

Place: Raymond High School; Media Center

Call to Order: 7:00 p.m.

Members Present: Bill Cantwell, Chairman; Peter Buckingham, Vice Chairman; Jack Barnes, Alternate Selectmen's Ex-Officio; Carolyn Matthews; Gretchen Gott, Jonathan Wood, Jim Kent, Alternate; Glenn Caron, Alternate.

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

Pledge of Allegiance

Chairman Cantwell announced Alternate Jim Kent will be sitting in place of Steve Naoum for the duration of the meeting.

Approval of Minutes

Members Sitting for Approval of Minutes: Bill Cantwell, Peter Buckingham, Jack Barnes, Jonathan Wood, Gretchen Gott, Carolyn Matthews, Jim Kent.

MOTION: Jonathan Wood made a motion to approve the minutes of 01/08/09 as amended. Peter Buckingham seconded. The motion passed with a vote of 6-0-1, with Jack Barnes abstaining.

Public Hearing – Al Martin Site Plan

Continued from 12/04/08; Application #2008-017 - An application for Site Plan Review has been submitted by RSL Layout & Design/Jones & Beach Engineers, Inc. on behalf of Albert & Gail Martin. The applicant proposes to construct an antiques store and a used car facility. The property is shown on Raymond Tax Map 11, Lot 5; Chester Road.

Members Sitting for this Hearing: Bill Cantwell, Peter Buckingham, Jack Barnes, Jonathan Wood, Gretchen Gott, Carolyn Matthews, Jim Kent.

Community Development Director Cartier-Creveling announced that the applicant is seeking a continuance to March 19, 2009, adding that he has granted an extension of the 65-day clock to the Board to that date.

MOTION: Jonathan Wood made a motion to continue this hearing to 03/19/09 at 7:00 p.m. at Raymond High School. Carolyn Matthews seconded. The motion passed with a unanimous vote of 7-0-0.

Public Hearing – Gibbs Oil Site Plan

Continued from 12/04/08; Application #2008-012: An application for Site Plan Review has been received from Ayoub Engineering, Inc. on behalf of Gibbs Oil Limited Partnership to raze an existing gas station and convenience store, and build a redesigned and relocated gas station and convenience store. The property is shown on Raymond Tax Map 28-2, Lot 15; NH Route 27.

Members Sitting for this Hearing: Bill Cantwell, Peter Buckingham, Jack Barnes, Jonathan Wood, Gretchen Gott, Carolyn Matthews, Jim Kent.

Community Development Director Cartier-Creveling stated that the applicants are requesting a continuance to February 26, 2009, adding that they have granted the Board an extension of the 65-day clock to March 2, 2009.

MOTION: Jonathan Wood made a motion to continue this hearing to 02/26/09 at 7:00 p.m. at Raymond High School. Jack Barnes seconded. The motion passed with a unanimous vote of 7-0-0.

Public Hearing – Waldoborough, LLC Lot Line Adjustment

Application #2008-024 – An application for a Lot Line Adjustment has been submitted by Jones & Beach Engineers, Inc. on behalf of Waldoborough, LLC. The proposal is to adjust the lot line between Raymond Tax Map 22, Lot 15 and Map 21, Lot 69; Gile & Scribner Roads.

Members Sitting for this Hearing: Bill Cantwell, Peter Buckingham, Jack Barnes, Jonathan Wood, Gretchen Gott, Carolyn Matthews, Jim Kent.

Community Development Director Cartier-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. Peter Buckingham seconded. The motion passed with a unanimous vote of 7-0-0.

Community Development Director Cartier-Creveling stated the two subject lots of this application are zoned differently; one is Commercial – C.1 (Map 22, Lot 15) and the other is Residential – B (Map 21, Lot 69). He added the relocation of the lot line between the two lots will not alter the zoning of either parcel. There will be a small section of Commercial zoning on Lot 69, and the rest will remain Residential – B.

Community Development Director Cartier-Creveling read the Zoning Determination into the record. A copy of the Zoning Determination is on file in the Community Development Department office.

John Galloway of Waldoborough, LLC noted that, if he were to sell Map 22, Lot 15, then Map 21, lot 69 would be landlocked. He is seeking the lot line adjustment to give Lot 69 adequate road frontage.

Jonathan Wood asked about the 20' easement that is shown on the plan between Map 21, Lots 80 and 81. Mr. Cartier-Creveling stated he does not know the status of that easement. Mr. Galloway stated it is a right-of-way into the property, adding that he owns it.

Jonathan Wood asked if commercial graveling activities could be continued onto Lot 69 because the lot line adjustment will give that lot commercial zoning. Mr. Cartier-Creveling stated he will need to look into this.

Jonathan Wood asked about the area on the plan shown between Map 22, Lot 18 and Map 21, Lot 70. He noted on the current plan, this area is unlabeled. The Board requested that this area be clarified and labeled.

Glenn Caron stated he does not understand why the applicant would not be entitled to a lot line adjustment. Mr. Wood replied there is a concern that, through a lot line adjustment, the Board may grant non-residential uses on the residential lot. This question needs to be clarified before the Board makes a decision.

The Board engaged in a brief discussion with Mr. Galloway in which confusion arose as to whether or not Mr. Galloway was truly seeking a Lot Line Adjustment or a Subdivision. This came about because Mr. Galloway stated in the end, there will be two commercial lots created. The Board requested that the applicant confirm his intention – to either do a Lot Line Adjustment between the two parcels, or to subdivide the properties to create two commercial lots, and also a residential lot.

PUBLIC COMMENT

There was no public comment.

MOTION: Gretchen Gott made a motion to continue this hearing to 02/12/09 at 7:00 p.m. at Raymond High School. Jonathan Wood seconded. The motion passed with a unanimous vote of 7-0-0.

Public Hearing – St. Onge/Archie Lot Line Adjustment

Application #2008-026 – An application for a Lot Line Adjustment has been submitted by Landry Surveying, LLC on behalf of Daniel St. Onge and Richard and Linda Archie. The proposal is to adjust the lot line between Raymond Tax Map 41, Lots 40 & 41; Mountain Road.

Members Sitting for this Hearing: Bill Cantwell, Peter Buckingham, Jack Barnes, Jonathan Wood, Gretchen Gott, Carolyn Matthews, Jim Kent.

Community Development Director Cartier-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 7-0-0.

Community Development Director Cartier-Creveling stated the proposal is to relocate the lot line to take approximately 1.22 acres from Map 41, Lot 40, owned by Richard and Linda Archie and give this land to Map 40, Lot 41, owned by Daniel St. Onge.

Community Development Director Cartier-Creveling read the Zoning Determination into the record. A copy of the Zoning Determination is on file in the Community Development Department office.

Daniel St. Onge stated the area which he is gaining features a steep slope. He noted that this land is of little use to the Archie's, and will add buffer area to his lot.

Gretchen Gott asked if Mr. St. Onge's lot was vacant. Mr. St. Onge replied it is vacant.

Jonathan Wood noted there is a driveway cut shown on the plan that shows two driveways side-by-side. He asked if these driveways are existing. Mr. St. Onge explained that the driveways are existing, adding that when the area was subdivided in 1987, the driveways were installed where they are presently located through the direction of the State, as a result of the curvature in the road at this location.

PUBLIC COMMENT

Dan Shields, an abutter, stated he has no problems with the application.

Glenn Caron stated typically, lot line adjustments have some sort of reason behind them. He asked if the applicants would mind sharing their reasons for seeking a lot line adjustment. Mr. St. Onge replied he did some work for Mr. Archie over the summer. As a tradeoff, they struck a deal for the adjustment.

MOTION: Jonathan Wood made a motion to approve application #2008-026 for Daniel St. Onge and Richard & Linda Archie for a Lot Line Adjustment for property shown on Raymond Tax Map 41, Lots 40 & 41, 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 January 29, 2009. **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. Placement of new property pins.

The motion was seconded by Jim Kent. The motion passed with a unanimous vote of 7-0-0.

Public Hearing – Sanborn Development, LLC Lot Line Adjustment/Special Permit
Application #2008-028 – An application for a Lot Line Adjustment and Special Permit has been submitted by Sanborn Development, LLC. The proposal is to adjust the lot line between Raymond Tax Map 29, Lots 61-05 and 61-06. In addition, the applicant is seeking a Special Permit to convert a single-family home into a two-family home. The properties are shown on Raymond Tax Map 29, Lots 61-05 & 61-06; Pond Road.

Members Sitting for this Hearing: Bill Cantwell, Peter Buckingham, Jack Barnes, Jonathan Wood, Gretchen Gott, Carolyn Matthews, Jim Kent.

Community Development Director Cartier-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 7-0-0.

Community Development Director Cartier-Creveling stated that the applicant is seeking a lot line adjustment to transfer the necessary amount of acreage to Lot 61-05 in order to construct a duplex.

Community Development Director Cartier-Creveling read the Zoning Determination into the record. A copy of the Zoning Determination is on file in the Community Development Department office.

Gretchen Gott asked if there is a structure on either lot 61-05 or lot 61-06 at the present time. Keith Martel of Sanborn Development, LLC replied both lots are currently vacant.

Mr. Martel stated the reason he is seeking the lot line adjustment and special permit is because he had a customer approach him seeking an in-law type living arrangement, and the Raymond Zoning Ordinance does not recognize in-law apartments; only two-family dwellings.

Jim Kent asked if the footprint of the proposed two-family dwelling will be the same size or larger than a single-family dwelling would have been. Mr. Martel replied the footprint will be the same size as a single-family dwelling, adding that the conversion will only be to the interior of the dwelling.

Jonathan Wood asked how the contaminants from the driveway will be prevented from entering the wetland on the property. Mr. Martel stated he is open to suggestion. He noted that they've received a driveway permit for lot 61-05, but not lot 61-06 as yet. The Board traded ideas with the applicant, and it was eventually agreed that the applicant should loam and seed between the driveway and wetland.

Jonathan Wood requested that the Board be polled as to whether or not the following condition should be added to the conditions of approval:

- Loam and seeding shall be installed on the level eight-foot (8') +/- strip between the driveway and the wetland.

POLL RESULTS

Jim Kent – Yes

Gretchen Gott – Yes

Carolyn Matthews – Yes

Peter Buckingham – Yes

Jonathan Wood – Yes

Jack Barnes – Yes

Bill Cantwell – Yes

PUBLIC COMMENT

There was no public comment.

Gretchen Gott noted that traffic was a major concern during the review process for the entire subdivision a couple years ago. She added she is concerned with continuing to add density to the area. She asked how many lots remain where Mr. Martel could conceivably seek a two-family conversion. Mr. Martel replied this is the last lot where he could seek a two-family dwelling.

MOTION: Jonathan Wood made a motion to approve application #2008-028 for Sanborn Development, LLC for a Lot Line Adjustment, and a Special Permit for construction of a two-family dwelling, for property shown on Raymond Tax Map 29, Lots 61-05 & 61-06, 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 January 29, 2009. **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. Placement of new property pins.
 3. 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 two (2) new dwelling units contained within one (1) two-family dwelling type structure; the school impact fee for each dwelling unit is \$2,666.00 and the road impact fee for each dwelling unit is \$443.00; the total impact fee for each dwelling unit is \$3,109.00 and the total impact fee assessed for the project is \$6,218.00. Such fees shall be collected prior to the issuance of a certificate of occupancy.
 4. Other Conditions Imposed by the Planning Board:
 - a. Loam and seeding shall be installed on the level eight-foot (8') +/- strip between the driveway and the wetland.

The motion was seconded by Peter Buckingham. The motion passed with a unanimous vote of 7-0-0.

Other Business

Chairman Cantwell read a resignation letter from Board Secretary Steve Naoum into the record. Mr. Naoum's letter indicated that his resignation is effective immediately.

Community Development Director Cartier-Creveling noted that tomorrow is the last day for people to sign up to run for office. He added that Doris Gagnon, Town Clerk contacted the Secretary of State and discussed the situation of Mr. Naoum's resignation. The direction from the Secretary of State is that the Board shall appoint someone to fill Mr. Naoum's seat through March 2010, at which time that seat shall go up for election for the remaining one year of Mr. Naoum's term, which expires in March 2011.

Jack Barnes suggested that all three of the Board's open positions be available for the voters to elect. Mr. Cartier-Creveling stated he likes this suggestion, and will seek clarification from the Secretary of State tomorrow if this can be done.

MOTION: Jonathan Wood made a motion to regretfully accept the resignation of Steve Naoum, and thank him for his service to the Board. Carolyn Matthews seconded. The motion passed with a unanimous vote of 7-0-0.

The Board held a lengthy discussion regarding the Town Deliberative Session, being held on January 31. Peter Buckingham mentioned that the Planning Board's proposed Zoning Articles may be moved to the end of the day's events.

The Planning Board took a poll on whether or not to pass along a message to the Town Moderator that the Planning Board feels that the proposed Zoning Amendments should be discussed at the beginning of Deliberative Session, adding that presentation of the amendments will be brief, and for educational purposes. All Board members voted in favor of the poll with the exception of Jack Barnes, who was opposed.

Carolyn Matthews gave a brief update to the Board on the Fluvial Erosion Study currently being conducted on Fordway Brook.

The Planning Board heard reports from its members serving on other various boards and committees.

Adjournment

MOTION: Peter Buckingham made a motion to adjourn. Jonathan Wood seconded. The motion passed with a unanimous vote of 7-0-0. The meeting adjourned at 9:02 p.m.

Respectfully Submitted,

Robert Price
Planning Technician