheet L1 of the plans shows the area where light is shining onto the rail trail. He added that this is an area where the applicant has dealt with significant vandalism and theft issues in the past. He also noted that the light spillage is from existing lighting, adding that the spillage is of a very low level. Lastly, he noted no light spills onto residential land.

Mr. Kent asked if shields could be installed, as noted by Altus. Mr. Coronati replied that the lights in this area are wall packs, not pole lights; therefore the shielding flexibility is limited. He added that the applicant would prefer to have this area as well-lit as possible.

Ms. Gott asked if the existing lighting impacts night use of the trail (i.e. causing a blinding issue for snowmobilers). Mr. Hoitt noted that a Fish & Game officer came before the Board of Selectmen last year for a different matter, and noted that no use of the rail trails is permitted after 11:00 p.m.

Mr. Wood polled the Board to determine if the light spillage onto the rail trail is or is not a concern.

POLL RESULTS

Mr. Kent – No
Ms. Gott – No
Mr. Hoitt – No

Mr. Cantwell – No
Ms. Matthews – No
Mr. Wood – No

Mr. Coronati noted Item #35 is connected to the lighting concern

Item #35 – The designer should provide information on the hours that the site will be lit and whether there will be any lighting on all night for security purposes. In response to this, Mr. Reed stated it is their preference to have lights on all night, not only due to security and vandalism concerns, but also because of the nature of their business, people are in and out of the site at all hours. If the lights are off, that would cause a delay in their emergency response as because lights would need to be turned on and warmed up before employees could see.

Mr. Wood polled the Board to determine if it is or is not a problem to have the site lighting on all night.

POLL RESULTS

Mr. Kent – Not an issue
Ms. Gott – Not an issue
Mr. Hoitt – Not an issue

Mr. Cantwell – Not an issue
Ms. Matthews – Not an issue
Mr. Wood – Not an issue

Mr. Price noted some light spillage onto the abutting Spence property, in the back corner. Mr. Reed stated he feels the plantings and fencing will be enough to mitigate the spillage. The Board agreed.

Item #37 – The design does not create a vegetated buffer to Epping Street or to Lot 53. Mr. Coronati noted Item #38 is connected to this issue as well.

Item #38 – The designer should consider enhancing the vegetative buffer to Lot 57 including providing a landscape buffer on their property as the fence in its current location does not adequately screen the site from Lot 57. Mr. Coronati stated Altus feels the landscaping plan is not adequate. Mr. Coronati outlined the landscaping plan for the Board.

Ms. Gott stated the driveway is moving closer to the Anzalone property. Thus, noise and traffic is going closer to their house. Mr. Reed stated they have a verbal agreement to go to Scenic Nursery with the Anzalone's once the plan is approved, and devise a landscaping plan with them. Mr. Reed noted the Spence's have never had any issues with the proposal.

Ms. Matthews stated that abutters had a chance to weigh in on the buffer at the Zoning Board of Adjustment level, and she can't see the need for any additional landscaping above and beyond the verbal agreement that the applicant has with the Anzalone's.

Mr. Coronati stated the landscaping plan has replaced all deciduous trees being used as buffer trees with coniferous trees.

Mr. Wood polled the Board to determine if the Board felt the proposed landscaping plan and verbal agreement are or are not adequate, as proposed.

POLL RESULTS

Mr. Kent – Are adequate	Mr. Cantwell – Are adequate
Ms. Gott – Prefers fencing be installed on both sides of Evans Drive	Ms. Matthews – Are adequate
Mr. Hoitt – Are adequate	Mr. Wood – Are adequate

Item #39 – The designer should consider adding buffer plantings within the resource protection area along the top of the berm. Mr. Coronati stated there is a fence located here as well. He noted the back side of the berm will self-vegetate over time. He added that the applicant is spending a significant amount of money on this plan.

Ms. Matthews stated she can't see the rationale for the additional plantings, and feels the plan is adequate as proposed.

Mr. Wood polled the Board to see if anyone had any concerns with the landscaping plan, regarding the berm, as proposed.

POLL RESULTS

Mr. Kent – No	Mr. Cantwell – No
Ms. Gott – No	Ms. Matthews – No
Mr. Hoitt – No	Mr. Wood – No

Item #42 – The designer needs to specify geotextile material and the clay liner in the sediment forebay detail. Mr. Coronati replied he needs to speak with Altus about this. He stated because of the nature of the business, the State is mandating a clay liner in the sediment forebay. He added they are proposing a thick woven biodegradable fabric mat that will allow vegetation to grow. He added that the mat is not impervious, and the idea is that once the mat biodegrades, then the area should be left vegetated.

Item #47 – There seems to be a typographical error on the dimensions for the riprap apron up gradient from the sediment forebay. Mr. Coronati stated this typo has been noted and will be corrected.

Item #48 – The designer has modified the culvert overflow pipe from the bio-retention basin. The designer has not provided any revised drainage computations nor provided a detail on the proposed headwall with two openings. Mr. Coronati stated the requested information will be provided to Altus.

Item #49 – The designer needs to check the ADA regulations for compliance with the handicap accessible parking stall requirements. Mr. Coronati stated he will discuss this item with Altus further to understand what is being asked, but noted they will comply with ADA regulations.

Mr. Hoitt asked if the Spence property will be changing their numbering to be from Epping Street rather than Evans Drive. The Board agreed that this item needed to be worked out with the Fire Department.

Ms. Gott expressed concern with the potential change of address and the cost involved for the Spence's.

PUBLIC COMMENT

There was no public comment.

MOTION: Mr. Hoitt made a motion, seconded by Mr. Cantwell, to approve Application #2008-022 as presented by Jones & Beach Engineering, Inc. on behalf of I.C. Reed & Sons, Inc., for property shown on Raymond Tax Map 28-2, Lots 54, 55 & 56; 8 Evans Drive.

The following conditions shall apply:

1. The conditions of approval designated as conditions precedent must be completed within six (6) months, unless otherwise specified, or this approval shall become null and void.

The following are conditions precedent:

- a. The applicant must obtain all required local, State and Federal permitting for the project, and provide copies of same to the Community Development Department;
- b. All fees authorized to be charged to the applicant pursuant to the Raymond Site Plan Review Regulations including, but not limited to application fees, costs of special studies, and legal and engineering review, shall be paid by the applicant;
- c. Deeds, easements, conservation easements, condominium documents, maintenance agreements, and any other legal documentation pertinent to this project shall be reviewed and approved by Town Counsel, and where applicable, the Board of Selectmen pursuant to RSA 41:14-a;
- d. The applicant shall address, to the satisfaction of the Town's Review Engineer, any remaining engineering issues identified during peer review. Written concurrence, from the Town's Review Engineer and the Raymond Community Development Director, with the design corrections of any identified engineering issues shall be required prior to final plan approval.
- 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 July 22, 2010. **Failure to execute the required agreement will result in plan approval revocation.**
- f. A note shall be added to the plan acknowledging that the pole rack is located on State of New Hampshire Trails Bureau property. Additionally, the applicant shall send a letter to the Trails Bureau notifying them of the situation. A copy of this letter shall be provided to the Community Development Department for inclusion in the file.

2. The following items must be completed within twelve (12) months of the completion of conditions precedent for this project to constitute “active and substantial development or building” pursuant to RSA 674:39:
 - a. Demolition of all structures proposed for removal, completion of sufficient site work to enable installation of site infrastructure, including the site drainage network and related structures, water supply and other underground installations.
3. The following items must be completed for this project to constitute “substantial completion of the improvements” pursuant to RSA 674:39:
 - a. Relocation of Evans Drive, reconstruction of the garage, construction and connection to septic system and other improvements as represented on the approved site plan.
 - b. Paving of relocated parking area.
4. Estimates for all improvements shall be provided by the Applicant for review and approval by the Raymond Public Works Director or his designee. These estimates will be utilized to establish an inspection escrow account (equal to 4% of the estimated cost of improvements), which must be in place with the Town of Raymond prior to the start of any site work. Additionally, these estimates will be used as the basis for computing the Surety/Performance Bond to be provided by the Applicant in favor of the Town of Raymond prior to the issuance of a building permit by the Raymond Code Enforcement Officer. Surety/Performance Bond values shall be based upon the value of unfinished work at the time of the issuance of a Certificate of Occupancy, plus a 10% contingency.
5. This approval is subject to the following waivers, as granted by the Raymond Planning Board:
 - a. N/A - no waivers requested.
6. This approval is subject to the following variances, as granted by the Raymond Zoning Board of Adjustment:
 - a. Variance allowing the applicant to establish a commercial use, the relocation of Evans Drive, which serves as the entrance to its existing business, on Raymond Tax Map 28-2, Lot 56. *Granted June 09, 2010.*
 - b. Variance allowing the applicant to not install the required sprinkler system in either the proposed garage space or existing office building, with the condition that no vehicles or combustible materials shall be stored in the proposed garage space. *Granted July 14, 2010.*
7. Other Conditions imposed by the Planning Board:
 - a. The applicant shall notify and work with the Raymond Police Department and Raymond Fire Department regarding the potential change of address for the Spence property (Map 28-2, Lot 53).
 - b. Any modification to the landscaping plan that comes about as a result of the verbal agreement with the applicant and the abutters shall be brought before the Planning Board.

The motion carried with a unanimous vote of 6-0-0.

Public Hearing – “Lamprey Falls” Conservation Subdivision

Application #2010-008 – An application for an 18-unit conservation subdivision known as “Lamprey Falls” has been submitted by REI Development Company, LLC. The applicant proposes to construct nine duplex homes, totaling 18 residential units. The applicant was granted both a use variance to construct duplex homes within a conservation subdivision, and an area variance allowing the placement of 18 dwelling units on 21.7 acres of land, by the Raymond Zoning Board of Adjustment on January 09, 2008. The property is shown on Raymond Tax Map 44, Lot 13; surrounding and behind 17 Critchett Road. ****The applicant has requested a continuance because they have a scheduling conflict.****

Mr. Cantwell announced he will recuse himself, as he is biased against this project.

Members Sitting for this Hearing: Jonathan Wood; Carolyn Matthews; Bill Hoitt; Jim Kent; Gretchen Gott.

Applicant/Agents Present: None.

Abutters/Public Present: None.

Mr. Wood read a letter submitted to the Community Development Department from the applicant requesting a continuance of this hearing to another date. A copy of this letter is attached to the original set of minutes on file with the Town Clerk.

Mr. Wood next read a letter submitted by Richard and Ellen Levine, abutters to this project, regarding the applicant’s request to continue the hearing. A copy of this letter is attached to the original set of minutes on file with the Town Clerk.

In general discussion, the Board agreed upon the following points:

- There was concern with the constant need to reschedule meetings with this applicant.
- There was concern that the abutters are being worn out.
- It was noted that two partners are involved, but neither is in attendance.
- It was questioned why a representative from the applicant’s engineering firm could not attend the meeting.

PUBLIC COMMENT

Mr. Cantwell, speaking as a citizen, stated this all started in December 2006 when the original application was filed. This applicant has a long history of requesting continuances and rescheduling meetings. He stated it is his opinion that staff should give the applicant a list of dates, and have the applicant pick one they can commit to.

Following his comments, Mr. Cantwell left the room.

Mr. Kent stated he agreed with Mr. Cantwell’s comments.

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MOTION: Ms. Matthews made a motion, seconded by Mr. Kent, to not continue this public hearing, and rather to have staff work with the applicant to establish a suitable date for a public hearing. The applicant shall pay for the cost of a better re-notice. The motion carried with a vote of 4-1-0, with Mr. Hoitt opposed.

Mr. Cantwell returned to his seat at this time.

Other Business – Raymond Baptist Church Letter

Ms. Matthews recused herself from this discussion.

Members Sitting for this Discussion: Jonathan Wood; Bill Hoitt; Bill Cantwell; Jim Kent; Gretchen Gott.

Mr. Wood read a letter written by Don Hedman of the Raymond Baptist Church into the record. A copy of this letter is attached to the original set of minutes on file with the Town Clerk.

Mr. Kent asked if anything was in place that tied the removal of the building to another specific use. If not, then the Board will decide what happens next.

Mr. Cantwell stated the structure is not an eyesore, and is being proposed for renovation. He stated he can't see a reason to tear the building down, and does not feel it makes sense to do so.

Ms. Gott stated she is concerned about the precedent involved. She stated she has no problem with the building remaining; however the problem is with the change of the building's use. She questioned if additional parking would be required, adding there are site plan questions involved that need answers.

Mr. Wood stated given the fact that the Board has nothing from either Community Development Director Cartier Creveling or from Code Enforcement Officer Mailhot regarding this issue, it would be best to table it until the next meeting, so the Board can learn exactly what research was conducted, what does or does not exist in the file, and what their opinion of the situation is.

The Board agreed to discuss this again at their August 05, 2010 meeting.

Ms. Matthews returned to her seat at this time.

Other Business – Staff Update

Members Sitting for this Discussion: Jonathan Wood; Carolyn Matthews; Bill Hoitt; Bill Cantwell; Jim Kent; Gretchen Gott.

Mr. Price explained to the Board that each of the existing excavation sites has submitted an application to the Community Development Department. The idea is to take up the projects at the end of August, early September. He stated the Board should schedule a site walk for each of these sites to get it done before these public hearings take place.

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Ms. Gott stated she feels final resolution is needed if the property adjacent to Mr. Galloway's site on Scribner Road is or is not considered part of the excavation. She stated she is concerned that an approval was once given to that lot.

Ms. Matthews requested that staff review the plans and applications and offer guidance to the Board for specific areas of concern in advance of the site walk.

MOTION: Mr. Cantwell made a motion, seconded by Ms. Matthews, to schedule a site walk for the Waldoborough, LLC excavation site (Map 22, Lot 15) at 1:00 p.m. on Sunday August 01, 2010. Board members will meet at the site. Upon completion of this walk, the Board will then travel to Map 38, Lot 34, owned by Candia South Branch Brook, LLC, and then, upon completion of walking that site, the Board will finally travel to Map 37, Lot 10, owned by Raymond Sand & Gravel, LLC. The motion carried with a vote of 5-0-1, with Ms. Gott abstaining.

Other Business

Members Sitting for this Discussion: Jonathan Wood; Bill Hoitt; Bill Cantwell; Jim Kent; Gretchen Gott.

The Board heard reports from its members serving on other Board and Committees.

Ms. Matthews expressed concern that Mr. Vogel has not attended any Capital Improvements Program Committee meetings. She requested that Mr. Cantwell, as he is an alternate, and he has attended every meeting, be appointed as a full member in place of Mr. Vogel. Mr. Kent should remain as an alternate member.

Mr. Cantwell noted it is his intent to attend all remaining CIP meetings, whether Mr. Vogel attends or not.

Adjournment

MOTION: Mr. Hoitt made a motion, seconded by Mr. Cantwell, to adjourn. The motion carried with a unanimous vote of 5-0-0. The meeting adjourned at 9:27 p.m.

Respectfully submitted,

Robert Price
Planning Technician