

**TOWN OF RAYMOND
PLANNING BOARD MINUTES**

Wednesday, November 14, 2007

7:00 pm.

Jordan Small Middle School Broadcast Studio

Planning Board Attendance: Patrick Clark, Chairman; Robert O'Neill, Vice Chairman; Ginger Wallace; Patrick Smith; Samuel Gifford; and Greg Foster.

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

1.Call to order: The meeting was called to order at 7 :02 pm. Roll was called and quorum declared. Chairman read the agenda.

2. Approval of Minutes:

MOTION: moved by Greg Foster and seconded by Bob O'Neill to approve the minutes dated October 10, 2007 as prepared.

Vote : Unanimous: 6/0.

3. Correspondence:

The following correspondence was read into the record and /or acknowledged and placed on file:

- a. Correspondence from Ike Goodwin of Goodwin Well & Water Inc. written to Kyle Warren of Main-Land Development Consultants dated October, 24, 2007 in reference to Maine Geological Survey with respect to the availability of water to serve the needs of eight lots being added to the subdivision proposed by Lee Adams located off Spring Valley Road.
- b. Correspondence from Raymond Fire Department Inspector Craig Messinger dated October 29, 2007 to Kyle Warren of Main-Land Development Consultants requesting that sprinklers be added to the Valley Heights Subdivision proposal submitted by Lee Adams, Jr.
- c. Email from John Rand dated November 13, 2007, in respect to the 10 % open space requirement for subdivisions. The RCC is not recommending that a trail corridor be established on Lot 4 at this time.

4. Public Hearings:

- a. Map 16, Lot 49 & 51 RR
Valley Heights/Valley Road & Spiller Hill Road
Lee Adams, Jr.
Amendment to Valley Heights Subdivision
Applicant is requesting preliminary approval to add eight lots to the existing Valley Heights Subdivision. Parcel size is 126.8 acres.

Chairman Clark opened the Public Hearing.

Vice- Chairman Bob O'Neill recused himself from the Board because as President of the Spring Valley Association he planned to address the Board on their behalf.

Planner Coxe was asked to review his memo. This six page memo is part of the file.

Applicant's representative Tom DeBois addressed the Board and passed out a document to the PB to address the Planner's memo comments, and how they planned to meet the requirements of the ordinances and the issues that had been raised in the planner's memo.

DeBois commented for the record that he felt the requirement of the RFD for sprinklers created an unlevel playing field. People on abutting properties have an unfair advantage because they can cut off a lot and not have to have sprinklers, where Lee Adams has to add sprinklers to his lots because this is a subdivision.

Robert O'Neill of Spring Valley Road Association read the following letter on behalf of the Spring Valley Association:

Spring Valley Association
67 Spring Valley Rd
Raymond, ME 04071

Pat Clark, Chair
Town of Raymond
Planning Board

November 14, 2007

RE: Proposed Amendment to Valley Heights Subdivision

I would like to inform the Planning Board that although Lee Adams has been in contact with Spring Valley Association (SVA) concerning the use, and possible transfer, of the portion of Spring Valley Rd that is currently used by SVA as a ROW, no agreement has been reached with regard to the proposed development.

Although there are no anticipated problems in reaching an agreement, the association requests that decisions concerning the road, use and maintenance, be tabled until an official agreement between Mr. Adams and the association may be reached.

It is our understanding that any agreement, which might add land to SVA's common land (one option under discussion), or require a working document between SVA and the new road association, would require a majority vote of SVA membership. A vote can obviously not be scheduled until the necessary documents have been produced.

SVA requests that the completion of such an agreement be a condition of approval.



Robert O'Neill
For/ Spring Valley Association

MOTION: moved by Smith and seconded by Gifford to grant waiver from Article 8, section 11 of the Land Use Ordinance which requires underground installation of utilities to allow the applicant to install the utility lines overhead along Spring Valley Road on Utility poles and that the utility lines from the road to the lots be placed underground.

Vote: 5/0. Motion carried.

MOTION: moved by Gifford and seconded by Foster approve the request for a waiver from Section 2.11, hydro geological assessment to meet the standards of Article VIII, section 14 of the Land Use Ordinance.

Vote: 5/0. Motion carried.

MOTION: moved by Gifford, second Foster to grant a waiver from the open space requirement Article VIII, section 4.1. of the Raymond Land Use Ordinance.
Vote 0/6. Motion failed.

MOTION: moved by Smith and seconded by Gifford to grant a waiver from the open space provision provided that the plans include a note clearly indicating that the waiver does not apply to any future development of lot 4 and that if any portion of lot 4 is proposed for dividing or development it may be subject to a requirement that up to 12.7 +/- acres of open space be set aside.
Vote: 5/0. Motion carried

MOTION: moved by Gifford and seconded by Smith to grant a waiver of Article IX, Section 1.2 for monumentation.
Vote: 5/0. Motion carried.

MOTION: moved by Smith and seconded by Wallace not to grant the waiver for sprinklers.
Vote: 3/2 (Clark, Foster). Board voted not to approve the waiver.

MOTION: moved by Gifford and seconded by Smith to grant waiver for Section 2.2.20, the requirement for landscaping.
Vote: 5/0. Motion carried.

MOTION: moved by Gifford, seconded by Foster to waive Street Ordinance Section 5.5 standards for private streets to allow Spring Valley Road to remain as constructed.
Vote: 5/0. Motion carried.

MOTION: moved by Smith and seconded by Wallace to grant preliminary approval with the following waivers and conditions:

Based on its finding that installation of underground lines would significantly impact the existing road, and that a waiver will not have the effect of nullifying the intent and purpose of the ordinance, the board grants a waiver of Article VIII, section 11 requirement that ***utilities be installed underground*** to permit the applicant to install the utility lines overhead along Spring Valley Road on utility poles. Utility lines from the road to the lots shall be placed underground.

Based on its finding that the site is laid out across a slope, that abutting lots are not likely to be impacted from septic systems, that there is a 50 foot buffer between the lots and the Spring Valley Road right-of-way, that there are no existing residences on the down gradient side of Spring Valley Road, 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, Section 2.11 requirement for a hydro geologic ***assessment***.

Based on its finding that the subdivision as proposed leaves significant areas of land undeveloped, that any future development of the 55 acres identified on the plan as lot 4 (land to be retained by the owner) would require additional Planning Board review and approval, 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 VIII, section 4.1 requirement for 10% of the land in the subdivision to be set aside as *open space* on the condition that the plans include a note clearly indicating that the waiver does not apply to any future development of lot 4 and that if any portion of lot 4 is proposed for dividing or development it may be subject to a requirement that up to 12.7+/- acres of open space be set aside.

Based on its finding that Spring Valley Road is a pre-existing road and property corners and road angles will be marked by 5/8" rebar, and that a waiver will not have the effect of nullifying the intent and purpose of the ordinance, the board grants a waiver of Article IX, Section 1.2 requirement that all *road angle monuments* be constructed of stone and be a minimum of 4 in. by 4 in.

Based on its finding that no construction is planned on the site other the construction of houses, that there are no central areas that would lend themselves to landscaping, and that a waiver will not have the effect of nullifying the intent and purpose of the ordinance, the board grants a waiver of Article V, Section 2.2.20 requirement for a *landscaping plan*.

Based on its finding that Spring Valley Road is a pre-existing road, that it is well constructed and in good condition, 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 Street Ordinance Section 5.5 *standards for private streets* to have 18 feet of travel way width and 3 foot shoulders in order to allow the Spring Valley Road to remain as constructed.

Conditions of Approval

Prior to final approval, the applicant shall provide revised plans that provide measurements of the current **sight distance** from the intersection of Spring Valley and Spiller Hill roads, calculations of how much the sight distance could be improved with removal of some vegetation, and plans for removal of vegetation subject to review and approval by Public Works.

Prior to final approval, the applicant shall provide plans to **replace and resize the culvert** situated by lot 10 on the portion of Spring Valley Road closest to Spiller Hill Road so that it is sufficient to handle the increased flows that will occur as a result of this development subject to review and approval by Public Works.

Prior to final approval, the applicant shall provide a note on the plans indicating that **new driveways** shall be constructed and maintained to prevent water or runoff from reaching the paved or traveled portion of the street pursuant to Article 9, section 4.

Prior to final approval, the applicant shall provide all the submission materials required for a **back lot driveway** application for lot 11 pursuant to Land Use Ordinance, Article IX, section T and Street Ordinance, section 4.8, including a plan of the entire back lot driveway, typical cross sections of the driveway, a plan showing that the driveway grade does not exceed the maximum allowable grade of 12%, a plan showing that lot 12 would gain its access off the back lot driveway pursuant to Article 9, Section T, Subsection 3 of the Land Use Ordinance, and notes on the subdivision plan indicating that road frontage for lot 11 is from the back lot driveway, that access to the lot is from a back lot driveway, and that approval of the lot and drive way are pursuant to the back lot driveway ordinance.

Prior to final approval, the applicant shall provide a **road maintenance agreement** and documents for the homeowners association to ensure that the ownership and responsibility of the road, drainage easements, and any other common elements of the subdivision is clear. The applicant shall also provide documentation of an agreement with those lot owners already using Spring Valley Road which either amends any existing road maintenance agreement, or sets out the maintenance responsibility of the existing lot owners and the owners of the lots proposed by this subdivision application. Any road maintenance agreement or homeowners' documents shall be submitted to the town attorney for his review and approval.

Prior to final approval, the applicant shall submit revised plans that include:

Road frontage measurements for each lot.

A note and drawing on the plan depicting typical clearing restrictions of 15,000 s.f. for those lots so restricted.

A note on the plan clarifying that the 50 ft. storm water wooded buffer is a no-cut buffer.

A note requiring monumentation with 2 inch rebar, and plan revisions depicting the location of monumentation, of the 50 ft. storm water wooded buffer.

A revision to note 12 indicating that lots shall be deed restricted for limits on clearing and limits on driveway length as set out in the note.

A note on the plan indicating any **waivers** granted by the Raymond Planning Board.

A note on the plan indicating that the waiver of the Article VIII, section 4.1 requirement for 10% of the land in the subdivision to be set aside as open space does not apply to any future development of lot 4 (land to be retained by the owner) and that if any portion of lot 4 is proposed for dividing or development, it may be subject to a requirement that up to 12.7+/- acres of open space be set aside.

Space and bulk zoning regulations for the applicable zoning district and net residential calculations.

A note indicating that lot 4 (land to be retained by the owner) was not reviewed by the Planning Board and any proposed development of lot 4 must be presented to the Planning Board for review and approval.

A note stating that all homes must be built with sprinkler systems that meet the requirements of the Raymond Fire Department.

A note on the plan stating that test pits indicate locations of proposed septic systems. All locations of septic systems, driveways, buffers and clearing limits on lots shall be as depicted or otherwise noted on this plan. Any changes or deviations shall require further approval of the Planning Board.

Vote: 5/0 to approve.

9:14 pm.

Brief break

9:20 resume

b. Map 40, Lot 35 (portion)VR

56 Meadow Road

James E. Cummings

Site Plan Review for a multifamily building

Applicant is requesting approval for a four unit building to be leased to tenants. Each unit will be +/- 1150 s. f. Parcel size is 71,290 s.f.

The Board held a length discussion on whether or not to review the application as submitted as a site plan or to review the project as a subdivision.

Planner Hugh Coxe passed out a comparison matrix that he had done of the State Subdivision Law Criteria comparing it to Raymond Site Plan Review.

The big question? Is this Raymond's site plan review as stringent as the State Subdivision ???

Hugh had consulted with Attorney Chris Vaniotis and he had been told that a case could be made by the Board to review this plan either way.

MOTION: moved by O'Neill and seconded by Smith that this application be viewed as subdivision review.

Vote: 3/3 . Motion failed.

MOTION: moved by Wallace, seconded by Foster review as a site plan.

Vote: 3/3. motion failed.

Board had considerable discussion, but could not agree how to review the application. Board asked for a written statement from Town Attorney. The question is “Whether our site plan ordinance is restrictive enough.”

MOTION:- Moved by Wallace and seconded by Smith to review the application as sketch plan, but that this would not constitute substantive review.
Vote 6/0. Motion carried.

10:16 pm

Hugh's memo was reviewed to give direction to the applicant.

Issues:

- ◆ lot shape
- ◆ lot size
- ◆ net residential
- ◆ buffers/landscaping/relation of project to surroundings

- ◆ lighting
- ◆ parking and entrance drive
- ◆ signatures
- ◆ site plan sheet lacks legend
- ◆ performance guarantee
- ◆ State historic preservation requirement
- ◆ septic location 50 feet from property lines
- ◆ buildings need to be sprinkled

Pat Cayer offered responses to Hugh's memo in writing to the Board.

The Public was given an opportunity to speak.

Wayne Holmquist of 41 Meadow Road offered the following comments:

Raymond needs rental properties and he did not feel that this project would have the negative impact that others had expressed.

Comments from the Board:

Chairman Clark and Board members made brief comments on the application.

10:53pm

No action was taken on the application.

5. Other Business:

CPIC update with Patrick Clark was tabled to December. Bob O'Neill will attend the December 20th meeting to represent the Board.

Review of ordinance draft was tabled to December.

Outdoor Wood Burner discussion was also tabled to December.

6. Adjournment:

MOTION: moved by Robert O'Neill and seconded by Ginger Wallace to adjourn at 11:34 pm.

Vote: 6/0.

Karen G. Strout

Planning Board Secretary