



Raymond Planning Board
Raymond Broadcast Studio
Minutes*
Wednesday, August 20, 2014

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

Absent: None

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

Applicant: Mark Gray, Agent (JAMM); and Gary Donahue, FI Town Manager.

Other: Barbara Lovell, Kevin Fay, William Noster, Gloria Coffin, John Crosby, Jerry Kerney, Mike Lebel, John Ewalt

1. Call to order: Chairman Robert O'Neill called the meeting to order at 6:55 pm and a quorum was declared.

2. Approval of Minutes

• **July 9, 2014**

Chairman O'Neil asked for any corrections, and Mr. Linne responded that there was a correction on page 4.

MOTION: Steve Linne motioned to accept the minutes as amended; seconded by Ben Krauter.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (6/0)

• **July 23, 2014 (Site Walk)**

MOTION: Steve Linne motioned to accept the minutes; seconded by Ben Krauter.

DISCUSSION: None.

VOTE: MOTION CARRIED (5/0/1 [ab WP])

3. New Business

a) PUBLIC HEARING

Frye Island

Map/Lot: 002/011 & 070/060

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**Quarry Cove Road/ Cape Road/ Ferry Landing Road
LRR2 Zone**

Reason: Applicant is requesting a Major Site Plan Review and approval for a proposed parking area with pedestrian walk way.

Mr. Seymour summarized the project as a revised application from the submission that was denied. He listed the standards that the Board would be reviewing based on the Shoreland Zoning Provisions and the Site Plan Review standards, as part of the Land Use Ordinance. He explained some of the major differences including the absence of the access from Cape Road, size of the parking area and the fact that the Stormwater Permit had been amended for the revised project. He expressed his concerns with erosion control and lighting. His primary concern with light was the fact that it was reduced to the point that it was below the minimum standard. He explained that the biggest change with the project was widening Cape Road to increase the queue lane and the addition of an easement of Frye Island property for any potential expansion.

Chairman O'Neill clarified that the Board was allowed to review the application because of the status of the Stay that was in place for the appeal.

Mark Gray, agent, introduced himself. He explained that he had a pre-application meeting for the Stormwater Permit with the DEP and did not think that there were any issues. He explained the anticipated modifications with the application. He asked if he should discuss the waiver of parking lot lighting, and Chairman O'Neill explained that he was to just give a summary so that they could proceed with the Public Hearing.

Mr. Gray addressed the erosion concern and explained that changes the proposed revisions along the south slop of the basin. He showed where the sight distance noted on the plans and added that he he had no issues with meeting Public Works to meet their standards. He felt that the primary concerns were the lighting and paving waivers.

Chairman Robert O'Neill opened the Public Hearing.

William Noster, Quarry Cove Road, explained the nature of the upkeep for the Quarry Cove road. He was concerned that the Board did not have the authority to grant access across a private road. Chairman O'Neill confirmed that anyone with property along the road had access to the it, and they could address maintenance. Mr. Noster continued that access was contingent upon the property owner contributed to maintenance, which he believed that Frye Island did not. Chairman O'Neill requested a copy of the formal road association document.

Mr. Noster continued and explained that he was a former resident of Frye Island, and he had heard that the people did not want the parking area.

Mr. Linne commented that he recalled that Frye Island was members of the road association, and Mr. Donahue confirmed. Mr. Noster explained that he was upset that they were paying an equal portion for excessive use. Mr. Seymour explained that the applicant only had to show Right, Title and Interest to use the road and the burden was a private matter, and Mr. Noster responded that he felt that Raymond was forcing the burden onto the Road Association. Mr. Seymour clarified that the Board was only reviewing the project

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John Ewalt, Quarry Cove Road, reiterated his letter. He was concerned with widening the road. He also wanted to have a paved stopping area for the pick up area as well as the area near the mailboxes. He wanted Quarry Cove road be brought up to town standards and taken over by Raymond so that it would allay concerns of maintenance. His primary concerns were regarding culverts and stormwater management. He also felt that FI should post a performance bond in order to make sure that the improvements were completed. He wanted to see a waiver granted for the lighting standards. He wanted to see a parking management plans for when the parking area was full.

Gary Donahue, Frye Island Town Manager, stated that they were sensitive to the issues of Raymond and would not be requesting the project if the majority of the residents were against the project. He explained that even if the project were permitted, that they would still need to get additional Town approval for construction.

Kevin Fay, 11 Spiderweb Way, agreed with Mr. Ewalt regarding lighting requirements. His understanding was that the project was a negotiated compromise among the parties. He felt that it was the best situation, given that it was an allowed use. He felt that the Board should consider standards with context rather than blanket approvals given the regions that the projects may be proposed may be different. He felt the proposed lighting was appropriate and that people would adjust to the reduced lighting accordingly. He felt that the Board should allow for a waiver.

Barbara Lovell, Wild Acres Road, she felt that the project was a compromise and appropriate. She felt that the standards should be revised. She explained the lighting situation on the Frye Island side. She felt that reduced lighting would be adequate.

Gloria Coffin, Wild Acres Road, was opposed to the project because of safety issue regarding crossing. She felt that the situation would be less safe than existing.

Charles Flahive, Whittemore Cove, concerned with lighting, noise and safety of area. He felt that project would change the character of the neighborhood. He was concerned that only 60 people could vote on the project. Mr. Donahue explained that any property owner could vote but only the 106 registered voters of Cumberland County could vote on the SAD #6 budget. Mr. Flahive apologized for misquoting. He was also concerned with pollution and erosion

John Crosby, Frye Island, explained that many people he knew wanted the project because of safety.

Jerry Kerney, Wild Acres Road, felt that the project was acceptable. He felt that there would be issues with pedestrians rushing across the crosswalk.

Mike Lebel, Sebago Road, he explained that his land abuts the ferry. He explained that he had only come across people from the Island whom did not want the parking lot. Chairman O'Neill explained that whether or not the Frye Island residents wanted the project was not of concern to the Board because they could only consider the application. Mr. Lebel continued that he wanted to know why they want the parking area, and Chairman O'Neill suggested that he speak with the proponents.

Mr. Lebel explained that there was asphalt on the property pin rather than curving around it.

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He was concerned with further encroachment and wanted a fence that would clearly delineated the lines. Chairman O'Neill clarified the property in question on the plans. Mr. Lebel asked who was going to enforcing parking along the road. He was concerned that people would be parking on his land. He explained that the mailboxes were on his land and he was against paving that area. He was also concerned with people plowing snow, parking trailers, or placing trash on his land. He asked if there was any discussion on the septic. Chairman O'Neill confirmed that it would be a discussion later on.

Chairman Robert O'Neill closed the public hearing.

Chairman O'Neill confirmed that the Board had received the additional correspondence and confirmed that the other Board members had received it.

Chairman O'Neill asked if Mr. Gray wanted to respond to the comments made, and Mr. Gray responded that he was concerned with clarifying the encroachment issue.

Mr. Seymour suggested starting with the Shoreland Zoning Standards "1. Will maintain safe and healthful conditions" with regards to lighting. Mr. Gray explained his waiver and his arguments addressing the ordinance. He explained that the lighting was sufficient for a pedestrian to make it along the path in a safe manner. He explained that they had considered enough strip lighting to meet the minimum. He did not feel that the parking area would a high turn-over use.

Mr. Seymour explained that the lighting standards were minimum standards and clarified that commercial standards were much higher. The parking area was supposed to be an average of 1.5 candle lights for the whole lot and the project was far below that. He felt that there was plenty of foliage coverage would provide enough buffer for taller lighting. He felt the lighting along the walkway was better and did not think that a lighting specialist was necessary but felt that it should be considered if it would help the Board.

Mr. Linne asked if the agent had brought the elevation figures to their lighting contractor for consideration, and Mr. Gray explained that there were several changes in elevation along the lot. Mr. Linne added that he would feel better if the lighting was used in a directional manner. He felt that there should be a higher threshold for those in the area because a house would produce more lighting than the project proposed. Mr. Gray felt that the lighting was adequate for pedestrian use and was safe.

Mr. Krauter reminded the Board that they could grant a waiver. He felt that if the user, Frye Island residents, were willing to assume the risk for a lower standards for the minimum, then the Board should grant the waiver. Mr. Seymour understood the argument but felt that it may be setting a precedence, and Mr. Krauter did not think that was the case given the context of the project. Mr. Seymour was concerned that there were some areas of complete darkness, and Mr. Krauter responded that many of the arguments were pointing towards paving the lot, given that there was reduced lighting.

Mr. Priest wanted to understand the lighting standards so that he could make a determination and felt that some comparisons would be helpful.

Chairman O'Neill polled the Board to see if they were okay with the walkway lighting, and

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they agreed. Mr. Linne wanted clarification on the strip lighting, and Mr. Gray explained that he had reduced the number and confirmed that it could be added to in the future.

Chairman O'Neill wanted to know how the applicant could get the maximum lighting without having significant light pollution, and Mr. Seymour suggested a 10' pole with aimed heads. He felt that low poles but aimed lighting would be effective. Chairman O'Neill asked about timing on lights, and Mr. Seymour thought that the lights were to go out an hour after the last ferry.

Mr. Sanford suggested that Mr. Gray bring his and Mr. Seymour's suggestions to his specialist to see how they would work. Mr. Seymour also wanted to see a comparison for the Board to consider.

Mr. Gray explained that Frye Island was completely gravel and the residents commuted those roads were fine. He explained that they were not trying to light the parking area but only provide navigational light down the path. Chairman O'Neill understood his argument but explained that the Board needed more information to make a determination. Mr. Sanford was also concerned with bollard lighting being blocked.

Mr. Linne suggested camera surveillance, and Mr. Seymour explained that there would need to be adequate lighting for the cameras.

Mr. Linne explained that there needed to have adequate lighting for the intersection in order to meet the standards, because it required three foot (3') candle lights for all intersections, especially if they wanted it to be considered for a town road. Mr. Gray clarified the Board's concerns with the lighting.

Mr. Seymour explained that the other concerns were the queue, the drop off area and crosswalk. Mr. Sanford was also concerned with the hammerhead style, and Mr. Gray clarified that he had designed it to the ordinance standards.

Chairman Robert O'Neill polled the Board on the following issues:

- Queue Lane: No concerns
- Widening of the Cape: Mr. Seymour felt that the encroachment issue should be addressed. Chairman O'Neill asked if it should be curbed, and Mr. Seymour responded that it would cause drainage issues. Mr. Gray explained that he had designed the road to be more centered with the right-of-way and created drainage accordingly. He explained how the "No Parking" would be enforced. There was discussion regarding how it would be policed. Mr. Seymour suggested recycling rocks to the edge of the property, and Mr. Lebel was amicable to that but was still concerned with kayakers walking through the barriers. Mr. Gray suggested a fence along a portion and a guard rail along another portion. Mr. Lebel was still confirmed with enforcement and the location of mailboxes, and Mr. Gray explained they were going across the street.
- Drop off Area: Mr. Seymour was concerned that the pedestrian area was close to drop off zone, Mr. Gray explained that cars would need to turn around. Mr. Seymour suggested a pick up zone on the opposite side of the road or widening mailbox area as a turn around, and Mr. Gray explained that he did not think pick up was an issue because they were limited by the capacity ferry whereas leaving was not.

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- Pedestrian Crossing: Chairman O'Neill asked how it was considered safe, and Mr. Gray explained that there was no longer vehicle crossing proposed. He felt that there would be use of the crosswalk with adequate sight distance and lighting with caution signage. Chairman O'Neill asked if the sight distance was going to be maximized with clearing, and Mr. Gray confirmed. Mr. Linne suggested a traffic cone along center lane during busy times. Mr. Sanford wanted to know if curbing was ADA compliant.

2. Will not result in water pollution, erosion, or sedimentation to surface waters.

Mr. Seymour stated that he was waiting on DEP approval but needed to know how design criteria has been met. Chairman O'Neill wanted to make sure that all runoff was collected. Mr. Seymour clarified the standards and read part 5B of the ordinance.

3. Will adequately provide for the disposal of all wastewater

Mr. Seymour explained that there were no additional facilities proposed but do have port-o-potty, and Mr. Gray showed the location on the plans. Mr. Seymour asked if there was septic and who would have use of facilities, and Mr. Gray explained that the bathroom was for staff only and the port-o-potty was for those waiting for the ferry.

4. Will not have an adverse impact on spawning grounds, fish, aquatic, life, bird or other wildlife habitat.

Chairman O'Neill stated that the Board had already received a letter to that extent.

5. Will conserve shore cover and visual, as well as actual points of access to inland waters.

Mr. Seymour explained that one point of the sidewalk, it was within 75' of high water mark and would need NRPA permit. There would also need to be a replanting schedule for one tree being removed. Mr. Gray stated that they would work out the location with the Code Officer.

6. Will protect archaeological and historic resources as designated in the comprehensive plan.

No Issues

7. Will not adversely affect existing commercial fishing or marine activities in a Commercial Fisheries/ Maritime Activities District.

No Issues

8. Will avoid problems associated with flood plain development and use.

No issues

Mr. Seymour recapped the pending issues: lighting, runoff and culverts, and Mr. Gray explained that the applicant was going to install rip-rap to meet the Town and DEP requirements. He explained the treatment devices were through culverts and basins.

Mr. Seymour felt that there should be additional paving to stop erosion. He felt that it should be paved thirty feet (30') into the lot and up to the other entrance of the lot.

Chairman O'Neill wanted to know more about Cape Road culvert, and Mr. Gray explained that he was amicable to any suggestion. Mr. Seymour explained that there was no damage with the existing fifteen inch (15") culverts, and Mr. Ewalt was concerned with the modifications

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effecting the existing system. Mr. Seymour felt that there would not be a measurable difference. Mr. Linne asked about the use of check dams, and Mr. Gray confirmed that they were proposed.

Mr. Krauter asked about justification of the lot size, and Mr. Seymour explained that it was adequate for the proposed use.

9. Is in conformance with the provisions of Section 15, Land Use Standards.

LANDUSE STANDARDS: Article 10

A. Preservation of landscaping: Mr. Seymour explained that there were back slope issues and thinning of trees along lower levels, but the applicant was proposing to address them.

C. Vehicular access: Issues had been addressed.

D. Parking and circulation: Mr. Seymour explained how the standards had been met but was concerned with paving Quarry Cove Road. He wanted to see the sight distance for pedestrian area and wanted to have more area cleared and maintained in order to maximize it.

E. Surface Water Drainage: Mr. Gray explained that the paving was suggested due to issues with existing conditions with the steep section, but the abutters did not want to have the parking area paved in order to retain rural character. He reiterated that Frye Island was all gravel and had the equipment for maintenance.

Mr. Linne was concerned with plowing between the transition of tar and gravel, and Mr. Gray explained that he could put pavement detail that would go down into the road. Mr. Seymour explained that the paving should be brought up to the top of the level portion and felt that it was a neighborly gesture.

The Board discussed whether they had the authority to request that a private road be paved. Mr. Linne felt that they should be working out the issues with Road Association, and Mr. Gray explained that he could include a note that they would maintain road, and Board agreed that it would solve the issue.

Cape Road widening: Mr. Seymour explained that the Public Works Director wanted a full-time inspection service. Mr. Gray state that he would meet with him to work out details. Mr. Seymour added that the project also required a performance bonds.

D. Drainage: Issues already resolved

F. Utilities: Mr. Gray stated that he would show additional details once the lighting was figured out. Mr. Seymour was concerned with the need for a transformer, depending on the load.

G. Special Features: Mr. Seymour explained that the issues were with solid waste and security. Chairman O'Neill asked if there would be a formal agreement, and Mr. Gray responded that there would be a parking management plan note on the plans.

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H. Exterior lighting: Already addressed.

J. Emergency Vehicular access: Already met criteria and I and K were already discussed.

Mr. Seymour explained that the Town wanted an easement conveyance along the road, and Mr. Gray stated that he would draft language for review.

Mr. Gray stated that he was concerned with full-time construction inspector and felt that part-time was adequate.

Mr. Seymour asked that Board accept application

MOTION: Greg Foster motioned to accept the application as presented; seconded by Bruce Sanford.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (6/o)

4. Continued Business

a) Ordinance Workshop for 2015 Revisions

Ms. Carver explained that she had made slight changes to the memo in response to the Town Attorney's memo for municipal use. She explained that issues were concerning defining the municipal uses and why it was being singled out. She explained that most communities do not use municipal versus government or institutional.

Mr. Linne agreed that “municipal” was not a use but should define what those activities are. Ms. Carver explained that she would continue to look into the history and would check in with the State.

5. Planner Communications

6. Adjournment

MOTION: William Priest motioned to adjourn; seconded by Steve Linne.

VOTE: UNANIMOUS APPROVAL (6/o)

Chairman Robert O'Neill adjourned the meeting at 9:54 pm.

Danielle Loring
Recording Secretary

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