

Raymond Planning Board Minutes

March 25, 2010

Approved 04/01/2010

Place: Raymond High School; Media Center

Call to Order: 7:00 p.m.

Members Present: Jonathan Wood; Carolyn Matthews; Doug Vogel; Bill Hoitt; Gretchen Gott; Jim Kent.

Bill Cantwell was excused from this meeting by Mr. Wood.

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

Pledge of Allegiance

Appointment to CIP Committee of Citizen at Large

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

The Capital Improvements Plan Committee term of Citizen-at-Large member Grace Collette is set to expire April 30, 2010. Ms. Collette expressed interest in being reappointed to the position, and was asked to attend this meeting to seek reappointment from the Board.

Ms. Gott disclosed that she is good friends with Ms. Collette, and added that this will have no bearing on her decision on appointment.

Ms. Collette stated she has been working on CIP Committees in various Towns across the State for 25 years. She stated she is very interested in Capital Improvement Plans, and understands them. She stated she would like to see Raymond's Capital Improvement Plan progress to another level; that is to say she wants to see the School CIP and the Town CIP merge so that large-scale projects from each group are not scheduled for the same year, thus keeping taxes low.

There was some brief discussion/confusion as to whether the Planning Board or Board of Selectmen makes the appointment of citizen-at-large members to the CIP Committee. Mr. Cartier Creveling stated a warrant article was passed sometime in the last few years that clarified the Planning Board had this responsibility.

MOTION: Ms. Gott made a motion, seconded by Mr. Kent, that the Planning Board appoints Ms. Collette to the CIP Committee to a three-year term as a member-at-large. Also, the Planning Board shall send a letter to the Board of Selectmen recommending Ms. Collette's appointment, if it is determined that the Board of Selectmen is the Board responsible for making the appointment. The motion carried with a vote of 5-0-1, with Bill Hoitt abstaining.

Public Hearing – Easter Seals Site Plan

Application #2010-002 – An application for Site Plan Review has been submitted by Easter Seals – The Family Place, Inc. for operation of a nursery school as a part of their overall service organization. The applicant received a variance for this use from the Zoning Board of Adjustment on February 10, 2010. The property is shown on Raymond Tax Map 27-2, Lot 20; NH Route 27.

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

Applicants/Agents Present: Patti-Jean Rawding-Anderson, Easter Seals – The Family Place, Inc.

Abutters/Public Present: None.

Ms. Matthews disclosed to the Board that this applicant came before the Zoning Board of Adjustment, where she sits as an Alternate Member. She noted that she did not sit on the case.

Mr. Cartier Creveling stated that the application can be accepted as complete for review purposes.

MOTION: Ms. Gott made a motion, seconded by Mr. Kent, to accept Application #2010-002 as complete for review purposes. The motion carried with a unanimous vote of 6-0-0.

Mr. Cartier Creveling explained that this application could have been handled by the Technical Review Committee if not for the fact that it needed to go before the Zoning Board of Adjustment, and also if not for a few minor issues that came up ahead of the application process. He explained that the applicant has worked well with staff to resolve those issues. Mr. Cartier Creveling noted that the applicant is already occupying the building that is the subject of this application due to miscommunication and error; however the Technical Review Committee feels the proposed use fits well for the area, and that this will have a minimal impact.

Ms. Rawding-Anderson explained that their organization provides occupational therapy, physical therapy and speech therapy services, and in addition to those, they also work with families to help them learn to work with and support their special-needs child. She noted the building will also house a nursery school, which is the subject of the variance granted by the Zoning Board of Adjustment, for special needs children between 9:00 a.m. and 2:00 p.m. Monday through Friday.

REGIONAL IMPACT CRITERIA

1. *Could the proposal be construed as having the potential for regional impact based upon:*
 - a. *Relative size or number of dwelling units as compared with existing stock;*

Ms. Rawding-Anderson explained that this question is not applicable because their proposal has nothing to do with housing.

- b. *Proximity to the borders of a neighboring community;*

It was noted that the location of the building is almost in the center of the Town, and traffic to the site will be minimal.

- c. *Transportation networks;*

Ms. Rawding-Anderson explained that they spoke with the NH Department of Transportation regarding the driveway, and it was determined to be of adequate width. She also noted that

commuting to their site will be after the typical morning commute, and prior to the typical evening commute. Additionally, she showed that the number of parking spaces on site is more than required for both uses on site.

d. Anticipated emissions such as light, noise, smoke, odors or particles;

Ms. Rawding-Anderson explained that they will not be doing anything that would fit this question; adding they won't even be using diapers.

e. Proximity to aquifers or surface waters which transcend municipal boundaries;

Ms. Rawding-Anderson explained that this is not applicable because they will not be generating any waste that will cause an impact on nearby water systems.

f. Shared facilities such as schools and solid waste disposal facilities.

Ms. Rawding-Anderson explained that this question is also not applicable to their operation.

Ms. Rawding-Anderson stated that she feels the ability to expand their operation will serve as a positive impact on the Town. She stated she feels this way because when parents drop their children off, they typically spend time around the Town at local businesses and restaurants.

MOTION: Ms. Gott made a motion, seconded by Mr. Vogel, that Application #2010-002 does not have regional impact. The motion carried with a unanimous vote of 6-0-0.

Mr. Cartier Creveling explained that the applicant has been working closely with the Fire Department and with the Town to make all the necessary changes and updates to the building. He added that they are also working with an architect to help them update the building.

Mr. Cartier Creveling noted that Easter Seals is a non-profit organization, and they are also seeking a waiver from the administrative portion of the application fee. He noted that the Board has had similar requests in the past, and has honored them.

MOTION: Mr. Kent made a motion, seconded by Ms. Matthews, to grant a waiver from payment of the administrative portion of the application fee. The motion carried with a unanimous vote of 6-0-0.

Ms. Gott stated the fact that an outdoor play area is not being provided is a concern to her, because the children would not have an opportunity to be outdoors. Ms. Rawding-Anderson stated an area for gross motor skill development is being provided inside, and is more than adequate. She invited the Board to view the area if they still have concerns.

Ms. Gott asked if the traffic pattern on site will change. Ms. Rawding-Anderson explained that buses will enter the site on the east side. On site, they will park perpendicular to the building to pick up or drop off children. From there, they can either drive around and exit on the west side, or they can back up and drive out the east side, noting there is more than sufficient room to maneuver as the site formerly handled tractor trailers daily. Ms. Gott stated the plan shows a

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one-way traffic flow, so that needs to be revised to fit the applicant's description. She also made note of the fact that the west entrance to the site has a two-way traffic flow.

Mr. Cartier Creveling suggested keeping the traffic pattern intact, as shown on the plan, because the driveway width on the west side of the building is 20 feet, where the east side is 40 feet. Mr. Wood asked that the applicant paint travel-guiding arrows on the pavement when the parking lot is re-stripped. Mr. Vogel requested that the applicant install a one-way sign at the narrow west corner of the building.

Ms. Gott noted that Public Works Director Dennis McCarthy had concerns at the Technical Review Committee level. Mr. Cartier Creveling explained that part of the challenge with this application is that things are working in reverse. He stated the applicant is already occupying the space, but they are working with the Town to set everything right and make all the necessary adjustments.

PUBLIC COMMENT

There was no public comment.

MOTION: Ms. Matthews made a motion, seconded by Mr. Vogel, to approve Application #2010-002 as presented by Easter Seals – The Family Place, Inc., for property shown on Raymond Tax Map 27-2, Lot 20; 135 Route 27.

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. A Performance Guarantee Agreement shall be executed between the Town of Raymond and the Applicant within 30 days of the plan's conditional approval date of March 25, 2010. **Failure to execute the required agreement will result in plan approval revocation.**
- d. The applicant's architect shall provide a written description to the Community Development Department defining which parking spaces located on the site shall be delineated for Easter Seals' use, and which parking spaces shall be delineated for the building's other tenant's use.

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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. All exterior improvements related to the site plan.
3. The following items must be completed for this project to constitute “substantial completion of the improvements” pursuant to RSA 674:39:
 - a. Completion of project as presented.
4. Other Conditions imposed by the Planning Board:
 - a. The Planning Board hereby grants a waiver to the Applicant from payment of the administrative portion of the application fee, per a request made by the Applicant on March 25, 2010.
 - b. The applicant shall install One Way/Do Not Enter signage near the northwest corner of the building. Signage and locations to be approved by the Raymond Public Works Director or his designee.
 - c. The applicant shall, when re-striping the parking lot spaces, paint traffic directional arrows on the pavement throughout the site.

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

Public Hearing – Thibeault Sand & Gravel Subdivision

Application #2009-004 – A subdivision application has been submitted by Eric C. Mitchell & Associates, Inc. on behalf of Thibeault Sand & Gravel, LLC. The applicant proposes to subdivide Raymond Tax Map 38, Lot 10, which currently comprises approximately 10.7 acres into two lots. The first lot is proposed to consist of approximately 6.9 acres. The second lot is proposed to consist of approximately 3.8 acres and shows a possible future extension that runs from NH Route 27 to the rear property line, which abuts the Lamprey River. The property is shown on Raymond Tax Map 38, Lot 10; NH Route 27.

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

Applicants/Agents Present: Vincent Iacozzi, Thibeault Sand & Gravel, LLC; Chris Hickey, Eric C. Mitchell & Associates, Inc.

Abutters/Public Present: None

Mr. Cartier Creveling stated that the application can be accepted as complete for review purposes.

MOTION: Ms. Gott made a motion, seconded by Mr. Kent, to accept Application #2009-004 as complete for review purposes. The motion carried with a unanimous vote of 6-0-0.

Mr. Cartier Creveling reviewed the zoning determination with the Board, a copy of which is on file in the Community Development Department.

Mr. Cartier Creveling stated the Technical Review Committee's main concern was with the language on the plan in that the original plan showed a "proposed 60 foot right-of-way." The applicant explained that they were not proposing anything at this time, but merely wanted to show an area where a future right of way could be placed. As a result, the TRC recommended that the plans be changed to say "possible future extension" as opposed to "proposed 60 foot right-of-way."

Mr. Hickey noted that the TRC originally had concerns with the location of the driveway as well. He stated the applicant sat down with the Department of Transportation and received their input before ultimately settling and agreeing on the current location, for which had a driveway permit has been issued. Mr. Hickey reiterated that nothing is being proposed at this time, adding that any future use will come back before the Planning Board. He stated that the driveway is simply a common drive that the two lots will share at this time.

Mr. Hickey added that there is an existing woods road leading into the site which had prior DOT approval. He stated part of the plans, and a requirement of the DOT is for the woods road to be discontinued.

Mr. Wood asked if the driveway will be paved as a part of this subdivision, or at the time of a future site plan. Mr. Iacozzi replied as part of a future site plan.

REGIONAL IMPACT CRITERIA

1. *Could the proposal be construed as having the potential for regional impact based upon:*
 - a. *Relative size or number of dwelling units as compared with existing stock;*

Mr. Hickey explained that this question is not applicable because the property is zoned industrial, so no new dwelling units can be created.

- b. *Proximity to the borders of a neighboring community;*

Mr. Hickey stated this property is approximately a mile away from the Town of Candia.

- c. *Transportation networks;*

Mr. Hickey explained this is not applicable because, at this time, they are only presenting a two-lot subdivision with no additional activities being proposed.

- d. *Anticipated emissions such as light, noise, smoke, odors or particles;*

Mr. Hickey explained this is not applicable because, at this time, they are only presenting a two-lot subdivision with no additional activities being proposed.

- e. *Proximity to aquifers or surface waters which transcend municipal boundaries;*

Mr. Hickey explained this is not applicable because, at this time, they are only presenting a two-lot subdivision with no additional activities being proposed.

f. Shared facilities such as schools and solid waste disposal facilities.

Mr. Hickey explained this is not applicable because, at this time, they are only presenting a two-lot subdivision with no additional activities being proposed.

Ms. Gott stated the project is located in close proximity to an aquifer that transcends municipal boundaries. Mr. Cartier Creveling stated at this time, the only thing happening is the moving of a line on a piece of paper. He added he feels the intent of the Regional Impact legislation is for the Board to consider the proposed uses when reviewing the criteria, which, in this case, there are none.

MOTION: Mr. Vogel made a motion, seconded by Mr. Hoitt, that Application #2009-004 does not have regional impact. The motion carried with a vote of 5-1-0, with Ms. Gott opposed because despite the fact that at this time only a line is being moved, criteria 1e fits.

Mr. Kent asked when the existing woods road will be eliminated. Mr. Hickey replied it will be eliminated when the new driveway is installed.

PUBLIC COMMENT

There was no public comment.

MOTION: Mr. Vogel made a motion, seconded by Mr. Hoitt, to approve Application #2009-004 as presented by Eric C. Mitchell & Associates, Inc. on behalf of Thibeault Sand & Gravel, LLC, for property shown on Raymond Tax Map 38, Lot 10; Route 27.

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 Town of Raymond **Subdivision 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 Agreement shall be executed between the Town of Raymond and the Applicant within 30 days of the plan's conditional approval date of March 25, 2010. **Failure to execute the required agreement will result in plan approval revocation.**
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. Placement of property pins to delineate new lots.
3. The following items must be completed for this project to constitute "substantial completion of the improvements" pursuant to RSA 674:39:
 - a. N/A – No improvements proposed at this time.
4. Other Conditions imposed by the Planning Board:
 - a. None
5. 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. None

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

Other Business - Lamprey River Nominating Committee

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

Mr. Wood explained that the Lamprey River Nominating Committee is seeking Towns to recommend the Lamprey River for protection.

Ms. Matthews noted a meeting with the Conservation Commission is being held on April 7, 2010, adding that she feels everyone should attend this meeting and no decision should be made until after this meeting takes place. She added that communities have until May to make a decision.

Ms. Matthews explained that a nomination will allow Raymond to have a seat on the Lamprey River Advisory Committee, and it also makes the Town eligible for funding.

Mr. Vogel suggested placing this item on the April 15 agenda.

Work Session – Excavation Regulations

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

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Mr. Cartier Creveling noted he had nothing new to present on this item, adding that his preference is to wait until after a Legal review before distributing a new version.

Mr. Cartier Creveling noted that April 1 is next week, adding that permissions to operate granted to the Excavation Site Operators were originally granted to April 1. He suggested that the Board extend permission one more month to give Legal Counsel the necessary time to review the proposed changes to the Excavation Regulations.

Mr. Cartier Creveling next stated he needs a decision from the Planning Board on which Legal Counsel the Board would prefer to review the Excavation Regulations.

Mr. Wood polled the Board to determine if Mitchell Municipal Group of Donahue, Tucker and Ciandella should be tasked with review of the Excavation Regulations:

Mr. Kent - Mitchell Municipal Group

Ms. Gott - Mitchell Municipal Group

Mr. Hoitt – Abstain

Mr. Vogel - Mitchell Municipal Group

Ms. Matthews - Mitchell Municipal Group

Mr. Wood - Mitchell Municipal Group

Mr. Cartier Creveling noted how, at a previous meeting, Mr. Cantwell had some concern with the requirement of reclamation involving the placement of 48 inches of gravel topped by 6 inches of loam. He stated if the bar is set high, then a developer can come in and propose something else that works best for their unique situation, and a waiver can be requested. If the standard is too low, it is too difficult to ask someone to do more.

Other Business – Request to Pull Back Raymond Sand & Gravel Revocation Letter

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

Mr. Cartier Creveling stated he would like the Board to officially pull back the letter of revocation that was sent to Raymond Sand & Gravel on February 19, 2010, in order to make everything clean again.

MOTION: Ms. Matthews made a motion, seconded by Mr. Kent, to pull back the February 19, 2010 letter of revocation sent to Raymond Sand & Gravel, LLC. The motion carried with a vote of 5-1-0, with Mr. Vogel opposed.

Other Business – Miscellaneous Topics

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

Mr. Cartier Creveling noted that the Town has an agreement with Donahue, Tucker and Ciandella for them to provide an annual training session to various Boards. He asked if the Board would like this training session set up. Mr. Wood stated he would like to have amplification on the “What Do You Do When They Stop Building” lecture that was offered this past fall at the Municipal Law Lecture Series.

Ms. Gott stated she would like to have a list compiled of all approved projects in Town, have their status checked, and see if the Board needs to step in, and if so, see what they will or won't be able to do.

Ms. Matthews gave a status report on how the Department of Environmental Services is progressing with its Fluvial Erosion Hazard efforts across the State.

Adjournment

MOTION: Ms. Matthews made a motion, seconded by Mr. Hoitt, to adjourn. The motion carried with a unanimous vote of 6-0-0. The meeting adjourned at 10:01 p.m.

Respectfully submitted,

Robert Price
Planning Technician