

**Raymond Planning Board Minutes**

**May 06, 2010**

**Approved 06/03/2010**

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

**Call to Order:** 7:00 p.m.

**Members Present:** Jonathan Wood, Chairman; Carolyn Matthews, Vice Chairman; Doug Vogel, Secretary; Bill Hoitt, Selectmen's Ex officio; Gretchen Gott; Jim Kent; Bill Cantwell.

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

*This meeting was not recorded by Raymond Community Television due to a power outage.*

**Pledge of Allegiance**

**Approval of Minutes**

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

**MOTION:** Mr. Hoitt made a motion, seconded by Ms. Gott, to temporarily table the approval the minutes of April 15, 2010. The motion carried with a vote of 5-1-1, with Mr. Wood opposed and Mr. Kent abstaining.

**CIP Committee Appointment – Citizen-at-Large**

*One (1) Citizen-at-Large Position (this appointment is for the remainder of a vacant term that is set to expire April 30, 2012)*

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

Peter Buckingham declared his interest in filling the remainder of the vacant term.

Ms. Gott asked if Mr. Buckingham felt that the Capital Improvements Program (CIP) is a viable program that should be funded annually. Mr. Buckingham replied yes, that should be the goal.

Ms. Gott asked for Mr. Buckingham's understanding of the purpose of the CIP. Mr. Buckingham responded that it is essentially a savings account to cover the expense of long term goals.

Ms. Gott stated there is a fund balance in several CIP accounts, adding that it's been expressed that the Town should not collect any additional funds for these accounts. Mr. Buckingham replied that this can't be generalized, adding that it depends on what is being discussed. He stated if an account is adequately funded and does not need any additional funds, or if the item has already been purchased, then there is no need for that specific account.

Ms. Matthews asked what Mr. Buckingham sees as the relationship between the tax rate and the CIP. Mr. Buckingham replied that the tax rate is figured annually. The CIP is figured with long term goals in mind rather than annual goals. The two are separate.

Ms. Matthews asked if Mr. Buckingham felt that the CIP had a bearing on the tax rate. Mr. Buckingham responded that there is a connection, but it is not large.

Mr. Cantwell noted Mr. Buckingham has served on the CIP Committee in the past. He asked how long he served. Mr. Buckingham stated he served one year as a citizen, and one year as a representative of the Planning Board. He added that he most recently served the year before last, so he has some familiarity with the current CIP. He added that he is familiar with both the municipal and school budgets. He stated his belief is that the purpose of a CIP is to “smooth out” any large fluctuations in the tax rate.

Mr. Kent asked Mr. Buckingham why he feels he is qualified to serve on the CIP Committee. Mr. Buckingham responded that he served on the Budget Committee for nine years, and has also spent a couple years on the CIP Committee.

Ms. Matthews asked why Mr. Buckingham favored not funding the CIP last year since it does not have much impact on the tax rate. Mr. Buckingham replied that was a decision of the Budget Committee. He added he feels people have difficulty funding things which they simply can't afford to as a result of the current economy.

Mr. Wood asked what Mr. Buckingham understands about the relationship between the impact fee structure and the CIP. Mr. Buckingham stated there is a possibility of losing the ability to collect impact fees if the CIP is not funded. Mr. Wood added if the CIP is inadequately funded, then the rational nexus for collecting impact fees disappears.

Mr. Wood asked what Mr. Buckingham sees as an inappropriate item being funded in the CIP. Mr. Buckingham replied currently textbooks are a CIP item, which he feels belongs in the operating budget.

Mr. Wood asked if Mr. Buckingham was a member of the Raymond Taxpayer's Association. Mr. Buckingham replied that he is, and is the one who started the Association. Mr. Wood replied it is his personal belief that the Raymond Taxpayer's Association has significant representation on the CIP Committee at the present time. Mr. Buckingham stated he would not be representing the Taxpayer's Association as a member of the CIP Committee.

Ms. Gott asked if Mr. Buckingham felt that there was a connection between the tax rate and the CIP. Mr. Buckingham replied that he feels there is a connection.

Mr. Vogel stated he feels this line of questioning is inappropriate, adding that the Town has a serious need for volunteers, and now that someone has come forward to serve the Town, he is being questioned more thoroughly than other applicants. He added that he feels the CIP Committee needs a variety of viewpoints represented.

MOTION: Mr. Vogel made a motion, seconded by Mr. Hoitt, to appoint Peter Buckingham to the vacant citizen-at-large position on the CIP Committee, for a term expiring April 30, 2012. The motion carried with a vote of 4-2-1, with Mr. Kent and Mr. Wood opposed to the motion, and Ms. Gott abstaining.

**Public Hearing – Business Contractor Units Condominium Conversion**

*Application #2010-004 – A subdivision application has been submitted by Dan Marston and James Howard to perform a condominium conversion for property shown on Raymond Tax Map*

*17, Lot 38; 2 RJ Way, upon which exists a six-unit contractor storage building. The owners propose to convert the building from individual ownership to a potential of six individual unit owners. Condominium conversions are deemed to be subdivisions under NH RSA 672:14, and are regulated by the Planning Board as permitted under NH RSA 674:35.*

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

Applicant/Agents Present: Scott LaPointe, Applicant's Attorney; Dan Marston, property owner

Abutters/Public Present: None.

Mr. Cantwell disclosed that, following the original approval of this project in 2007, he had conversations with an abutter who had concerns with the project. He stated he these conversations will not bias his decision-making in regards to this application.

Mr. Wood disclosed he is a former coworker of abutter Jodie Gregoire, adding that he does not feel this will create a bias for him.

MOTION: Mr. Cantwell made a motion to accept Application #2010-004 as complete for review purposes. Ms. Gott seconded for discussion. DISCUSSION: Mr. Vogel stated he would like to see more guidance from staff for the acceptance of projects for review. Mr. Cartier Creveling stated the Board, at one time, had a development handbook. This handbook is in serious need of updating, and will be updated in the near future. The handbook should help address this, and other issues currently facing the Board. VOTE ON THE MOTION: The motion carried with a unanimous vote of 7-0-0.

Mr. LaPointe stated the applicant is seeking approval to convert this existing building to a condominium form of ownership. He stated there will not be any changes to the site. He noted that the plan and condominium documents have been reviewed by the Town's Legal Counsel, which resulted in a few small areas in need of correction.

Mr. Cartier Creveling noted this is truly an administrative action. He confirmed that the Board's Legal Counsel reviewed the documents and made a few minor suggestions. He added that there are a couple of designated parking spaces per each unit.

Mr. Wood asked if this project reached substantial completion. Mr. Cartier Creveling noted that the final coat of pavement is still needed, adding that the Town still has a bond in place. Mr. Marston stated he hopes to complete the paving by the end of summer.

Mr. Wood asked if the applicant had an issue with the Board adding a condition of approval requiring that final coat of pavement be in place by November 01, 2010. Mr. Marston replied that would be acceptable to him.

Ms. Matthews noted a discrepancy between the condominium declaration and the condominium bylaws. Mr. LaPointe replied he would look into the error and make the necessary corrections.

PUBLIC COMMENT

There was no public comment.

MOTION: Mr. Vogel made a motion, seconded by Mr. Cantwell, to approve Application #2010-004 as presented by Scott W. LaPointe on behalf of Daniel Marston & James Howard, for property shown on Raymond Tax Map 17, Lot 38; 2 RJ Way.

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 May 06, 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. Recording of the condominium plan, "Condominium Declaration" and "Condominium By-Laws" at the Rockingham County Registry of Deeds.
  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. The applicant shall install the top coat of asphalt no later than November 01, 2010.
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.

The motion carried with a unanimous vote of 7-0-0.

#### **Work Session – Excavation Regulations**

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

The Planning Board reviewed the draft of the Excavation Regulations that was reviewed by Legal Counsel. Members of the Board expressed concern with some of the changes proposed by Legal Counsel, and requested that a Non-Meeting with Legal Counsel be scheduled prior to the May 13 public hearing.

Members of the Board outlined other areas where they would like to see revisions made. Mr. Wood requested that anyone with changes bring them to the May 13 public hearing.

Mr. Vogel expressed concern that this version of the draft has not been deemed official by the Board. Board members agreed that this version is to be considered the official draft going forward.

#### **Other Business**

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

The Board discussed their upcoming meeting schedule, and shifted some items around.

Mr. Cartier Creveling outlined a suggestion from Legal Counsel in regards to the scheduling of public hearings for the excavation site owners when granting new permits.

Ms. Matthews noted that the Conservation Commission changed their mind regarding an agreement for placement of a conservation easement on the Flint Hill property. She noted that the Raymond Business and Economic Development Council concurred with the new proposal offered by the Conservation Commission.

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

*Mr. Cantwell excused himself from the meeting at this time.*

#### **Approval of Minutes**

Mr. Vogel requested that the Board take up the Approval of Minutes at this time.

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

MOTION: Ms. Matthews made a motion, seconded by Mr. Vogel, to approve the minutes of April 15, 2010 as drafted. The motion carried with a unanimous vote of 6-0-0.

**Adjournment**

MOTION: Mr. Vogel made a motion, seconded by Mr. Hoitt, to adjourn. The motion carried with a unanimous vote of 6-0-0. The meeting adjourned at 9:35 p.m.

Respectfully submitted,

Robert Price  
Planning Technician