

Town of Raymond
401 Webbs Mills Road
Raymond, Maine 04071

Selectmen Meeting Minutes
Tuesday, November 16, 2004

Selectmen present: Betty McDermott, Chairman; Ada Brown; Mark Gendron; Mike Reynolds, and Christine McClellan.

Selectmen absent: None

Staff present: Don Willard, Town Manager; Bob Faunce, Town Planner; Jack Cooper, Code Enforcement Officer; Norma Richard, Principal Raymond Elementary School; Denis Morse, Fire Chief; Greg Foster, Harold Burnham, and Jean Carter, Comprehensive Plan Committee; John Rand and Elizabeth Algeo, Conservation Commission; Jean Carter and Dennis Cole, Budget/Finance Committee; Will Haskell, Chairman Planning Board; and Ginger Wallace, Planning Board.

1. Call to order. Betty McDermott called the meeting to order at 7:00 pm at the Raymond Elementary School.
2. Consideration of previous minutes dated October 26, 2004.
MOTION: Christine McClellan motioned to approve the minutes of October 26, 2004. Seconded by Mike Reynolds.
VOTE: 3 in favor (McClellan, McDermott, Reynolds), 2 abstained (Brown, Gendron)
3. Liquor License renewal – restaurant/lounge (class 11) – Vincenzo Raggiani d/b/a/ Montebello Ristorante.
DISCUSSION: Mr. Willard reported that this was the first renewal and there have been no problems, he recommended approving the Class II liquor license.

MOTION: Ada Brown motioned to approve the renewal of the liquor license for Vincenzo Reggiani d/b/a Montebello Ristorante. Seconded by Christine McClellan.
VOTE: Unanimous 5-0

4. Request for moratorium on approval of residential subdivisions – Tim Charest, 119 Valley Road.
DISCUSSION: Mr. Charest asked for a moratorium with 6-month increments until the 2004 Comprehensive Plan is implemented with the necessary ordinances. Peter Busque, a contractor with a proposed subdivision at the preliminary plan stage, said that he was advised to do the entire parcel at once and had a plan for 104 units of single-family condominiums. He explained that he didn't plan to do the whole plan at once but possibly 20 to 25 units per year. His intention is to have the majority of them for people aged 55 and over. Mr. Busque said that he submitted his plan today to the Town of Raymond. Mrs. McClellan asked the zone it was in. Mr. Busque replied Village Residential I. Mr. Willard noted that Mr. Busque had already extended the water line because Rt. 302 and 85 had substantial work done on them, which would require no road openings for five years. Marcia Corradini asked who prepared the handout and what the action would be after this meeting. Mr. Gendron said this was a citizen-initiated moratorium which asked that development be stopped until the 2004 Comprehensive Plan can be initiated. Not all the ordinances formed have to be voted on at

the same town meeting. If the stated moratorium were passed at a town meeting it would last for six months. A town meeting could be held as early as the end of this month. He added that single houses on single lots and lots taken from a parcel for family members would be allowed. Mr. Willard noted that our town attorney wrote the moratorium document. Liz Harvey asked if a plan, which will come before the Planning Board meeting for final approval December 9, would still be viable. Mr. Faunce advised that anything which will be getting final approval very soon would be allowed, and the document will be changed to show that. Mrs. Harvey asked if this moratorium is in conformance with State statute for allowing a moratorium. Chris Vaniotis noted that it is under State statute and could be extended by the Selectmen should that be needed to give more time to get the ordinances passed. Mrs. Harvey said she wanted to be member of that committee. Susan Hirsch, Valley Road, asked what the status of the Valley Road subdivision was. Mr. Gendron said that the moratorium would cover everything except the one which is coming to the Planning Board for final approval. Mr. Busque said that the roads in his subdivision would be private and three quarters of the housing would be for seniors and one quarter for families. Glen Steeves said he had a problem with the large number of housing units being planned and currently available. He had concern about the school capacity, town road condition, and other town services and wanted time to look at the Comprehensive Plan and make ordinances to complement it. He asked that the growth be slowed until the town is ready to service them. Frank Emery, Deer Pond Road, said that he had voted for the Comprehensive Plan and wanted to give the Planning Board and Selectmen the opportunity to enforce the Comprehensive Plan. Once the ordinances are written then we can go back to the regular way of doing business. He had concerned that the schools, fire/rescue, etc won't be able to handle this level of growth. Pat Cayer, Fieldcrest Drive, said he had been in Raymond since 1977. He was a surveyor but not involved with Mr. Busque or the other subdivision discussed. He had concern about stopping building in Raymond while the Comprehensive Plan is implemented. He noted that Mr. Busque didn't plan for this moratorium and had spent a great deal of money with his development. If he had known, he would probably have done something differently. He questioned the statement that our current ordinances are not protecting the town. He felt that the subdivisions are planned and scrutinized by the Planning Board in great detail. He felt it was a reactionary reflex to jump into a moratorium. He wanted to allow the Implementation Committee to do their work and bring it to an annual town meeting. He felt that an annual town meeting should be making these decisions on a Saturday instead of a special town meeting on a weeknight. Deborah Baker, niece of Theron Hamilton, said that he had wanted to have his 25 acres go to open space but then when it didn't happen he planned for 25 homes. She discussed the number of lots being planned in the last three years and felt that beyond all the other problems for Raymond, the water quantity might be in jeopardy. Charles Leavitt, Leavitt Road, asked for the town manager's summary to be read giving more information about this subject. He noted that he had asked for it to be posted on the website prior to meetings for the public in the past but asked that it be read for informational purposes tonight. Mr. Willard read his summary on this agenda item. Mr. Busque said that he met with Mr. Willard and Mr. Faunce over six months ago to begin the process and felt that he was going to be penalized for going about his subdivision in the right way. He said that he now had \$600-\$700,000 spent on this project. John Rand, Dryad Woods Road, felt that the moratorium was on the right track and that this will try to keep growth under control. He gave Mr. Willard a graph showing the cost of growth in the last 30 years which is increasing exponentially. He wanted to protect our natural resources and felt that this moratorium will be helpful in this. Elizabeth Algeo, Webbs Mills Road, was in support of the moratorium and had sympathy for those that had subdivisions "in the pipeline". She asked the people present to help with the process to get the job done in good time. She related that the Hamilton land went to the Land For Maine's Future Board for

consideration three times but was denied because the Conservation Commission couldn't prove that Raymond had funds to help with the process. Raymond needs to make plans for open space conservation. Tim Pomerleau, Egypt Road, said that Raymond was already very restrictive in the way that they allow building. He felt that this was regulating people from using their property. He thought that Raymond needs time to form their ordinances. Mrs. McDermott asked for a straw pole to see who was in favor of the moratorium. There were fewer opposed voters. How many were in favor of a moratorium on the Valley Road project – none. Against it – none. Greg Foster, Ledge Hill Road, agreed with Pat Cayer and felt that the process should go forward without this moratorium. The land is being sold because the landowners cannot afford to keep their land. He felt that the deterioration of the Tree Growth Tax law was a prime factor. He felt that Raymond should try to help people keep their land instead of selling it to developers. He didn't feel that a vote be manifest because of emotions instead of reason. Howard Reben, Spring Valley Road, felt that developers do their work for profit, and they accept a certain amount of risk. In this case, the control of development is part of that risk. He didn't feel that this would stop development but just slow it. Charles Cole, Main Street, understood that this moratorium was to protect our quality of life in Raymond. However, he felt that it was restrictive and against our basic way of American life. His research showed that in the next ten years Raymond will welcome another 1,000 people but from ten to fifteen years after that there will be a drop in population. He questioned whether the development plans would ever be finished because of the availability of people to live in those houses. Jobs are not here and what we have are moving away from Maine and possibility the nation. He also felt that the people who are in their 20's and 30's are deciding not to have children, which will also reduce our population. Tom Greer, engineer of Valley Road project, said that this moratorium will make a substantial economic impact on their development. They will be following Raymond's ordinance completely and felt that it would not be deleterious to Raymond. He felt that the town is protected from environmental impacts through its ordinance. Local service people will see a loss of work i.e. plumbers and electricians. He felt that land sales would decline because there won't be an opportunity for development. Mr. Busque asked that the town be fair to developers and give them fair warning that a moratorium will be initiated. Glen Steeves asked how many subdivision plans and building permits have been denied. Mr. Faunce replied none but some were amended because of the ordinances. Mr. Faunce noted that a subdivision plan would have to agree with the ordinance and then would be passed. Mr. Steeves asked if the subdivisions presented were for more lots than subdivisions in years before. Mr. Faunce said that most development is on single lots and not in subdivisions. Most of the developers are building the homes as well as developing the lots. Judy Ryan, Gore Road, supported the moratorium and felt that our growth is from people moving out from Portland where land values are very high. She wanted to protect our environment, traffic, and general welfare of Raymond. Mr. Faunce noted the number of available lots without homes some of which are not for sale at this time. Harold Burnham, Wind In Pines Rd, questioned the number of homes being planned at this time. He felt that the number of lots becoming available through these developments is considerably more than what we have had in the past. He read part of an article in the November *Roadrunner*. Dr. Burnham felt it would be best to have a temporary halt to development. Jean Carter, Meadow Road, noted her consternation in that the Comprehensive Plan was trying to save Raymond and our own website was advertising for more growth. Pat Cayer felt that more hard evidence was necessary to declare whether Raymond was truly looking at a problem a moratorium would cure. He felt that possibly an independent study should be done before a moratorium is initiated. He wanted to be sure that Raymond wasn't going forward with this and hurt landowner rights. Mr. Charest felt that the 2004 Comprehensive Plan had that evidenced. Irene Morris, Kings Grant, felt that this growth would certainly impact the town and its facilities. Rick Dwinnell, Webbs Mills Road,

asked that his children be able to afford to live in Raymond. He said that affordable housing was needed. He felt that developments might be the answer for the starter homes. He also felt that neighborhoods were necessary with planning for those who want that type of community. He didn't feel that growth could be stopped.

Mrs. McDermott closed the public participation at 8:30 pm.

Mr. Gendron read from the Comprehensive Plan (9.4). He felt that developers should be aware that a Comprehensive Plan was being rewritten, and they shouldn't be surprised that changes were probable. He felt that this issue would be long-lived and should be carefully done. Mr. Reynolds felt that they were looking at 171 new units which are in the process of being approved. Mr. Faunce corrected that number to 197 lots. Mr. Reynolds felt that the Planning Board was very thorough and that approval was not easily achieved. Mr. Reynolds asked what the Planning Board's opinion was about this moratorium. The School Committee's opinion on impact to them is also an issue. Will Haskell, Valley Rd., speaking for himself and not the whole Planning Board felt that there were some issues with the ordinance but in general he thought they were adequate. He said that any developments, which have been approved, were to adhere to our ordinance. There are many requirements with which they are made to comply. He had concern about shutting down current subdivisions, which are in the planning stage because of their investment, and the impact it will have on those who have funds spent. He also felt that six months was a very short time to overhaul the ordinance because there needs to be consistency throughout the ordinance. An extension of the moratorium would be a further problem to the developers. Denis Morse, Fire Chief, felt that subdivisions are not a big problem because they are made to have sprinklers and other attributes, which makes his job easier, where single houses come outside that purview. The development of senior housing at 10 Levy Lane has caused some increase in rescue but not necessarily the other services. Valley Road is a 20-minute haul for fire/rescue which is a concern. Mrs. McClellan said that she was a member of the Comprehensive Plan Committee and growth was a major concern of the public from the beginning of their work. She felt our location between Portland and Lewiston/Auburn made Raymond a prime location for homes. She didn't think that six months would be a great problem for anyone and would give Raymond a chance to update the ordinance.

MOTION: Mark Gendron motioned to call a special town meeting for November 30, 2004 for the purpose of considering a moratorium on processing applications for subdivisions. Seconded by Christine McClellan.

DISCUSSION: Mr. Reynolds asked that it go a week further because of the Thanksgiving Holiday.

AMENDMENT: Mark Gendron amended his motion to call the Special Town Meeting for December 7, 2004. Seconded by Christine McClellan.

VOTE: 4 favor (Gendron, McClellan, McDermott, Brown), 1 opposed (Reynolds)

DISCUSSION: Mr. Busque asked if he could get his fees back if the moratorium goes through. Mr. Willard replied yes.

RECESS: Mrs. McDermott recessed the meeting for five minutes at 8:52 pm.

RE-OPENED: Mrs. McDermott re-opened the meeting at 9:00 pm.

5. Status report of Phase 1 Ground Water Investigation Report findings, former landfill, Egypt Road.

MOTION: Mike Reynolds motioned to table this item to a later meeting. Seconded Christine McClellan.

VOTE: 4 favor 1 abstained (McDermott)

6. Selectmen Bylaws and Policies for consideration and possible adoption.

MOTION: Christine McClellan motioned to table this item until a January meeting. Seconded by Mike Reynolds.

VOTE: Unanimous. 5-0

7. Formation of Comprehensive Plan Implementation Committee, Selectmen Mark Gendron.

DISCUSSION: Mr. Gendron noted that the Comprehensive Plan has been passed and the final step is to implement it which includes ordinance changes. One aspect is to direct growth to the Growth Areas as designated in the 2004 Comprehensive Plan. He felt that the Committee should be comprised of 7 members with 2 Selectmen, a member from the Planning Board, and 4 citizens at large. He added that the changes needed to come before an annual town meeting.

MOTION: Mark Gendron motioned to form a committee of 7 people which would have the help of a planner to review the Comprehensive Plan and implement its ideals by the next town meeting. Seconded Christine McClellan.

VOTE: Unanimous 5-0

8. Town Manager and Selectmen communications and other business.

a. Hazardous Waste Day Grant.

Mr. Willard announced that Raymond will receive a Hazardous Waste Day Grant from the State Planning Office for the Hazardous Waste Day partnered by the four towns of Raymond, Casco, Naples, and Frye Island in the amount of \$5,167.50. He thanked Mrs. Lester for her work in getting this grant.

b. One Raymond Committee

Mr. Gendron reported that the public meeting facilitator isn't available until January but the Steering Committee would meet in December for planning.

9. Review and authorize Payroll and Treasurer's Warrants dated November 16, 2004.

MOTION: Ada Brown motioned to approve the Payroll Warrant in the amount of \$63,890.63. Seconded Christine McClellan.

VOTE: Unanimous. 5-0

MOTION: Ada Brown motioned to approve the Treasurer's Warrant in the amount of \$1,912,603.25. (\$1,800,000.00 is for investment) Seconded by Christine McClellan.

VOTE: Unanimous 5-0

DISCUSSION: Mr. Reynolds asked about forming the Comprehensive Plan Implementation Committee. Mr. Willard explained that they need two Selectmen representatives and a representative from the Planning board along with the citizen members. Mrs. McDermott said that Christine McClellan and Mike Reynolds have volunteered to be the Selectmen reps. It was discussed to advertise the request for members in the *Roadrunner* and the *Lake Region Suburban News* as well as the website and access channel. The deadline will be Dec 15th.

10. Adjourn.

MOTION Mike Reynolds motioned to adjourn. Seconded by Christine McClellan.

VOTE: Unanimous 5-0

ADJOURNMENT: Betty McDermott adjourned the meeting at 9:12 PM.

Louise H. Lester
Town Clerk