



**Raymond Planning Board
Minutes*
Wednesday, November 9, 2011**

Present: Chairman Patrick Clark, Vice-chair Robert O'Neill, Steve Linne, Greg Foster and Bruce Sanford.

Absent: William Priest

Staff: Hugh Coxe, Contract Planner; Chris Hanson, Code Enforcement Officer; Danielle Loring, Recording Secretary.

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

2. Approval of Minutes:

a) October 12, 2011

CORRECTIONS:

- 2nd Page, 7th Paragraph: erase "were"

MOTION: Greg Foster motioned to accept the minutes as written with the minor change; seconded by Robert O'Neill.

VOTE: APPROVED (4/0/1 [ab RO])

3. Ordinance Workshop

Hugh Coxe reviewed the current changes that had been proposed for ordinance review. He explained that, based on conversations the Board had had, he carved out a section where only timber harvesting will conform to State Timber harvesting standards. This meant that the State would take over regulation those areas. The rest of Shoreland Zoning would still conform to the 600' standard, rather than 250'. He had sent it to the Maine Forest Service for review and then it would go to the Town attorney for approval but he felt that it should be fine to move toward Town Meeting.

Mr. Coxe continued that last month the Board also talked about making sign applications a staff reviewed item. The Code Enforcement Officer (CEO) could still send the application to the Planning

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**Items taken out of order

Board if it appeared that the permit would be rejected without waivers.

a) Backlot Provisions in the Land Use Ordinance

Mr. Coxe explained that a backlot was an original lot with just enough existing road frontage but enough acreage to carve a lot in the back. However, a 50' ROW could be created to access the lot and it would give the lot sufficient road frontage. The Planning Board's requirements for a backlot driveway were close to that of a subdivision. He continued to explain that the provisions used to be separate in each perspective ordinance, but they were all moved to the Land Use Ordinance at the 2011 Town Meeting, with only a reference note in the Street Ordinance.

The question was whether the Planning Board should be reviewing backlot driveways, especially if they were small. He also explained that the review was to look at whether the ordinance was concise enough for the general public to use. The Board has expressed concern that the lot provisions were really of more CEO concern. Mr. Coxe explained that the lot needed to meet the circle test, where the diameter of the circle was equal to the road frontage.

Mr. O'Neill said that he was okay with having application go before the CEO, but felt that if there were any issues where the lot could not meet the requirements of the ordinance, then the applicant should come before the Planning Board.

Mr. Linne wanted clarification on the difference between a backlot driveway versus a private road. It was explained that a backlot driveway must come off a public road but really the matter had to do with the number of lots that it serves but the standards were similar. Mr. Coxe added that a backlot driveway was a right of way that did not deduct acreage from the frontlot, which could potentially make it nonconforming, whereas private road would. Mr. Hanson explained that a private road was intended to serve more properties which meant that it had higher road standards.

Mr. Coxe clarified that the Board wanted to remove the provision that backlot driveway applications were to go before the Planning Board automatically and it go as just staff review. Mr. Clark agreed that he felt that the CEO was enough, as long as the applicant was not asking for anything different than the standards.

Mr. Coxe said that he would review the ordinance for any instances where it specifically required Planning Board action and bring them forward for the Board to address.

b) Resource Protection Districts on the Zoning Map

Mr. Coxe presented a schematic of Bartlett Brook and the current Resource Protection (RP) zone based on Inland Fisheries and Wildlife (IF&W) data for fowl and wading birds as well as the State's GIS data for high value inland area. He explained that, historically, it had always been that way but those agencies had recently dropped that standard to a lower level.

Mr. Sanford said that he did not understand their classification because he had seen many birds in that

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area, including loons and herons. Mr. Hanson agreed because he had seen bald eagles nesting in that area. He continued to explain that there was a property owner that had 47 acres, but the small sliver that was waterfront was in RP. Also, on the opposite side of the Brook, was a subdivision that was approved but it could not be developed because of the current zoning. He had been told by the Department of Environmental Protection (DEP) that if it was on the zoning map, then it could not be waived to allow for development, even though it was an existing lot of record. Mr. Coxe explained that there had been an information request by the property owner to change zoning and felt that it was important to address before it became more of an issue.

Mr. Clark wanted to know if the DEP notified towns which were affected by their zoning changes. Mr. Hanson responded that they did not and he did not personally understand the nature of this change. Mr. Coxe added that they were short staffed and they often relied on aerial photography. He continued that there was nothing that required the town to remove the RP if they felt that it was justified.

MOTION: Robert O'Neill motioned to authorize staff to investigate the land around Bartlett Brook to determine the value and report back to the Planning Board; seconded by Greg Foster.

DISCUSSION: Mr. Clark revised the motion to say "that staff would investigate the reasoning behind why the DEP made the determination that they did and get a report from DEP/IF&W that included other areas that have changed".

Mr. Hanson said that he would work with DEP/IF&W and compare maps. Mr. Coxe said that there were many factors that went into this determination and did not think that the map change would be ready for the 2012 Town Meeting but there were other areas effected by the RP zones.

VOTE: UNANIMOUS APPROVAL (5/0)

4. Other Business

a) Discussion of the Possibility of the Department of Environment Protection (DEP) coming to talk to the Board about Storm Water Regulations- Steve Linne

Mr. Linne said that he though that it would be beneficial for the DEP to come and explain Storm water regulations. Mr. Clark said that the DEP was going to look into the Raymond's point system in order to make a model ordinance for surrounding towns. He added that the DEP had expressed interest in working with towns on a more individual basis.

5. Adjournment:

MOTION: Robert O'Neill motioned to adjourn; seconded by Steve Linne.

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Patrick Clark adjourned the meeting at 8:25pm.

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