

Wednesday, April 9, 2008
Minutes*
Raymond Planning Board
401 Webbs Mills Road
Jordan Small Middle School Modular Broadcast Studio

7:00 pm

ATTENDANCE: Chairman Pat Clark, Vice Chairman Bob O'Neill, Greg Foster, Sam Gifford, Ginger Wallace, and William Priest.

STAFF: Planner Hugh Coxe, Fire Chief Denis Morse, Fire Inspector Craig Messinger, and Recording Secretary Karen Strout.

OTHERS: See attendance sheet on file.

1. Call to order and role call: Chairman Clark called the meeting to order at 7:08 pm. A quorum was declared and the agenda was read.

2. Approval of minutes:

MOTION: moved by Sam Gifford, seconded by Robert O'Neill to approve minutes of March 12, 2008 as distributed.

Vote: 5/1 abstention(William Priest).

3. Correspondence:

The following items were acknowledged and placed on file:

- a. Donald and Eileen Thomas -72 Hancock Rd.- email dated Feb 9 & March 24, 2008
- b. Laurie Bernier- 69 Hancock Rd. -email dated February 16, 2008
- c. Denise and Brien Richards - 82 Rosewood Dr.-email dated March 1, 2008
- d. Nicholas and Patricia Branch- letter dated April 4, 2008
- e. Melissa Crockett- 77 Hancock Road-April 5, 2008- letter and articles
- f. Craig Messinger-Raymond Fire Inspector – letter dated December 5, 2007
- g. Maine Historic Preservation Commission -letter dated March 21, 2008
- h. IFW Map denoting wildlife habitat of area

4. Public Hearing:

Hancock Land Management requesting preliminary approval for **Rosewood Heights**, a 13- lot open space subdivision in the RR/RP zone. Property referenced by **Raymond Tax Map 15, lot 7**.

Presentation by planner:

Hugh Coxe reviewed the project using his prepared memo paying particular attention to what he determined were threshold issues:

1. Scope of Planning Board review (feedback from attorney not ready yet)
2. Scope of DEP review

Applicant is requesting waivers for:

1. Article V, Section 2.2.20 (landscaping plan)
2. Article V, section 2.2.12 (storm water)
3. Article VIII, section 11.2 (underground utilities)
4. Article XIII, section C.5.b (2 septic sites per lot)

Other issues for discussion:

1. fire suppression – sprinklers and 10,000 gallon in- ground water storage
2. site distance at Conesca and Rosewood
3. community impact statement

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4. pending peer review report
5. need for field check for Bartlett Brook
6. declaration documents review by attorney
7. waiver request for lot access off from Rosewood

Overview Presentation by applicant 's agent:

Pat Cayer of Land Services Inc. gave a power point presentation and addressed the issues that had been raised in Hugh Coxe's planner memo. **Tom Greer** made a brief presentation in which he pointed out changes that had been made since the pre-application meeting.

Fire Chief Denis Morse and Fire Inspector Craig Messinger were both present. **Chief Morse** told the Board that their goal is to have all buildings in the Town sprinklered. They would be requiring a 10,000 gallon concrete in-ground water tank for this project. This is not uncommon or unreasonable as there are many water sources that are not sufficient in the non hydrant areas of the Town. He added that the Town would need to look to this (in-ground tanks) in the future to provide protection for the rural areas.

Chairman Clark opened the Public Hearing at 8:31 pm.

The following people spoke and expressed their concerns:

Don Crockett- 77 Hancock Road- concerned about condition of Crescent Lake and water runoff.

Melissa Crockett- 77 Hancock Road- referencing 2003 article written by Hancock Company- noting that there are rare plants and animals on the proposed site. She added that the land to be developed is valuable for recreation activities such as walking and hunting. She expressed concerns about the affect on wildlife, lake, and people, adding that Crescent Lake is on the endangered lake list. She wondered what had changed in the five years since the Hancocks' had written the article?

Board member Sam Gifford asked John Rand about conservation project that was referenced in the " Hancock Articles".

John Rand- 20 Dryad Woods Road – Conservation Chairman spoke briefly. Rand requested that the applicant consider a public access feature in the form of a 25 foot right of way loop for walking and biking that might possibly connect to other projects.

Bob Matz- 23 Crescent Shore Rd-voiced concerns about the Lake referencing a watershed document. He commented that Crescent Lake doesn't meet standards for quality. It is at great risk from development. Property values drop as lake quality drops.

Laurie Bernier- 69 Hancock Rd- inquired about access to the lake and voiced concerns about the increased traffic.

Joe Bruno- 4 Christina Court- expressed concerns about the road, noting that it is not in great shape. The three driveways coming off Rosewood washout every spring. Bruno added having a separate covenant does not make sense.

Charles Cahoon- 82 Hancock Road- stated that there are many phases and the Board needs to look at impact on land, the whole picture, over all impact, and the overall numbers.

Don Crockett- requested that they have under ground utilities and pave whole road.

Russ Hutchinson- shared the same concerns as others and asked Kevin Hancock for an answer as to why "Land for Maine Futures failed"?

Charles Cahoon- also asked, "Why did this fail?"

Kevin Hancock responded that we (Hancock) are timberland owning company spanning six generations, one of the last lumber companies that grows trees. We are looking at mixed use. Alternative revenue sources are necessary, growing trees and building affordable house Hancock stated that relative to the conservation project issue: the closer they looked at it, the more they realized that they could not agree on the language and the direction that the state wanted to pursue.

Public Hearing was closed at 9:10 pm.

Discussion:

Issues-

1. **Lot related issue**-Hancock wants to look at it as three separate ones. Town Attorney seems to suggest that the PB look at cumulative impact as they go forward. It was suggested that we check with assessor for the history of parcel. Hugh offered to have a conversation with Mike O'Donnell.
2. **DEP Review ?** definitive answer- still waiting.
subdivision- over 13 lots triggers DEP review.
3. Need for community **impact statement**
4. **Boundary of wetland**- Chairman Clark would like to see IFW report.

MOTION: moved by Robert O'Neill, seconded by Ginger Wallace, to approve the waiver request for the submission of a landscaping plan (Article V, Section 2.2.20 of Subdivision Ordinance).

Vote: 5/0 motion carried to **approve** waiver request.

MOTION: moved by Robert O'Neill, seconded by Sam Gifford to table the discussion of this waiver (Article V, section 2.2.12 of Subdivision Ordinance) until such time as the Board could review the information to be supplied by peer review.

Discussion: Clark would like to see applicant meet stream protection standard.

Vote: 5/1 motion carried to **table waiver request** until peer review information is submitted.

MOTION: moved by Robert O'Neill, seconded by Sam Gifford to grant the waiver for underground utilities (Article VIII, section 11.2 of Subdivision Ordinance).

Discussion: Priest- Areas is beautiful, why not underground?

Vote: 2/4 motion **failed**. Applicant will provide underground utilities.

MOTION: moved by Robert O'Neill, seconded by Pat Clark to table the waiver (Article XIII, section C.5.b of LUO) until more information was received from peer review.

Discussion: consensus of board was to wait for peer review; nothing back from them yet.

Vote: 4/2 motion carried to **table waiver request** until peer review information is received.

MOTION: moved by Greg Foster, seconded by Sam Gifford to grant the waiver for site distance provided that the applicant post a warning sign in each direction noting a hidden drive.

Vote: 6/0. motion carried to **grant waiver** request.

MOTION: moved by Robert O'Neill, seconded by Ginger Wallace to table the waiver until the peer review information had been received.

Discussion:

Consensus was that they needed more information and would wait for peer review report.

Applicant should bring this back as a written waiver.

Vote: 6/0 motion carried to **table waiver request** until peer review report has been received and applicant requests waiver in writing.

MOTION: move by Ginger Wallace, seconded by Robert O'Neill to require the applicant to **provide 10,000 gallon fire suppression tank** for Rosewood Subdivision.

Discussion: They (FD) are in a position of understanding their needs.

Vote: 6/0. **motion carried.** Applicant will install a 10,000 gallon concrete fire suppression tank.

MOTION: Robert O'Neill moved, second by Sam Gifford to require **community impact** statement.

Vote 1/5- motion **failed.** Applicant does not need to supply an impact statement.

MOTION: moved by Robert O'Neill and seconded by Sam Gifford to grant preliminary approval for Rosewood Heights with the following conditions of approval:

Prior to final approval, the applicant shall provide a **Declaration of Covenants**, for the homeowners association for review by the town attorney to ensure that the applicant has met the provisions of Article XIII, section D of the Land Use Ordinance pertaining to open space uses, preservation of the open space in perpetuity, ownership of the open space land, and maintenance of the open space and all common elements of the subdivision.

Prior to final approval, the applicant shall provide documentation demonstrating **right, title or interest to amend any existing road maintenance agreement** that pertains to Rosewood Drive, or to require that the owners of lots in the Rosewood Heights subdivision join any road association that affects the owners of the existing lots served by Rosewood Drive. Such documentation shall meet the approval of the town attorney.

Prior to final approval, the applicant shall obtain all necessary **permits** for this project including permits from Maine DEP.

Prior to final approval, the applicant shall submit plans to install a 10,000 gallon capacity in-ground concrete water storage tank and hydrant at the intersection of Conesca Road and Hancock Road, in conformance with any requirements of the Raymond Fire Department, in order to provide a reliable source of water for **fire suppression** in this area.

Prior to final approval, the applicant shall confer with, and obtain approval from the Raymond Public Safety, for location of any **street lights** on the proposed new road within the subdivision.

Prior to final approval, the applicant shall participate in a field reconnaissance with the peer reviewer to review and determine the **location of the Shrub- Scrub/ Forested wetland boundary** after snow has melted.

Prior to final approval, the applicant shall submit revised plans that address items identified in the **peer review** report dated April 9, 2008 and any subsequent peer review reports for this project and shall include:

1. Drawing sheet S-1 and S-2 and the reports in the Submission Package, should be sealed and signed by the responsible professional
2. The clearing limit and drive Lot 13 should be shown
3. Lot 13 should be shown with an acceptable well location
4. The location of the surface disposal field on Lot 3 shall be shown so that it does not impinge upon the ditch back slope (breakout), and space required for the 4:1 system perimeter slope.
5. Well locations on each lot outside the well exclusion zones and outside the allowable clearing area
6. Standard loam depth should be added to the 'General' notes
7. A note should be added to sheets S-1 and S-2 specifying that Rosewood Drive is a gravel road

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8. Pavement radii at the intersection with Rosewood Drive and the turn-around should be shown
9. Adequate curbing such as a Cape Cod curb on each of the shoulders of the road section for the proposed new road in lieu of the required 3ft. shoulder for a private street
10. All roadway monuments along both sides of Rosewood Drive should be shown as 4" square stone or the applicant should request a partial waiver to provide iron monuments
11. A street name should be specified

Prior to final approval, the applicant shall enter into an agreement with the Cumberland County Soil and Water Conservation District (CCSWCD), or a qualified professional engineer, for a **third party review of the implementation and maintenance of soil and erosion control best management practices** (BMPs) during the construction phase. This shall include on-site monitoring of the use of soil and erosion control best management practices (BMPs) during the construction phase. In order to satisfy this condition the applicant shall submit a copy of an executed contract for such third party review.

Prior to final approval, the applicant shall provide revised plans that address any **erosion problems**, washouts, or similar problems from stormwater or meltwater on Rosewood Drive, particularly in the area of Rosewood Drive located in the vicinity of the proposed driveways for lots 1, 12 & 13.

Prior to final approval, the applicant shall provide revised plans that include **level lip spreader design** that conforms to current Maine DEP Best Management Practices and which have been reviewed and accepted by the peer reviewer.

Prior to final approval, the applicant shall provide revised plans that include **underground utilities** along Rosewood Drive from Conesca Road and along the proposed roadway spur and to all individual home sites.

Prior to final approval, the applicant shall provide a written request for a waiver of the provisions of Article VIII, section 10.3 of the Subdivision Ordinance that require **vehicular access (entrance drives) to Lots 1 & 12** to be from the proposed new road instead of Rosewood Drive. The waiver request shall include the basis for the waiver and the revised plans shall show proposed **driveway locations** for lots 1 & 12.

Prior to final approval, and prior to a vote on the applicant's request for a waiver of the Article V, section 2.2.12 of the Subdivision Ordinance requirement for a Stormwater Management Plan that demonstrates that the **post development stormwater runoff does not exceed the predevelopment stormwater runoff** for the 2, 10 and 25 year storm event, the applicant shall provide, and the Board shall have an opportunity to review, peer reviewed information that addresses the basis for the waiver request and which includes field observations of the Bartlett Brook and lake shore area.

Prior to final approval, and prior to a vote on the applicant's request for a waiver of the Article XIII, Section C.5.b of the Land Use Ordinance requirement for **two designated sites per lot for septic systems**, the applicant shall provide, and the Board shall have an opportunity to review, peer reviewed information that addresses the basis for the waiver request and which includes an assessment of the Groundwater Impact Study

Waivers

Based on its finding that the proposed streets will likely retain wooded areas on either side after development occurs, lots are subject to 12,000 s.f clearing limitations, the land is currently wooded, each lot is proposed to be developed and landscaped independently, 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 adequate **sight distance** in each direction of the intersection of Rosewood Drive and Conesca Road could be achieved with some minor trimming of vegetation within the street right of way of Conesca Road, sight distance was found to be adequate in 1997 when the road was upgraded, there have not been any known problems on that portion of road due to sight distance, only a small increase in traffic would result from this 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 VIII, Section 6 of the Subdivision Ordinance requirement of a minimum sight distance in each direction of 10 feet per each mile per hour of posted speed limit, on the condition that adequate roadside warning signs be posted prior to the intersection of Rosewood Drive and Conesca Road, which warns motorists that there is an intersection ahead. The plans for the sign shall meet the approval of the Raymond Road Commissioner and the sign shall be provided, at the applicant's expense, prior to issuance of any building or construction permit related to this application.

Vote : 6/0

MOTION: moved by Sam Gifford and seconded by Ginger Wallace not to continue with the agenda.

Vote: 6/0. Motion carried.

10:49 pm.

Board held brief recess.

Board reconvened.

MOTION: moved by Robert O'Neill and seconded by Ginger Wallace to adjourn.

Vote: 6/0.

10:51 pm.

* Meetings are broadcast live on the public access channel and rebroadcast at a later time. The DVD is the official legal record of the meeting . Copies may be signed out at the Town Office .

Karen G. Strout
Recording Secretary