



Raymond Planning Board
Minutes*
Wednesday, January 29, 2014

Present: Chairman Robert O'Neill, Vice Chair Bruce Sanford, Greg Foster, Steve Linne, and William Priest.

Absent: Ben Krauter

Staff: Mary Cositgan, Town Attorney; Jim Seymour, Contract Planner; Stephanie Carver, Planning Consultant; Chris Hanson, Code Officer; and Danielle Loring, Recording Secretary.

Other: Mike Reynolds, Tom Ewig, Barb Lovell, Sharon & Rick Dodson, Kevin Fay, Peggy Jensen, Peter Leavitt, Charlie Leavitt, and Jim Stanley.

1. Call to order: Chairman Robert O'Neill called the meeting to order at 6:59 pm and a quorum was declared. He then explained the intent and procedure for the Public Hearing.

2. Public Hearing For Proposed 2014 Town Meeting Warrant Articles*
***Article numbers are for reference only**

a) Proposed Article 1: Land Use Regulation Map

Mr. Hanson explained that Panther Run was currently classified as a stream by the Town and the DEP has it classified as a river which requires the same protections as a great pond and the zoning map would need to be amended.

Chairman O'Neill opened the public hearing and there were none. He then closed the Public Hearing for Board discussion.

MOTION: Bruce Sanford motioned to recommend the Warrant Article to the Board of Selectmen for consideration to be presented at the Town Meeting, recommending enactment of the amendments; seconded by William Priest.

DISCUSSION: None.

VOTE: MOTION CARRIED (4/1 GF)

b) Proposed Article 2: Land Use Ordinance Commercial District Parking

- 1. Article 4.F.4.C (District Regulations- Commercial District)**
- 2. Article 9.C (Off Street Parking)**
- 3. Article 10.F (Performance Standards)**
- 4. Article 12 (Definitions)**

Mr. Seymour explained that the amendments would allow for the Planning Board to maintain the standards while allowing for waivers because, currently, applicants must first meet the hardship standards and get a separate waiver from the Zoning Board of Appeals in order to remove the setback requirement. Ms. Costigan asked how the Board wanted to address her changes, and Chairman O'Neill responded that he wanted to wait for the public comments.

Chairman O'Neill opened the public hearing for comments.

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Mark Accuosti (Speedy Stop) said that he was happy to see the changes but saw that there were other criteria that were being proposed. He was concerned with the setback from the MDOT right-of-way (ROW). He was concerned with the hardship that these standards may create for those in the Commercial Zone. He felt that the standards were more suited for larger lots that did not exist in Raymond and everyone was going to ask for a waiver so they should not have the requirements. He was also concerned with a green space between two lots.

Rick Dodson (3 Ledge Hill and Commercial Property owner) stated that he was concerned with the green spacing between lots because it would reduce parking and discourage shared parking. He was also concerned that the Board was turning the Design Guidelines into requirements.

Sharon Dodson (3 Ledge Hill Road and commercial property owner) explained that she had already submitted an email that the Planner had addressed. She addressed suggested changes for Section 6 (Waivers) and Article 10.F.1. She also explained that she had concerns about the proposed amendments required plantings as a Co-chair of the Beautification Committee. She suggested changing the plantings from three-and-a-half feet (3.5') to two-and-a-half feet (2.5') and reducing the buffer requirement. She stated that parking lot needed to be easy to use, maximize available parking and felt property values with be negatively impacted if the standards were adopted.

Mike Reynolds (5 Keilt Drive) stated that he was speaking in favor of b, c, & d. He felt that more changes may be required because of the Comprehensive Plan and the Design Guidelines. He explained that only seventy-five percent (75%) of the ordinance changes associated with the Comprehensive Implementation Committee (CPIC) had passed which indicated that just because it was in the Comprehensive Plan did not mean that the Town agreed with its intentions.

Mr. Reynolds continued by explaining that there were changes to the trends of Maine's economy and its priorities based on studies. They indicated that the population was plateauing and would more than likely need to be supplemented by migration into the State. He felt that the guidelines were only good if there were vacant lots or if the commercial district had been expanded and, because of the housing market crash, people were buying existing homes rather than the building on vacating lots. He did not feel that there would be an unmanageable building growth.

Peter Leavitt (2 Leavitt Road) explained that he had been a member of the Zoning Board of Appeals during the time of the requested variance request from the ROW. He supported changing the setback requirement but was concerned with reducing standards.

Charles Leavitt (14 Leavitt Road) explained that he had been on the CPIC and the Board of Selectmen. He was concerned with the proposed definition of "Independent Parking Facility."

Chairman O'Neill closed the Public Hearing to allow for Board discussion.

Mr. Seymour explained that he had met with Mrs. Dodson and Mr. Reynolds during the previous week and tried to make the ordinance more business friendly. He addressed the concerns with island planters and what their intention was. He read through the amendments and explained how they met the Board's intention. Chairman O'Neill asked for clarification regarding the process of how the number of parking spaces were calculated versus greenspace.

Mr. Linne was concerned with how some of the new standards would have impacted more recent projects, and Mr. Seymour explained that they were trying to uphold the Guidelines, improve safety, and be flexible by allowing waivers. He understood the concerns but was trying to balance standards with the needs of the businesses.

Ms. Costigan explained her changes and there was discussion and clarification regarding her changes. The Board decided to amend the Independent Parking Facility definition.

Chairman O'Neill asked what was considered a substitutive change that would require the Board to hold another Public Hearing. Ms. Costigan explained that they were no substitutive and the changes being made were only clarifying the Board's intent and they were amending sections that were already up for discussion.

Mr. Foster was concerned with the islands standard and did not remember discussing it. He felt that the Board should further discuss those sections. Mr. Seymour explained that it was giving the Board more

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options and the standard was able to be waived. Mr. Priest agreed because they were not able to waive the standard before.

MOTION: Bruce Sanford motioned to recommend the Warrant Article to the Board of Selectmen for consideration to be presented at the Town Meeting, recommending enactment of the amendments with the caveat that the red and blue language as discussed be included except the sentence that was struck out in "independent Parking Facility" definition; seconded by William Priest.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

c) Proposed Article 3: Repeal of Residential Growth Management Ordinance
1. Article 5.E.7 (Residential Growth Management)

Mr. Hanson explained the history that led to the decision to repeal the Growth Management Ordinance.

Chairman O'Neill opened the Public Hearing for comment.

Charles Leavitt (14 Leavitt Road) explained the impact of the different recommendations made by CPIC and how he had recommended that the ordinance not be adopted back in 2006.

Peter Leavitt (2 Leavitt Road) stated that he was in support of the repeal of the ordinance.

Chairman O'Neill closed the Public Hearing to allow for Board discussion.

Mr. Sanford clarified the driving force to repeal the language was that the number of permits could never increase.

MOTION: Bruce Sanford motioned to recommend the Warrant Article to the Board of Selectmen for consideration to be presented at the Town Meeting, recommending enactment of the repeal; seconded by Greg Foster.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

d) Proposed Article 4: Changes to Site Plan Review Classifications

Mr. Seymour explained the changes to the ordinance for classification thresholds. He explained that that the reviewing authority retained the right to forward applications to the Board.

Chairman O'Neill opened the Public Hearing for comment and there were none so he closed the hearing to allow for Board discussion.

MOTION: Bruce Sanford motioned to recommend the Warrant Article to the Board of Selectmen for consideration to be presented at the Town Meeting, recommending enactment of the repeal; seconded by Steve Linne.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

1. Article 10.B (Authority & Classification of Site Plans)

e) Proposed Article 5: Clarification of Board/Staff Escrow Fees

- 1. Land Use Ordinance: Article 6.C (Appeals Procedure)**
- 2. Land Use Ordinance: Article 10.C (Site Plan Review- Administration)**
- 3. Subdivision Regulations: Article 5 (Preliminary Plan)**
- 4. Subdivision Regulations: Article 7 (Minor Subdivision)**

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Ms. Costigan explained she was codifying the mechanisms that the Town was using to maintain escrow fees and define how those fees could be spent. Mr. Sanford asked if there were any statutory limits to the amount of fees collected in relation to the cost of the project, and Ms. Costigan responded that there were not.

Chairman O'Neill opened the public hearing for comment.

Charles Leavitt (14 Leavitt Road) explained that he did not like the fact that the Town acted as a third party distribution service between the contractors and the applicant, likening it to money laundering. He explained that there there was no mechanism to control the flow of money.

Chairman O'Neill closed the Public Hearing to allow for Board discussion.

The Board discussed how the escrow processed work and then clarified the Peer Review process. There were concerns raised that an application could be dragged on for some time without being considered by the Board. It was explained that the contractors worked on behalf of the Town and were there to help make sure that the standards and ordinances were upheld. Staff explained how the accounts were monitored and how activities were logged with invoicing.

MOTION: Steve Linne motioned to recommend the Warrant Article to the Board of Selectmen for consideration to be presented at the Town Meeting, recommending enactment of the amendments; seconded by William Priest.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

f) Proposed Article 6: Creation of Boat Launch Facility Standards in the Shoreland Zoning Provisions

- 1. Section 15.V (Public Boat Launch Facility & Associated Parking**
- 2. Section 17 (Definitions)**

Ms. Carver summarized the addition of the Boat Launch Facility language to the Shoreland Zoning Provisions. She explained the changes made by the attorney to strengthen the language and summarized the suggestions made by the DEP. Mr. Sanford stated that he was concerned with the separation requirement because he did not feel that there was a way to justify what was reasonable.

Chairman O'Neill opened the Public Hearing for comment.

Walter Hebold identified himself as Casco Resident and the Board allowed him speak. He explained that he was a member of the Crescent Lake Watershed Program but was speaking as a resident. He felt that the ordinance was forgetting courtesy boat inspectors and wanted to see a funding mechanism to support the CBI program.

Peggy Jensen (Meadow Road) explained that there was a funding mechanism present in the original language but the Board had removed it. She was concerned with the lost tax revenue when converting private land to public. She felt that the estimated cost was \$10,000 for ever new boat launch. She felt that the density aspect had come from allowing for larger water bodies to have more development than smaller.

Charles Leavitt (14 Leavitt Road) was concerned with the use of "Town of Raymond and State of Maine" specifically in the definitions. He felt that there should be other entities included, such as Cumberland County. He was wondering how it fell into the Land Use Table 1. He felt that it was a new allowed use.

Chairman O'Neill closed the Public Hearing to allow for Board discussion.

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Mr. Sanford was concerned with including an amendment in the Land Use Table, and Chairman O'Neill agreed and said that they could include it with the discussion regarding the table which they were scheduled to start soon. Mr. Seymour stated that he felt that it was creating a new standard that was characterized the same as the existing bodies in the table and did not think that a boat launch was going to come in within the next year.

Mr. Linne stated that the Board had gone back and forth regarding the standards pertaining to public and private standards. He felt that it is was good for one it should be good for the other.

Mr. Seymour explained that funding mechanisms were not supposed to be the purview of the Board.

MOTION: Bruce Sanford motioned to recommend the Warrant Article to the Board of Selectmen for consideration to be presented at the Town Meeting, recommending enactment of the amendments including the red and blue line changes and striking the density language; seconded by William Priest.

DISCUSSION: None.

VOTE: MOTION CARRIED (4/1 SL)

g) Proposed Article 7: Shoreland Zoning Provision Parking Standards

- 1. Section 15.G (Parking Areas)**
- 2. Section 17 (Definitions)**

Chairman O'Neill explained that he understood that the changes could be emotional and some tried to link the amendments to a specific project. He continued that comments needed to be directed to the article. He addressed accusations that the Planner was the driving force of the changes but explained that the planner and attorney were responding to the Board's request. He explained that parking amendments had started in the Commercial Zone and decided to expand to all areas of the ordinances for consistency.

Mr. Seymour explained that they were not changing the uses but were creating standards that were not subjective. He summarized the proposed language.

Chairman O'Neill opened the Public Hearing for comment.

Kevin Fay (Spiller Hill Road & Spiderweb Way) felt that the proposed language was the best possible balance of the concerns of the residents, conservation of land and property owner rights.

Tom Ewig (Whittemore Cove) felt that the language was cleaning up the ordinance but not creating a "one size fits all" standard.

Barb Lovell (77 Wild Acres) stated that she appreciated the Board's consideration and would like to see development fit the character of the rural area.

Jim Stanley (98 Wild Acres) said he would like to see the rural character preserved.

Peter Leavitt (2 Leavitt Road) agreed with the previous speaker in that he felt that there was confusion with the intention of the Comp Plan. He felt that the Board was supposed follow the standards of guidelines set before them. He did not understand how parking spaces fit into the character of Shoreland Zoning. He felt that the Board should not compromise regulation, and that the Board should table the amendments and include questions about quality of life issues related to the character of Raymond in the Town's upcoming community survey.

Charles Leavitt (14 Leavitt Road) stated that he did not support passing the language because he did not feel it was sufficient. He felt that the language was less restrictive, and that this was a broader issue that

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involved more areas. He felt that the Board should challenge the intent of the language and was concerned with the definition of "Independent Parking Facility" and referred to the Land Use Table. He was concerned with the lack of cross referencing and fact checking throughout the ordinance.

Heather Sheaffer (Quarry Cove Road) explained that she was concerned that there were many people not present at the meeting. She did not think that it was fair for the Board to pass language into ordinance without that many people involved. Chairman O'Neill explained that this was just a Public Hearing to get input on the changes but there would be an opportunity to vote on the language at Town Meeting in June. Mr. Leavitt stated that she would not have a say because she was not a resident but she corrected him and stated that she was.

Chairman O'Neill closed the Public Hearing to allow for Board discussion.

Ms. Costigan explained the definitions.

Mr. Linne was concerned that the stormwater standards had been removed, but Mr. Seymour clarified that they had been moved to another section and fixed a typo.

Mr. Sanford felt that the efforts of the Board were carefully trying to make the ordinance better. He explained the difficulties in working on ordinances and revising the language.

Ms. Costigan reviewed the changes that she had made to the proposed language. The Board discussed the definition of "Independent Parking Facility" and Ms. Costigan proposed revised language that would incorporate the definition into #8.

MOTION: Bruce Sanford motioned to recommend the Warrant Article to the Board of Selectmen for consideration to be presented at the Town Meeting, recommending enactment of the amendments to include the red and blue language in the legal red line and striking the "Independent Parking Facility" definition and including the new language for #8; seconded by William Priest.

DISCUSSION: None.

VOTE: MOTION CARRIED (4/1 GF)

Chairman O'Neill tabled the remaining items on the agenda.

3. Regular Meeting Item

a) Review of Planning Board Bylaws

4. Planner Communications

5. Adjournment

MOTION: Bruce Sanford motioned to adjourn; seconded by William Priest.

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Robert O'Neill Adjourned the meeting at 10:06 pm.

Danielle Loring
Recording Secretary