



**401 Webbs Mills Road
Raymond, Maine 04071
PLANNING BOARD MINUTES
February 8, 2006**

Planning Board Attendance: Patrick Clark, Chairman; Robert O'Neill, Vice Chairman; Allen Tait; Ginger Wallace; Nelson Henry (late); Samuel Gifford; and Patrick Smith.

Staff Attendance: Hugh Coxe, Contract Planner; Josh Stevens, Code Enforcement & Fire Dept; Nathan White, Public Works Director; and Karen Strout, Recording Secretary.

Others in Attendance: Paul Lawrence, Paul Lawrence Consulting; Florence & Samuel Whittemore of 431 North Yarmouth Road, Yarmouth; Theron Hamilton of Yarmouth, David Webb of Windham, Kevin Tibbitts of Windham, Glenn & Colleen Steeves of Valley Road, Tom Greer, Pinkham & Greer; John Rand, Raymond Conservation Commission; Chris Nassa, 137 Valley Road; Dwayne Buzzell, 7 Mamaw's Grove, and Deb & Dave Baker, 123 Valley Road.

Call to order: Planning Board Chairman Patrick Clark called the meeting to order at 7:07 pm. Members identified themselves for the record. The Chairman declared a quorum. The evening's agenda was read and meeting procedures were reviewed.

Consideration of minutes:

MOTION: moved by Robert O'Neill, and seconded by Allen Tait to approve the minutes of the January 11, 2006 meeting with minor edits. The word stabilizing was changed to "stabilization" on page 5, line 18, and on line 28 NRA to be changed to "NRPR". On page 6 the word "by" in line 30 was deleted. Vote 6/0.

Correspondence:

Chairman Clark read the following correspondence into the record, copies of which are on file:

Letter from Code Enforcement Officer Jack Cooper regarding Map 16, lots 98 & 99

Response from Pinkham & Greer to DEP comments by Noble

Letter from Barbara & Robert Payne, abutters to Mamaw's Grove Subdivision, voicing their concerns about the project

PUBLIC HEARINGS:

Public hearing was opened at 7:17 pm.

Map 13, Lot 7 B RR

0 Mamaw's Grove

Kevin Tibbitts

Preliminary & Final Approval for 2-lot subdivision

Comments from applicant:

Steve Massing of HomeSellers Inc. represented applicant Kevin Tibbitts with the assistance of Paul Lawrence of Paul Lawrence Consulting. They addressed the issues outlined in Planner Hugh Coxe's memo dated February 8, 2006, and the waivers they were requesting. Several documents were handed out to the Board: a memo from Paul Lawrence Consulting, an E & S Plan, a subdivision plan of Mamaws Grove by Survey Inc. dated Jan 2006, a letter from IFW dated February 2, 2006, a letter from Maine Historic Preservation Commission dated January 31, 2006, a survey dated January 27, 2006, septic design, and building permits.

Discussion was centered on the waivers requested and whether or not they could be justified. Planner Coxe stated that the applicant was also seeking an administrative waiver in order to have both preliminary and final approval granted at one meeting, as well as waivers, or partial waivers of the following submissions:

- Wetland delineation (subsection 2.4)
- Contour lines (subsection 2.5)
- Roadway cross section plan (subsection 2.6)
- Storm water management plan (subsection 2.12)
- Erosion and sedimentation plan (subsection 2.17)
- Flood elevation data (subsection 2.19)
- Landscaping plan (subsection 2.20)
- Traffic impact analysis (subsection 2.25)
- Phosphorous control plan (subsection 2.26)

Paul Lawrence addressed the topic of the wetlands and commented that the developer should not have to add any fill to the area with any of the new development. The applicant is requesting a waiver from providing contours and delineations for the entire parcel.

Comments from the Board:

Chairman Clark responded that this application is for a subdivision and the applicant should have submitted a revised plan showing the wetlands. Although this was an after the fact subdivision plan, there still should be a plan showing all of the lots and the extent of the fill that had been placed there. Clark further commented that it appeared that the applicant had provided most of the Board's requests, but that he had not had a chance to look carefully at the documents brought by the applicant at this meeting.

Comments from abutter:

The following comments are directly from **Robert Payne's email:**

I HAVE REAL CONCERN ABOUT THIS SUBDIVISION AND HOW THE WHOLE THING WAS HANDLED BY MR. TIBBITS.

1. AFTER I DIVIDED THE LAND INTO A 17.9 ACRE LOT THE SECOND PARTY TO OWN THE LAND FILLED A LARGE AREA OF WETLANDS EXTENDING FOR ABOUT 300 YARDS. THIS FILL WAS DONE WITHOUT A PERMIT. THIS WAS BROUGHT TO THE CEO'S ATTENTION AND WAS ALLOWED TO STAND AFTER AN INSPECTION BY THE D.E.P. BUT THERE WAS TO BE NO MORE FILLING OF WETLANDS. I FEEL THAT THE FILLED AREA HAS NOT BEEN PREPARED TO PREVENT EROSION AND MAY PREVENT NORMAL WATER FLOW FROM THE AREA.

2. MR. TIBBIT'S SUBDIVIDED THE LOT WITHOUT GETTING APPROVAL FOR A SUBDIVISION AS REQUIRED BY STATE LAW.

3. EVEN AFTER IT WAS BROUGHT TO MR. TIBBIT'S ATTENTION HE SAID HE WOULD DO NOTHING WITH THE ONE LOT WITH THE HOUSE ALREADY BUILT, BUT HE KEPT THAT HOUSE ON THE MARKET FOR SALE. HOW COULD HE KEEP IT ON THE MARKET WHEN IT WAS NOT SUPPOSED TO BE THERE.

IT IS MY UNDERSTANDING THAT THE SECOND HOUSE THAT WAS BUILT HAD ALREADY BEEN SOLD AND THE FIRST HOUSE THAT WAS BUILT NOW HAS A BUYER AND THAT IS THE REASON FOR THE REQUEST FOR A SUBDIVISION.

4. AT THE PRESENT TIME BECAUSE OF THE HEAVY TRAFFIC OVER THE ROAD BY MR. TIBBITS CONSTRUCTION TRUCKS AND THE LUMBER TRUCKS THE ROAD HAS BEEN PRETTY MUCH DESTROYED. I FEEL IT IS MR. TIBBIT'S RESPONSIBILITY TO REPAIR THE ROAD WHILE HE IS BUILDING THE ROAD TO 16 FEET WIDE PER TOWN ORDINANCE

I FEEL THE BOARD SHOULD NOT WAIVER ALL THAT HE IS REQUESTING, HE SHOULD BE REQUIRED TO DO THE SAME THINGS THAT A PROPERLY SUBMITTED PLAN WOULD HAVE TO DO. IF THERE ARE ANY HARDSHIPS, THEY WERE CREATED BY MR. TIBBITS HIMSELF AND HE SHOULD NOT BE ALLOWED TO CONTINUE WITHOUT THE PROPER REQUIREMENTS.

AS FOR MAMAW'S GROVE ROAD THREE BUILDING LOTS WERE PLANNED FOR THAT ROAD AND THE ROAD WAS BUILT TO THAT STANDARD. NOW HE IS CREATING A FOURTH LOT AND THAT MEANS THAT THE ROAD HAS TO BE BROUGHT UP TO TOWN ORDINANCE STANDARDS AND CONSTRUCTED TO BE 16 FEET WIDE WHICH IS REQUIRED FOR FOUR OR MORE LOTS.

Comments from Planner:

There was a discussion on the road up grade issue, which had been raised by abutter Robert Payne in his email. Planner Hugh Coxe prepared the following memo dated February 8, 2006 in response:

An abutter to the project has raised the issue of whether the road leading to the project (Mamaw's Grove Road) needs to be upgraded to meet the standard for four lots. **Section 5.5 of the Street Ordinance** sets out the relevant standard. That section states that "A private street which will serve fewer than 4 residences shall have a minimum travel way of 12 feet with 2-two foot shoulders and a maximum grade of 12%. A private road which

will serve 4 – 10 residences will have a minimum travel way of 16 feet with two 3- foot shoulders and a maximum road grade of 12%.” Mamaws Grove currently serves one residence. With the addition of the two proposed by this application, there would be a total of three residences served by the road. There is a fourth undeveloped lot currently served by the road but the ordinance does not base the road requirement on the number of lots, rather it uses the number of residences served as the trigger. It would appear therefore that this applicant need only meet the “fewer than 4 residences” standard. Jack Cooper has been to the sight and measured the road and determined it complies with those standards.

There was some discussion by the Board of the burden that would be imposed on the next person to add a residence and having to upgrade the road.

Paul Lawrence suggested putting a note of disclosure on the plan requiring them to come back to the Planning Board.

Planning Board member Ginger Wallace asked about the phosphorous impacts. Lawrence commented that he was confident that their plan would work and that the wetlands would act as a mitigator for the stormwater and phosphorus.

Clark's comment: “On a large lot with a small amount of development, why not do a study?”

Conservation Commission John Rand commented that having the wetland delineation done on the whole parcel would be a good piece of information for the Town of Raymond. Massing did not see a need. Lawrence said it would take a couple of days of fieldwork mapping and another of surveying. After some discussion a compromise was reached and the applicant agreed to have mapping done on the upland edge-east side. The plan would be field verified to show the wetland mapping and classification of the rest of the wetlands on the open space and undeveloped land. The upland edge would be delineated.

Assistant CEO and Fire Inspector Josh Stevens inquired about the grade of the road and the hammerhead turn around. The response given was that the road grade did not exceed the 12% allowed and that a hammerhead would be provided in the ROW.

The public hearing was closed at 8:15 pm.

Member Wallace commented that because of the lateness of the submittals she hadn't been able to review all of the documents (some were handed out at the meeting).

Board discussion included:

- street lights
- storm water
- phosphorous control

- E & S Plan

Member Allen Tait commented that he was reluctant to waive the requirements for phosphorous and storm water. He felt care needed to be taken because of their cumulative effect. He also commented that he had not reviewed the E & S Plan submitted at the meeting.

Member Patrick Smith offered points to be clarified:

- Where is frontage on lower lot?
- CMP poles out of ROW (9.4 & 9.5)
- access easements need to be obtained and referenced on plan and in deeds
- Where road goes out of ROW access easements are needed
- maintenance agreement for easements
- relocation of road or private easement
- if easement affects lot 2, lot must be 2 acres w/o ROW
- closing of the building envelope to property line
- agreed that street light needed- 19.2 cmp pole
- who pays for light?
-

Abutter Dwayne Buzzell offered the following comment:

There is no road agreement for Mamaw's Grove.

Fire Inspector Josh Stevens reaffirmed the need of a street light for public safety and that it would be best if it were at the end of the street in order to be seen.

There was considerable discussion on who would pay and where the light would be located and whether or not an easement could be obtained.

Public Works Director Nathan White asked about the fill that had been brought in. Kevin Tibbitts commented that it was quite awhile ago, possibly 2 years ago; not since he had owned the property.

Chairman Clark stated that he had looked over the Erosion Control Plan and that it appears to meet the need, but had not been prepared by a professional engineer and that technically the applicant still needed to request a waiver.

MOTION: moved by O'Neill and seconded by Smith to approve the waiver requested for Wetland delineation (subsection 2.4) with the delineation of lot 1 from the property line to the other property line or ROW with the amount of fill determined. Vote 7/0.

MOTION: moved by O'Neill and seconded by Smith to grant a waiver for Contour lines (subsection 2.5). Vote 7/0

MOTION: moved by O'Neill and seconded by Wallace **NOT** to grant a waiver for Storm water management plan (subsection 2.12). Vote 5/2.

MOTION: moved by Wallace and seconded by Tait **NOT** to grant a waiver for Erosion and sedimentation plan (subsection 2.17) with the requirement that it be done by a registered professional engineer. Vote 4/3.

MOTION: moved by O'Neill and seconded by Gifford to grant a waiver for Flood elevation data (subsection 2.19). Vote 7/0.

MOTION: moved by Wallace and seconded by O'Neill to grant a waiver for Landscaping plan (subsection 2.20). Vote 7/0.

MOTION: moved by Tait and seconded by O'Neill to grant a waiver for Traffic impact analysis (subsection 2.25). Vote 7/0.

MOTION: moved by O'Neill and seconded by Tait **NOT** to grant a waiver for Phosphorous control plan (subsection 2.26). Vote 6/1.

MOTION: moved by Henry to grant a waiver for lighting requirement. No second motion died.

MOTION: moved by Wallace and seconded by O'Neill **NOT** to grant a waiver of the lighting requirement. Vote $\frac{3}{4}$.

MOTION: moved by Gifford and seconded by Henry to grant a waiver for the lighting requirements. Gifford withdrew motion.

MOTION: moved by Smith and seconded by Gifford to waive the lighting requirement with the condition that an effort is made and that the applicant could not obtain permission to install and maintain a light on pole 19.2. Motion withdrawn by Smith.

MOTION: moved by Henry and seconded by Gifford to approve a waiver for the lighting requirement. Vote 4/3.

MOTION: moved by Henry and seconded by Smith to grant Preliminary and Final Plan approval to Kevin Tibbitts for a two lot subdivision referenced by tax map 13, lot 7 B named Mamaw's Grove with conditions of approval prepared by Contract Planner Hugh Coxe (copy is included in minutes). The list to include waiver findings. The recording mylar will not be released until the code office/staff receives all materials. Plans are to be resubmitted with added info on wetlands, hammerhead, ROW, CMP poles, storm water control plan and notes requested by the Board.

FINAL SUBDIVISION PLAN APPROVAL

February 8, 2006

Waivers

1. Based on its findings that any wetlands on the parcel subject to this application are 100 feet or more from the house sites and development on the parcel is restricted to approximately a one acre portion of the total eighteen acres, and that a waiver will not have the effect of nullifying the intent and purpose of the ordinance, the board grants a waiver of the **wetland delineation** requirement of Article V subsection 2.4 of the Subdivision Ordinance on the condition that the applicant delineate and map the entire upland edge on the east side of the wetland on the subject parcel, a portion of which was depicted on the January 2006 version of the subdivision plan.

2. Based on its findings that development on the parcel is restricted to approximately one acre portion of the total eighteen acres, and that a waiver will not have the effect of nullifying the intent and purpose of the ordinance, the board grants a waiver of the Article V subsection 2.5 requirement that the plan include **contour lines** for all portions of the property. The board finds the contour lines depicted on the January 2006 version of the subdivision plan are sufficient as they cover that portion of the property proposed to be developed.

3. Based on its finding that no part of the proposed subdivision is on or near any floodplain or low lying areas, and that a waiver will not have the effect of nullifying the intent and purpose of the ordinance, the board grants a waiver of the Article V subsection 2.19 submission requirements for **base flood elevation data**.

4. Based on its finding that there is no proposed common area within the subdivision, there are no specific unique natural features or elements that would require special preservation, and that a waiver will not have the effect of nullifying the intent and purpose of the ordinance, the board grants a waiver of the Article V subsection 2.20 submission requirement of a **landscaping plan**.

5. Based on its finding that the subdivision will cause minimal impact on traffic due to the small size of the subdivision, and that a waiver will not have the effect of nullifying the intent and purpose of the ordinance, the board grants a waiver of the Article V subsection 2.25 submission requirement of a **traffic analysis**.

6. Based on its finding that it would not be feasible for the applicant to provide a street light at the intersection of Mamaws (Grove) Lane and the new subdivision road (shown as "Woods Road" on the January 2006 version of the subdivision plan), that placement of a street light elsewhere within the subdivision would not substantially advance public safety purposes, and that a waiver will not have the effect of nullifying the intent and purpose of the ordinance, the board grants a waiver of the requirement for **street lighting** in Sections 4.2.H and 6.3 of the Street Ordinance.

7. Based on its finding that this is a small and uncomplicated subdivision proposal, that it would be an unnecessary burden on the applicant to present applications for both preliminary and final subdivision approval at separate planning board meetings, and that a waiver of that requirement will not have the effect of nullifying the intent and purpose of the ordinance, the board grants a waiver of that **procedural** requirement so as to allow the applicant to combine its applications for preliminary and final review.

Conditions of Approval

1. The development shall be constructed and maintained in accordance with the plans, specifications, testimony, submissions, and supporting documents presented to the Planning Board in conjunction with the developer's application for subdivision approval.
2. Prior to release of the recording mylar, but not later than August 8, 2006, the applicant shall provide the town with a **storm water management plan** prepared and signed by a professional civil engineer as required by Article V subsection 2.12.
3. Prior to release of the recording mylar, but not later than August 8, 2006, the applicant shall provide the town with an **erosion and sedimentation plan** prepared and signed by a professional civil engineer as required by Article V subsection 2.17.
4. Prior to release of the recording mylar, but not later than August 8, 2006, the applicant shall provide the town with a **phosphorous control plan** prepared and signed by a professional civil engineer as required by Article V subsection 2.26.
5. Prior to release of the recording mylar, but not later than August 8, 2006, the applicant shall revise the plans pursuant to the testimony and proceedings of the February 8, 2006 Planning Board meeting. Those revisions shall include, but not be limited to:

- The standard note recommended by the town attorney stating that any change or modification to any aspect of the approved plan shall be considered an amendment to the plan and shall require approval of the Planning Board.
- A note on the final plan that includes the specific language required by Article IX, Section 3.2.10 of the Subdivision Ordinance where subdivision streets are to remain private, if the applicant intends for the road to remain private.
- A note on the final plan that indicates the wetland delineation covers only a portion of the property and there may be more wetland area than is delineated on the subdivision plan.
- A note on the final plan indicating that the lot neighboring to the southeast (identified on the subdivision plan as n/f Hall, map 13/ lot 7D) was created from the first dividing of land and therefore is not subject to the conditions of this approval.
- A note on the final plan referring to the erosion & sedimentation plan for this subdivision.
- Mapping that indicates areas and extent of prior or current wetland filling of any lot within the Subdivision.
- Revisions, which include a hammerhead turnaround at the end of the road in accordance with all applicable portions of Raymond Street ordinance.
- Modifications to the building envelope/ lot line setbacks for lot #1 that show the limitations on the building envelope as discussed at the February 8th planning board meeting.
- Modifications to the road right-of-way so that the existing roadway is fully within the right-of-way.
- Revisions to plan to include easements for CMP poles 9.4 & 9.5

Vote on motion: 7/0.

Map 16, Lots 98 & 99 R

Valley View Acres

Valley Road

Theron Hamilton

Final Subdivision and Site Plan Review approval for 26 units

Chairman Clark opened the Public hearing at 9:30 pm.

Tom Greer of Pinkham and Greer addressed the Board for the applicant and stated that very little had changed since they had been granted Preliminary approval. He commented that John Chase planned to construct the road all at one time in the Spring. For the benefit of the Public and the Board, Greer pointed out the area which applicant intends to turn over to the State of Maine. Greer addressed the comments brought up in the planner's memo and the conditions of approval that were tied to granting preliminary approval in July.

The following are the conditions of approval and an excerpt of comments from the Planner Memo dated February 1, 2006:

1. submit further submissions and revisions to the plans for peer review
2. provide sufficient evidence that there is adequate sight distance (meets the state sight distance requirements) looking to the east from the access to the project
3. provide evidence of the future ownership and management of the proposed open space
4. provide a Declaration of Condominium which describe the commonly held property and percentage ownership interests
5. indicate the proposed form of a performance guarantee
6. clarify a proposed contribution to a road improvement fund

The final application materials include a full set of revised plans and a packet which together address most of the conditions. This was submitted to Woodard & Curran for peer review and you should have copies of their comments. These comments are on file.

The applicants are seeking final approval but have indicated that DEP is still reviewing the project and acknowledged that approval may need to be conditioned or tabled to the following month's meeting.

Greer stated that the line of credit had been taken care of and that the appropriate paperwork was being done. He also explained that the developer will be providing a Road Improvement Fund for Valley Road of \$500 per unit, and that they would be able to meet the sight distance requirement with the clearing of more brush along the road. They are willing to do whatever the Board wants.

Public Works Director Nathan White stated that they need to meet at least the bare minimum site distance of 400'.

Abutter Glenn Steeves inquired about the open space. He was told that the State of Maine would be taking the 52.17-acre area over after final approval is given. Steeves was also interested in how close the new homes would be built to those already in the area. Greer responded that it would be about 200' with about 100' of buffer left. Greer referenced the plan to show that there would be a buffering area around all of the development.

John Rand also made inquiries about the open space and asked about the access to Valley Road and Morgan Meadow. Greer responded that there will be a 50' ROW, but the State does not want to maintain two entrances. They want to keep it simple and it will be treated as a Wildlife Management Area, not a park. Rand also expressed concerns about the drilled wells and asked that the drillers be required to put at least 10' of casing into the ledge to be certain that they comply with standards that are already in place.

Public hearing was closed at 9:50.

Comments from the Board:

Chairman Clark complimented the applicant on his application.

Wallace asked whether or not they had conducted a pump test. Greer responded that they had not, but was confident that everything was satisfactory.

O'Neill reinforced Clark's compliment on the submittal.

Tait asked for reassurance that they would be able to meet the 400' site distance requirement.

Smith asked about the total wetland impact. The response was 18,000 square feet. He also commented that there should be notes on their condo documents that they could not impact the wetlands except as shown on the approved drawings.

Clark offered the following comments:

- notes need to be placed on plan for all waivers
- note that there needs to be evidence that the well drillers put 10' of casing into ledge for all wells
- covenants and documents need to be reviewed by Town Attorney

MOTION: moved by O'Neill and seconded by Tait to grant final approval to Theron Hamilton for Valley View Acres, a 26 unit subdivision off from Valley Road referenced by tax map 16, lots 98 & 99 with the following conditions of approval:

- The development shall be constructed and maintained in accordance with the plans, specifications, testimony, submissions, and supporting documents presented to the Planning Board in conjunction with the developer's application for subdivision approval.

- Prior to release of the recording mylar, but not later than August 8, 2006, the applicant shall provide the Town with copies of all necessary permits required from the Maine DEP.
- Prior to release of the recording mylar, but not later than August 8, 2006, the applicant shall provide documentation of the future ownership and management of the proposed open space to the Town Attorney (with a copy to the Town) in a form that satisfies the town attorney.
- Prior to release of the recording mylar, but not later than August 8, 2006, the applicant shall provide final condominium association documents to the Town Attorney (with a copy to the Town) for final review and approval.
- Prior to release of the recording mylar, but not later than August 8, 2006, the applicant shall provide evidence, in a form that satisfies the town's public works director, that there is at least 400 feet of sight distance looking to the east from the access to the project.
- Prior to issuance of any building permit, the applicant shall provide the Town with a performance guarantee in an amount approved by the Town Manager and in a form approved by the Town Attorney, to secure the completion of all required improvements.
- Prior to release of the recording mylar, but not later than August 8, 2006, the applicant shall revise the plans and notations on the plans pursuant to the testimony and proceedings of the February 8, 2006 Planning Board meeting. Those revisions shall include, but not be limited to:
 - the locations of light poles and utility lines
 - the location of a 50 foot right-of-way from Valley Road to the open space to be transferred to the State of Maine
 - a note listing each waiver granted by the planning board
 - a note indicating the total amount of wetland impact
 - a note indicating that condominium unit owners are not permitted to further impact wetlands including any wetlands within the limited common elements.
- Prior to issuance of a building permit for any unit in the subdivision, the applicant shall provide the Town with documentation, from the contractor responsible for installing wells, that at least 10 feet of casing has been installed into any ledge around the well for that unit.

Other Business:

Action Item: Adoption of a PB policy for Public Hearings and abutter notices

MOTION: moved by O'Neill and seconded by Wallace to notify abutters by mail at the time of sketch/preapplication stage and at Public Hearings. (Secretary's note: State Law mandates notice of Public Hearings at Preliminary). Vote 7/0.

Action Item: CPIC update & Residential Growth Ordinance

MOTION: moved by Wallace and seconded by O'Neill to make a request to the Selectmen to have the Raymond Growth Ordinance appear as a referendum ballot. Vote 6/1.

Action Item: Article XII Accessory Apartments Ordinance

Fire Inspector & Assistant Code Enforcement Officer Josh Stevens presented a proposal for Accessory Apartments, which is sponsored by the Code Enforcement Office. This would be a change to the present in-law- apartment ordinance. It would address one of the goals of the Comprehensive Plan, which is to provide for affordable housing. Presently there are 26 in-law- apartments registered with the Town and only 6 are legal. Stevens commented that there are probably between 75-100 actual units.

ARTICLE __: Shall the Land Use Ordinance be amended to change the language as follows?

Article XII

Accessory Apartments attached or detached, shall be allowed in a residential zone provided that the existing structure and accessory apartment shall not cover the lot by more than thirty (30) percent including the area of the septic system. The Appeals Board may grant an additional five (5) percent. If the total number of bedrooms or potential bedrooms exceed by more than one (1), the number of bedrooms that the existing system is designed for, a replacement or expanded system shall be installed before occupancy. If the total number of bedrooms or potential bedrooms increases by one (1), a replacement or expanded system shall be designed and recorded in the Registry of Deeds. In either case a restriction shall be recorded in the deed to the property. The in-law/accessory apartment shall not comprise more than 700 s.f. of living space and shall not be less than 350 sf of living space, excluding stairways.

Any apartment built after May 20, 2006 shall be used as an in-law apartment for a minimum of 2 yrs before it can become an accessory apartment. All in-law apartments built before May 15, 2004 and have been on file at the Town Office can be changed to an accessory apartment after an inspection from the Code Enforcement Officer. ~~forty (40) percent of the existing living area of the structure(s) by area or volume. An increase of~~

~~not more than fifteen (15) percent by area or volume of the existing structure shall be allowed.~~

All in-law apartments built after May 20, 2006 shall file The verification of the occupants ~~shall be filed~~ with the Town Office before the in-law apartment is established and a permit issued, plus renewed yearly before July 1st of each year for all new and existing in-law apartments. Inspections to verify permitted use may be made not to exceed two (2) inspections per year by the Code Enforcement Officer.

Comments from the Board:

Consensus was that they wanted the word “in-law” deleted because it was not enforceable and would not hold up in court.

MOTION: moved by O'Neill and seconded by Henry to send Article XII with deletion of the word in-law and exchange for the word accessory in proposed Article XII and delete paragraph 2, and to send this to legal in order to be a warrant article for Town Meeting. Vote 7/0.

Ordinance Discussion/ schedule workshop

The Board scheduled a workshop for Wednesday, April 26, 2006 at 7:00 pm. Members were directed to email topics to the Secretary.

Adjournment:

MOTION: moved by O'Neill, and seconded by Tait to adjourn at 10:55 pm. Vote 7/0.

Karen G. Strout
Recording Secretary