

**Raymond Planning Board Minutes**  
**August 06, 2009**

**Approved 09/10/09**

**Place:** Raymond High School; Media Center  
**Call to Order:** 7:00 p.m.

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

**Staff Present:** Ernest Cartier Creveling, Community Development Director; Walter Mitchell, Legal Counsel (for Thibeault Hearing only); Robert Price, Planning Technician.

**Pledge of Allegiance**

Jonathan Wood announced that the Planning Board is seeking Alternates, as there are currently none, and can be up to five. Additionally, Mr. Wood announced that the Planning Board is seeking someone to fill the vacant seat on the Southern NH Planning Commission.

**Approval of Minutes**

MOTION: Bill Cantwell made a motion to approve the minutes of July 09, 2009 as amended. Doug Vogel seconded. The motion passed with a vote of 6-0-1, with Carolyn Matthews abstaining.

MOTION: Bill Cantwell made a motion to approve the minutes of July 16, 2009 as amended. Doug Vogel seconded. The motion passed with a unanimous vote of 7-0-0.

MOTION: Doug Vogel made a motion to approve the site walk minutes of July 21, 2009 as amended. Carolyn Matthews seconded. The motion passed with a vote of 4-0-3, with Bill Hoitt, Jonathan Wood and Bill Cantwell abstaining.

MOTION: Carolyn Matthews made a motion to approve the minutes of July 23, 2009 as amended. Jim Kent seconded. The motion passed with a unanimous vote of 7-0-0.

**Public Hearing – Thibeault Quarry**

*Continued from 07/09/2009; Application #2007-002: An application for an Amended Excavation Plan has been submitted by Thibeault Sand & Gravel, LLC, on land known as Nashua River Land Corporation, to amend their Excavation Permit to add a quarrying operation. The properties are shown on Raymond Tax Map 32, Lots 43 and 68; Map 37, Lot 2; and Map 38, Lots 12 and 13; accessed via NH State Route 27.*

Carolyn Matthews announced she must recuse herself from this hearing.

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

It was noted that the notice on the agenda (which also appears above) should have been corrected to reflect that this is no longer an amendment of an excavation permit. Walter Mitchell of Mitchell Municipal Group stated while the notice for this continued meeting

did not say what it should have said, it does not pose a problem for going forward tonight.

Community Development Director Cartier Creveling stated at the last hearing on July 9, the Planning Board requested from the applicant a list of submittals that the applicant felt were valid for this application. Vince Iacozzi of Thibeault Sand & Gravel, LLC submitted an email list of documents, which has also been provided to John Vetne, Counsel representing the abutters, and also an abutter himself. Additionally, binders were prepared containing copies of each document on the list provided by Mr. Iacozzi that is currently in the file. A binder was given to the members of the Planning Board, the applicant, and also to Mr. Vetne.

A copy of the email provided by Mr. Iacozzi has been attached to the draft set of minutes on file at the Town Clerk's Office.

Sandra Martel, representing Thibeault Sand & Gravel, LLC noted that the Economic Analysis has yet to be submitted, and will be delivered by Mr. Iacozzi to the Town Office in the near future.

Jonathan Wood requested that, since this project has been before the Board for so long, the abutters list (currently dated February 26, 2007) be updated to present day. Jim Kent requested these changes also be made to the plan.

Mr. Cartier Creveling stated the intention of tonight's meeting is to accept and discuss the applicant's list of submittals, and then schedule a work session to discuss the actual submittals, in detail.

Gretchen Gott requested that the abutters provide a list of their submittals that they wish the Board to consider, similar to what the applicant provided.

**PUBLIC COMMENT – LIMITED TO THE LIST OF SUBMITTALS**

John Vetne stated he is in hopes that the binder will contain everything that will constitute the record upon which the Planning Board will make its decision. Mr. Vetne indicated that he would prepare a similar list of materials that abutters have submitted to the Board. Jonathan Wood asked when this could be accomplished. Mr. Vetne replied he would have it complete before August 27.

Dick Snow, member of the Town of Candia Conservation Commission and also the Lamprey River Watershed Association, stated he is concerned with this application. Mr. Snow stated he has not done so yet, but intends to review the file for this application in the future.

Jonathan Wood stated that the Planning Board will hold two work sessions in the near future – one with the Technical Review Committee, and one without. He noted that these work sessions are open to the public to attend, but public comment will not be taken at the work sessions, only at the next public hearing.

MOTION: Jim Kent made a motion to hold a work session regarding Application #2007-002 on September 03, 2009 at 7:00 p.m. at Raymond High School. This work session will take place following the public hearing already scheduled that night, and will not include members of the Technical Review Committee. Gretchen Gott seconded. The motion passed with a unanimous vote of 6-0-0.

MOTION: Bill Cantwell made a motion to hold a follow-up work session regarding Application #2007-002 on September 08, 2009 at 7:00 p.m. This work session will include the members of the Technical Review Committee. Doug Vogel seconded. The motion passed with a unanimous vote of 6-0-0.

MOTION: Gretchen Gott made a motion to continue the public hearing for Application #2007-002 to September 24, 2009 at 6:30 p.m. at Raymond High School. Bill Cantwell seconded. The motion passed with a unanimous vote of 6-0-0.

**Public Hearing – REI Development “Lamprey Falls” Conservation Subdivision**

*Application #2006-033 – An application for a 9 lot Conservation Subdivision 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 9, 2008. The property is shown on Raymond Tax Map 44, Lot 13; surrounding and behind 17 Critchett Road.*

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

*\*Bill Cantwell determined, shortly after discussions began, that he needed to recuse himself from this hearing. His reasoning is outlined below.*

Community Development Director Cartier Creveling gave the Board a brief history of this application. He explained that this application first appeared before the Planning Board in early 2007, and was a different configuration. He explained that it was initially presented as a conservation subdivision with single family homes. He noted that the applicant falls under the previous conservation subdivision regulations, not the 2009 revisions, per the opinion of Legal Counsel. He continued to say that during the flood event of April 2007, this property flooded significantly. The applicant then took a step back to evaluate their options, and obtained a use variance to allow duplex homes, and also an area variance to allow construction of nine duplex units where originally seven would have been allowed. He also noted that the homes are being clustered together in one area of the site, and that area is being elevated.

Bill Cantwell stated he personally disagrees with the opinion of Legal Counsel in this case. He stated to him, the application is completely different, and should not fall under the previous regulations.

Allan Clark of REI Development Company, LLC and his partner, Lee Tessier, presented the application to the Board and those in attendance. Mr. Clark noted the application was originally accepted as complete in April 2007. He explained the original proposal was for an 11-lot conservation subdivision. Mr. Clark explained that, with the original proposal, all of the lots were situated above the 100-year flood elevation. The April 2007 flood rose approximately two feet over much of the site. He added once the flood occurred, they notified the Planning Board stating that they would like their application tabled until some research could be completed.

Mr. Clark continued the solution they came up with was to further excavate near the river to create additional flood storage. Then, the earth that was excavated from this area would be moved further into the site to elevate it to a higher elevation. In order to effectively do this, they needed to cluster the homes closer together. He noted they went to the Zoning Board of Adjustment to obtain the required variances, both of which were granted. He added that the ZBA required that they elevate the site to 218.5', which equates a 750-year flood elevation, which was an increase over their initially proposed 500-year flood elevation. He explained that abutters Richard and Ellen Levine filed a motion for rehearing with the ZBA, which was denied. They then appealed to the Superior Court, which upheld the ZBA's decision, around December 24, 2008.

Mr. Clark explained that the type of home they are looking to build would be duplex homes, with 3 bedrooms per unit. Each would contain a two car garage, and have approximately 1,400 square feet of living space. The garages would be located above the 750-year flood elevation. He also noted that the homes would have sprinklers. He added that the road would be 850' long, and would be private. Mr. Clark also noted that from the beginning, it was requested by an abutter (Dahlstrom) that access to the road be provided. This access is still being shown. He added that currently, there are 12 extra/overflow parking spaces shown along the road. Lastly, he noted there would be a homeowner's association established.

Mr. Clark stated at this time, his intent is to present to the Board where things have gone over the last two years, respond to any questions, and request that he be remanded back to the Technical Review Committee.

Jonathan Wood asked what the elevation of the water table is at the point where material is being removed. Mr. Tessier responded his recollection is that it is 10' below the current elevation.

Jonathan Wood asked if there will be a community septic system or individual septic systems for each unit. Mr. Clark replied there will be individual septic systems.

Carolyn Matthews asked if a hydrological study had been done, and added that she would like the Technical Review Committee to look at the location of the septic systems, and their elevations. Additionally, she asked if anything has taken place to stabilize the site since the last site walk was held. Mr. Clark replied REI Development does not yet own the property, and therefore has not touched it.

Bill Cantwell stated he is personally struggling with this. He stated he would like to have some discussion on whether or not this is a new application or not. He stated if the Board agrees with the opinion of Counsel, then he may have to recuse from this case.

Community Development Director Cartier Creveling stated it was understood that the applicant was taking a step back to re-evaluate the site, and their options. They did their review, and the clustering option as shown tonight was brought forth. They received a Zoning Determination, and had to go before the Zoning Board of Adjustment. Then, they had to sit through an appeal to Superior Court. He noted both the Town's Attorney and the Applicant's Attorney concur that the application has always been active, based on the process that it went through.

Both Gretchen Gott and Jim Kent stated they felt there is past precedent that leads them to the decision that this is not a new application, despite the substantial change to the plan.

Bill Cantwell stated the original plan had 11 units, and it now has 18. He added that the language granting bonuses within the Conservation Development section of the Zoning Ordinance was removed, however this plan now has a substantial unit bonus. He stated he can't even see the hardship resulting in the granting of the variances, and yes, it's been appealed and upheld already, but he can't see past that. He stated as a result of this, in fairness to the applicant, he will recuse himself at this point.

*Bill Cantwell recused himself at this point of the hearing, and stepped down from the Board.*

Gretchen Gott stated she would like to make the determination at this time, not later, if this project has potential Regional Impact.

The Planning Board went through each of the items listed in RSA 36:55, addressing each one individually to determine if the project has regional impact. Those criteria are as follows:

I. Relative size or number of dwelling units as compared with existing stock;

POLL RESULTS

Jim Kent – Yes

Gretchen Gott – Yes

Bill Hoitt – Abstain

Doug Vogel – No

Carolyn Matthews – No

Jonathan Wood – No

II. Proximity to the borders of a neighboring community;

POLL RESULTS

Jim Kent – Yes

Gretchen Gott – Yes

Bill Hoitt – Yes

Doug Vogel – No

Carolyn Matthews – No

Jonathan Wood – No

Between questions, Carolyn Matthews stated she feels regional impact should not be discussed tonight due to the obvious lack of information on the part of the Board and due to the lack of an opportunity to hear from the abutters. She stated the Board needs to hear

**Raymond Planning Board Minutes  
August 06, 2009**

**Approved 09/10/09**

from the abutters in attendance, and needs to hear from the Technical Review Committee before making this determination. She stated she does not feel this causes any conflict of interest with regard to noticing for regional impact. She stated she recommends that the Board end this process. Jonathan Wood thanked Ms. Matthews for her comments, but stated the Board will continue.

III. Transportation networks;

POLL RESULTS

Jim Kent – No

Gretchen Gott – Yes

Bill Hoitt – No

Doug Vogel – No

Carolyn Matthews – Abstain

Jonathan Wood – No

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

POLL RESULTS

Jim Kent – Not enough info.

Gretchen Gott – No

Bill Hoitt – No

Doug Vogel – No

Carolyn Matthews – Abstain

Jonathan Wood – No

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

POLL RESULTS

Jim Kent – Yes

Gretchen Gott – Abstain

Bill Hoitt – No

Doug Vogel – No

Carolyn Matthews – Abstain

Jonathan Wood – Yes

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

POLL RESULTS

Jim Kent – Not enough info.

Gretchen Gott – No

Bill Hoitt – No

Doug Vogel – No

Carolyn Matthews – Abstain

Jonathan Wood – No

**MOTION:** Jim Kent made a motion that Application #2006-033 does not have regional impact. Doug Vogel seconded. The motion passed with a vote of 4-1-1, with Gretchen Gott opposed to the motion, and Carolyn Matthews abstaining.

**PUBLIC COMMENT**

Tim Lindsey asked what the capacity of the newly created flood storage area will be. Mr. Clark replied that is unknown at this time. Mr. Lindsey followed by asking when the flood storage fills completely, where the water will go at that point. He also asked how close the fill that be being relocated will be to the high water mark of the river. Jonathan Wood replied these questions will likely have to comply with the Shoreland Protection Act, as the Lamprey River is a designated river.

Mr. Lindsey asked where the runoff from the additional parking spaces going to go. He also asked if the elevation of the 2007 flood was experience again, how close would that come to the foundations of the homes. Lastly, Mr. Lindsey asked what the heating source

**Raymond Planning Board Minutes**  
**August 06, 2009**

**Draft**

would be for the homes. Mr. Clark stated the heating source has not yet been determined. Mr. Wood noted most of these questions are good to ask during the TRC process.

Richard Levine stated he and his wife, Ellen, are skeptical of the topographical information for the site. Additionally, they have concerns with the site as it currently sits. They feel it is currently out of compliance with RSA 155:E. Gretchen Gott stated this gravel pit is a grandfathered pit. Mr. Levine stated he is questioning the determination that this pit is a grandfathered pit. He stated he is questioning this because he does not believe a satisfactory report was filed by 1991, which the statute sets as a timeline to receive grandfathered status.

Jonathan Wood asked if there is an active excavation permit on this property. Community Development Director Cartier Creveling replied not that he is aware of.

Gretchen Gott stated the Planning Board has not looked at this gravel pit as an active gravel pit in many years, and declared it as an inactive pit. Community Development Director Cartier Creveling stated he would confer with Legal Counsel on this issue.

Ron Treantafel asked if the proposed elevation for the site will flood his property. Additionally, he asked if this project, specifically the excavation, will negatively affect the river. Jonathan Wood stated these questions will be addressed through the Alteration of Terrain Bureau, the Shoreland Protection Act, and other State Regulations that the applicant needs to comply with.

Bill Cantwell, speaking as a citizen, asked what the elevation of the old access road into the site is. He stated if he is not mistaken, a lot of this area was underwater during the flood. Mr. Clark stated the elevation shown on the plan has been certified by a licensed land surveyor. Jonathan Wood stated he understands that, but would like confirmation of the elevation. He stated his reasoning is because the Board had another application come before them within a flood zone, and when that surveyor's elevations were checked, the flood elevations were actually 2-3 feet higher than were shown. Mr. Clark stated his new surveyor will confirm the elevations on the site.

Bill Cantwell, speaking as a citizen, stated his other concern is that, with the fill being taken out of the area near the bend in the river, when another flood comes, the river will blast straight through and will remain that way. Carolyn Matthews stated she, too, has this concern, as it falls under the realm of fluvial erosion.

Jonathan Wood stated he has a concern with how much the developer will excavate, and how close to the water table excavation will occur. Mr. Clark replied they only need to excavate enough to raise the buildable area by 1 ½ feet.

Bill Cantwell, speaking as a citizen, asked if the property had flooded during the May 2006 floods as well. Richard Levine noted that the pictures they provided to the Board tonight identify the time periods that the property was underwater.

**Raymond Planning Board Minutes**  
**August 06, 2009**

**Draft**

Jim Kent stated he would like to see an existing conditions plan at the next meeting, as one has not yet been provided. He requested that TRC have an existing conditions plan to work with, as well.

Doug Vogel stated the aerial photographs of the site that were provided seem to indicate to him that the site is currently in violation of RSA 155:E. Jonathan Wood stated if the site is truly grandfathered, as the record seems to suggest, then a reclamation plan is not required.

Carolyn Matthews asked if these homes will be built on slabs, or if they will have basements. Mr. Clark replied there will be nothing built below 218.5.' He added all the utilities for the home will be located above 218.5.'

Gretchen Gott asked why the old access road will be removed. She stated it seems like a good secondary access point. She requested that the Fire Department weigh in on this. Mr. Clark noted that with the original proposal, they were told to remove the access road, but they will gladly do whatever is asked of them.

MOTION: Carolyn Matthews made a motion to continue the public hearing for Application #2006-033 to October 01, 2009 at 7:00 p.m. at Raymond High School. Doug Vogel Seconded. The motion passed with a unanimous vote of 6-0-0.

*Bill Cantwell returned to his seat for the remainder of the meeting.*

**Work Session – Zoning Goals & Objectives**

The Planning Board held a brief work session to further discuss Zoning Goals and Objectives.

Community Development Director Cartier Creveling noted that in the near future, staff will be bringing forth a binder containing several other items that the Board needs to work on (i.e. Site Plan Review Regulations, Excavation Regulations, Community Rating System, etc).

**Other Business**

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

**Adjournment**

MOTION: Bill Cantwell made a motion to adjourn. Bill Hoitt seconded. The motion passed with a unanimous vote of 7-0-0. The meeting adjourned at 10:03 p.m.

Respectfully Submitted,

Robert Price  
Planning Technician