



**Raymond Planning Board  
MINUTES\*  
Wednesday, November 10, 2010**

**Attendance:** Chairman Patrick Clark, Robert O'Neill, Greg Foster, William Priest and Bruce Sanford.

**Staff:** Hugh Coxe, Town Planner; Chris Hanson, Code Enforcement Officer; Fire Chief Denis Morse; Craig Messinger, Fire Inspector; and Danielle Loring, Recording Secretary.

**Others:** Patrick Cayer, Owner of Land Services, Inc.; Susan Duchaine, Owner of Design Dwellings, Inc.; Richard Trafton, Attorney for RSA#1; and Charlie Leavitt.

**1. Call to order:** Chairman Patrick Clark called the meeting to order at 7:05 pm and a quorum was declared.

**2. Approval of Minutes:**

**a) October 13, 2010 Meeting's Minutes**

**MOTION:** Robert O'Neill motioned to accept the minutes for the October 13, 2010 meeting as submitted. Seconded by Greg Foster.

**DISCUSSION:** Mr. Clark submitted typos that needed to be corrected

**VOTE:** UNANIMOUS APPROVAL, 5/0

**b) October 20, 2010 Public Hearing's Minutes**

**MOTION:** Robert O'Neill motioned to accept the minutes for the October 20, 2010 Public Hearing as submitted. Seconded by Greg Foster.

**DISCUSSION:** Mr. Clark submitted typos that needed to be corrected.

**VOTE:** APPROVED, 4/0/1 (Abstention, BS)

\*Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office

### **3. Communications:**

#### **a) Letter of resignation from Planning Board Member, Samuel Gifford.**

Mr. Clark announced that Samuel Gifford had been elected as a Selectmen, but that meant that there were two available positions open on the Planning Board. Mr. Clark then read aloud Mr. Gifford's resignation letter.

MOTION: Robert O'Neill motioned to accept Samuel Gifford's resignation letter from the Planning Board. Seconded by Greg Foster.

VOTE: UNANIMOUS APPROVAL, 5/0

### **4. Applications:**

#### **a) Request to amend Rosewood Heights Subdivision off Rosewood Drive (Map 015, 007) by Design Dwellings, Inc.**

Hugh Coxe started by stating the history of the project Design Dwellings was asking to remove the sprinkler and water storage tank requirement. This requirement was set in place when Hancock owned the property, which had since been sold to Design Dwellings. He pointed out that the restrictive covenants document that the applicant had submitted was different than the one that was on record and the applicant had not given a reason for why this document had been changed.

Mr. Coxe continued by summarizing the Town's requirements for fire suppression in subdivisions. He explained that the Raymond Fire Department requires that all subdivisions be sprinkled and it was the case for all subdivisions approved in the past decade. He said that Note #20 from the initial plans talked about there being a 10,000 gal in-ground water storage tank but that the location of the tank had not been finalized. The Fire Department wanted assurance that the tank would be installed, but there had not been any discussion yet.

Mr. Coxe spoke again about the changes that were made in the Declaration of Covenants. He found that there were six substitutions and that no reason was given in writing, but that the applicant had stated that these were "house keeping in nature." The applicant wanted to move the oil tanks outside of the home and wanted a clause that allowed for there to be an alternative location for the septic.

Susan Duchaine, applicant and owner of Design Dwellings, approached the Board and explained she was applying for an amendment because she felt that it was unfair to make a requirement of subdivisions that was not required of single family homes. She felt that the added \$8,000 cost to a home was unattractive to potential buyers. She explained that the changes to the covenants were due to a reduction in square footage requirements.

She addressed the issue of sprinklers by stating that the original plans were developed with a sixty lot development in mind, not the existing thirteen lot subdivision. She wanted to know

\*Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office

why they were requiring sprinklers as well as a water storage tank. She had tried to find this requirement in the Ordinance, but could not.

Fire Chief Denis Morse said that the Raymond Fire Department was trying to deal with the toughest geographical and topographical terrain. He felt that the Town had been consistent in requiring sprinklers and water storage tanks to be installed in subdivisions. He said that because houses were being built with light weight materials, they burned up faster and with a smaller department and this requirement was a way of dealing of with this problem. He felt that it was important that the citizens within the developed area benefited from the subdivisions being there. He had no problem with the requirements being phased in over time.

Mr. Foster spoke and said that he agreed with Susan Duchaine because he felt that the government was over reaching their bounds. He felt that an individual should be able to decide whether or not they wanted a sprinkler system in their home, rather than having it forced on them. Mr. Morse responded that the requirement was not intended to be unfair but to help protect the lives of those in the home and rescue personnel.

Mr. Sanford wanted to know why the 10,000 gal tank was necessary. Mr. Morse responded that the requirement for the tank used to be in the basement, but it was too taxing for the well to protect the home. Mr. Sanford then expressed concern for who would be responsible for the cost of the tank if it to be installed in the future.

Craig Messinger, Fire Inspector, spoke about the original agreement for the tanks. He said that the tanks were suppose to be installed as part of a four stage system. The tanks were required because there was not an adequate safety system in place. He stated that a home with a sprinkler system still could have areas that are unprotected. The intention is to be life saving, not home saving. He was not sure who the cost would fall upon if development happened at a later date because there have not been plans presented to the Fire Department.

Mr. O'Neill remembered that the first tank was for the first thirteen lot subdivision and that each tank would be installed as each additional subdivision was built. Mr. Clark agreed that at the time the initial plans had been approved, it was with idea that there would be four subdivisions with cumulative effects. He said that the intent was that the tank would be intended for the first subdivision, but it would be place in a way that it would be effective for all subsequent subdivisions.

Mrs. Duchaine wanted it made clear that this issue was not all about making profit. She felt the major issue was requiring sprinklers that were not appealing to buyers because the sprinklers were not going to put out a fire. Mr. Clark agreed that they would not but also stated that they were not intended. Mrs. Duchaine continued by stating that it would be a different issue if the system were ones that were affordable.

In response to the issues that Mr. Messinger comments, Mrs. Duchaine stated that she had not made further arrangements with the Fire Department because she was waiting to go before the Planning Board to see if it was even necessary. She continued by stating that in all

\*Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office

the years that she had been building homes, she rarely ever had to install an sprinkler system or any other fire suppression method. She felt that it was important to have alternative options for her clients, such as fire ponds.

Mr. Priest pointed out that Mrs. Duchaine had purchased an approved subdivision with plans. The Planning Board has already reviewed the materials and voted to make the sprinklers and water tank part of the subdivision plans. Mr. O'Neill agreed and Mr. Sanford felt that this process should have been done before the sale. He felt that development needed to be done in a logical fashion that was safe for all of its residents.

Mr. O'Neill mentioned that he had a family member who just built a home with a \$4,000 sprinkler system that they did not find unappealing or inconvenient. He said that the purpose of the sprinklers was to protect the lives of the residents and the fire fighters. Mr. Sanford agreed and he said that with his experience in general contracting and felt that the price that Mrs. Duchaine had been quoting could be for the originally approved 1100 square feet and not the reduced footage of 800 square feet homes. He was also concerned that if they were to do approve the removal for this project then the Planning Board could face repercussions from all of the developers who have already installed sprinklers.

MOTION: Robert O'Neill motioned to deny removal of sprinklers and 10,000 gallon in-ground tank and changes to the Declaration of Covenants be discussed with staff. Seconded by Bruce Sanford.

DISCUSSION: The Planning Board discussed whether or not to include a timeline in the motion for when the tank was to be installed. Mr. Morse said that he was willing to work with the applicant in coming up with a plan. Mr. Priest felt that it was best to just leave the plans as they were and the other members agreed.

VOTE: APPROVED, 4/1 (GF)

## **5. Other business:**

### **a) Discussion of October 20, 2010 Public Hearing and official recommendation for conditional rezoning to allow for proposed wireless communication facility at 19 Farm Road (Map, 013, Lot 051):**

Mr. Clark wanted it to be clear before discussion began that the conversation was to be limited to the material and discussion that took place at the public hearing and this was not a public hearing. Mr. Coxe continued by stating that since the public hearing had already taken place, the next step for the Board was to make their recommendation. Mr. Clark felt that the applicant provided support that the tower would need to be at the proposed elevation and height.

Mr. Sanford asked the Richard Trafton, RSA#1's attorney, if a 100 foot tower with no co-locators would suffice. Mr. Trafton explained that, due to the topography, the tower would need to be 125 feet to be above the tree height and within line of sight with the surrounding

\*Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office

towers.

Mr. Clark wanted to know if there had been a date set for the Town Meeting. Mr. Coxe replied that it had not been set but that the applicant had requested it and has said that all financial costs would be covered. He mentioned the information that had been submitted since the Public Hearing took place. Mr. Clark again asked the Board members to only take into consideration the materials that were presented at the Public Hearing. He personally felt that some of the content referencing the towers height was deceptive.

Mr. Priest said that since the Planning Board was not deciding whether or not there was a Town Meeting, he did not want to make an unfavorable recommendation, which would require a two-thirds vote to pass. He felt that, even though he did not agree with the project, if the residents of Raymond wanted the cell tower than a simple majority should let it pass. Mr. O'Neill agreed. Mr. Coxe reminded the board that they can choose to take no position, even though the Ordinance was looking for a positive or negative recommendation. Mr. Clark felt that it was best not to take a position on the matter.

MOTION: William Priest motion to take no position on the proposal for conditional rezoning to allow for a wireless communication facility. Seconded by Bruce Sanford.

VOTE: UNANIMOUS APPROVAL, 5/0

Charles Leavitt asked to approach the Planning Board but Mr. Clark reminded him that this was not a public hearing and they were not taking comments at this time, unless there was a motion to do so. There was no motion so Mr. Leavitt's request was denied.

### **b) Ordinance Review**

Mr. Coxe reviewed the progress that was being made on the ordinance changes. He said that if the Planning Board members wanted to go with all of the State's standards then he and Mr. Hanson would move forward in making all the appropriate changes. Mr. Hanson commented that the fact there are instances where the State's standards were vague and the Town's standards defined criteria much more clearly.

MOTION: Bruce Sanford made a motion to allow Hugh Coxe and Chris Hanson move forward with their paperwork with the State in terms of Shoreland Zoning. Seconded by Robert O'Neill.

DISCUSSION: Mr. Foster wanted to make sure that if changes to be more like the State for timber harvesting were not done this time, that it would take place next time.

VOTE: UNANIMOUS APPROVAL, 5/0

Mr. Coxe reminded the Board that ordinance changes had to be in by January. Open Space Ordinance was close to done, but if there were other changes that needed to be incorporated, they needed to get them in to Mr. Coxe as soon as possible.

\*Per the "Minutes Policy," reviewed and approved August 17, 2010 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the DVD. DVD's can be purchased for a nominal fee or borrowed at the Town Office

**6. Adjournment:**

MOTION: Robert O'Neill motioned to adjourn. Seconded by William Priest.

VOTE: UNANIMOUS APPROVAL, 5/0

Chairman Patrick Clark adjourned at 8:45 pm.