



Planning Board Minutes

Wednesday, October 11, 2006

7:00 pm.

Raymond Town Hall

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

Members absent: Patrick Smith.

Staff Attendance: Hugh Coxe, Town Planner; and Karen Strout, Recording Secretary.

1. Call to order: The meeting was called to order at 7: 07 PM and roll was called. It was determined that there was a quorum present to do business.

2. Approval of the minutes:

MOTION: moved by Bob O'Neill and seconded by Allen Tait to table the minutes dated September 13, 2006 to the next regular meeting. Vote was unanimous by all who had attended that meeting. Motion carried.

MOTION: moved by Bob O'Neill and seconded by Allen Tait to approve the workshop minutes dated September 27, 2006 as distributed. Vote was unanimous by all who had attended the workshop meeting.

3. Correspondence:

An email letter dated September 25, 2006 from Arbor Woods Homeowners' Association was read into the record. It voiced their opposition to linking a proposed subdivision, Turtle Cove Estates referenced by Raymond Tax map 4 lot 31, to the Arbor Woods Subdivision.

4. Public Hearing:

Map 11 Lot 42 1 & 7 R
Tarkiln Hill Estates
Tarkiln Hill Road
Enchanted Homes, LLC/ Dave Fossett

Pat Cayer of Land Services Inc. represented the applicant, Dave Fossett who was also present to answer questions. Cayer made his presentation using the narrative which had been included in the application. The applicant is requesting to amend the Tarkiln Hill Subdivision Plan to reduce the size of lot one by converting 2.65 acres to open space, adding 1.05 acres from the current open space to lot 7, and splitting lot 7 into lot 7A and

7B. Net result is that there will be one additional lot and the retention pond previously part of lot 1 will become part of the open space. Cayer commented that the liability of the detention pond as part of lot 1 was an issue for a potential buyer.

Planner Coxe outlined the issues facing the Board referencing his prepared memo. The proposed amendments would 1) remove the area encompassing the wet pond on lot 1 from that lot and place it in common open space, 2) add 1.05 acres of land currently in open space to lot 7, and 3) divide the enlarged lot 7 into two lots (7a & 7b) of 1.3 acres each thereby creating one new lot in the subdivision. Lot 1 would be reduced from 2.65 acres to 1.11 acres in this process but the building envelope would remain essentially the same.

Coxe commented that the applicant has provided net residential density calculations showing that the subdivision would continue to meet the net residential requirements with the additional lot. When the subdivision was approved in 2004 the net residential calculations allowed for up to 24 lots and the applicant created 23. The original subdivision required DEP permitting and the amended subdivision proposal likewise will be reviewed by DEP.

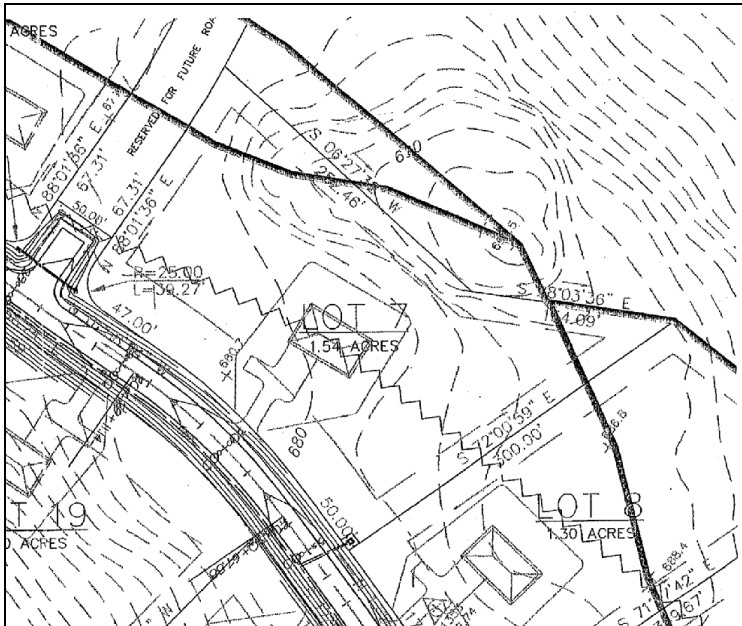
He further stated that the Board will need to determine whether this amendment to the existing subdivision plan will continue to achieve the purposes and meet the standards of an Open Space Subdivision as set forth in **Section XIII.A.2 & C.3 of the Land Use Ordinance**.

The Planner went on to say in support of the proposed amendments, the applicant points out that the changes to the subdivision would result in a net increase of 0.49 acres to open space. While this is true, the ordinance looks to the quality of the open space as well as the amount. The board should probably compare the qualities of the land proposed to be added to the open space with the qualities of the land proposed to be removed from open space protection, rather than the mere acreage numbers, in evaluating the proposed amendments.

Open space should help to meet the purposes of the open space subdivision ordinance. The 1.54 acres of open space added to the project by removing the detention pond from lot 1 and adding it to the open space serves to make the detention pond a common element of the subdivision and it increases the acreage of open space. However it is less clear how that transfer achieves any of the purposes set out in **Section XIII.A.2 of the Land Use Ordinance** which include: protection of existing natural resources and landscapes, maintenance of the rural character of the Town, creation of an open space system with linkages between open space areas, provision of buffers for adjoining properties, conservation of land for agriculture or forestry, or provision of recreation facilities.

On the other hand, the removal of 1.05 acres from open space to add to lot 7 does seem to have several impacts that may not be in keeping with the open space subdivision purposes and siting standards. First, both the storm water peak flows and the phosphorous export calculations to Panther Pond increase. This appears to be due in part to the additional lot but apparently also due in part to the increase in the amount of acreage subject to disturbance and development as a result of the transfer of the 1.05 acres from non-developable open space to a developable lot. These increases are relatively small and will be reviewed by Maine DEP. The increase in phosphorous will require a payment of a fee to offset the additional phosphorous export. Nevertheless, both these increases could probably be reduced somewhat if the 1.05 acres remained as open space.

Secondly, the 1.05 acres the applicant proposes to add to lot 7 include the high point on the prominent ridge line on the property. The original lot line appears to have been configured to stay off the high point of the ridge (see image of lot 7 from approved plan, below), which would preclude development on this highest and most visible portion of the ridge line.



One of the purposes of the open space subdivision ordinance is the “protection and conservation of existing natural and other resources and landscapes ... including but not limited to:

Points of visual access to or from water bodies, scenic vistas, and points of access to water bodies.”

Furthermore the Layout and Siting Standards state, in relevant part, “lot dimension ... should not be the primary

consideration... building lots ... shall be laid out and the residences ...shall be sited so as to maximize the following principles:

- b. In locations least likely to block or interrupt scenic, historic, and traditional land use views, as seen from public roadways and great ponds.
- c. ...to enable new residential development to be visually absorbed by natural landscape features;
- e. In locations where buildings may be oriented with respect to scenic vistas, natural landscape features, topography...
- f. In locations that provide compatibility in terms of ... visual impact.”

The expansion of lot 7 to include the highest point on the ridge line as a potentially developable site does not seem to be in keeping with these purposes and standards. The visual impact of this subdivision was a concern of the board during the permitting process in 2004. The planner’s notes from that process indicate development was to remain “below ridge line or buffered by trees.”

In conclusion Coxe added that it is not clear why the applicant seeks to add 1.05 acres from the existing open space to lot 7. Lots in the rural district may be as small as one half acre in an open space subdivision, so the additional acreage does not appear to be necessary for the applicant to have sufficient acreage in lot 7 to divide it into two lots.

Chairman Clark opened the **Public Hearing**.

Dave Bisson of 74 Tarklin Hill Road spoke favorably about the subdivision and said he thought that Dave Fossett had “done an outstanding job”. He stated he was in favor of granting the change.

Elaine Michaud of 28 Tarkiln Hill Road asked how the detention pond on lot one was presently being maintained and how that might change if included in the open space. Fossett commented that is there is by easement now and that it is maintained by the homeowners' association. That would not change.

Harriet Whitney, a direct abutter, voiced strong opposition to the addition of another lot to the subdivision. She had concerns about erosion, added septic, and the road. She related that there had been serious problems with the road, with the runoff in the past.

Chairman Clark closed the Public Hearing.

The following concerns and comments were made by the Board:

Board member **Allen Tait** inquired about the jag on lot one. Fossett commented that originally he wanted a park in that location, but the Town did not want to accept the liability and the concept was dropped. Tait also asked about the extent of the damage that had been done to the road and how it was going to be addressed in the future. Fossett explained that the subdivision had been built in two phases and during the first phase the pond did not support all of the runoff. Now with the second phase having been completed with a second pond, and the road repaired, there should not be a problem with the road. Tait stated his opposition to ANY additional phosphorous export. He felt that small amounts over time had a cumulative effect and that we have no way to predict when the threshold would be met that would trigger an algae bloom. He went on to say that the open space that was proposed to be removed was clearly a high value open space and this concerned him as well. Tait did, however, state that he felt putting the pond in the open space was still a good option.

Fossett commented on the value of the pond versus the “knob area” and stated that he felt the pond had value with all of the wild life activity. He stated that the sparsely treed “knob area” was low value.

Vice Chair Bob **O'Neill** also felt strongly about the phosphorous, noting that the phosphorus impact is year round. Ginger **Wallace** concurred with Tait and O'Neill. Sam **Gifford** comment on phosphorous export was that it should not happen. He stated that he had visited the area, and had positive comments on the visual impact saying he felt that it could stand as a model for others.

Clark went on to say that he agreed with Gifford that the subdivision was a positive asset, but would not support a waiver for the phosphorous.

MOTION: moved by Gifford and seconded by Clark to consider a waiver for phosphorous. Vote 0/6. Motion failed.

MOTION: moved by Gifford and seconded by Clark to consider a waiver for storm water. Vote 3/3. Motion failed.

MOTION: moved by O'Neill and seconded by Wallace to table the application of Tarkiln Hill Estates referenced by Raymond Tax map 11, lot 41-1 & 7 to the November 8, 2006 Planning Board meeting. Vote 6/0. Motion carried.

5. Other Business:

a. Planner Coxe gave a CPIC update. He reviewed the progress that had been made with the zoning map, connectivity study, and the work being done on the commercial zone.

b. Allen Tait reported on the Arendt Workshop that he and Patrick Smith had recently attended on Conservation Subdivisions. He offered the handouts to be copied and distributed by the Planning Board Secretary. Tait stated that a video was going to be made available soon.

c. Workshop-

Topics discussed:

- Purchasing policy
Hugh handed out a matrix to the Board. Consensus was that they could expend up to \$5,000 and he would work with Town Manager on this to decide if it should be an RFP or a bid.
- 10 o'clock rule from by-laws
Everyone was in agreement that it was not a good idea to make applicants wait for hours to be heard. Some felt that we should offer to let anyone who requested to be tabled to be first on the next agenda. The idea of having a second or special meeting had mixed reactions. There was a request made to make a notation of the 10 o'clock rule on future agendas to alert the applicants.
- handling larger agenda
Some felt that it would help to shorten the meetings if the applicants were not allowed to respond to each comment made by an abutter or Board member at the time the comments were made, but to make their presentation and then make a statement after all of the comments by the public and the Board had concluded, unless specifically addressed by a Board member.

The Board was reminded that they would be continuing their ordinance revising workshop on October 18th.

Meeting was adjourned at 9:45 PM.

Karen G. Strout

Planning Board Secretary