



Raymond Planning Board
Minutes
Wednesday, April 8, 2015

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

Absent: William Priest

Staff: Contract Planner Jim Seymour, Town Attorney Mary Costigan and Recording Secretary Danielle Loring

Applicants:

- **Attorney Natalie (FI)**
- **Attorney Chris Neigel, Rusty Partridge**

Other: Kevin Fay, David Lage,

1. Call to order: Chairman Robert O'Neill called the meeting to order at 7:01 pm and a quorum was declared.

2. Minutes

- **February 11, 2015**

Mr Linne made a change on Page 2 and Chairman O'Neill reported that there were a few typos.

MOTION: Steve Linne motioned to approve the minutes as amended; seconded by Bruce Sanford.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

3. Old Business

- a) Review and Discussion of Shoreland Zoning Standards and Finding of Fact for: Town of Frye Island
Quarry Cove Road & Cape Road
Map/Lot: 002/011 & 070/006
Reason: Major Site Plan Review for proposed single access, Park & Ride with pedestrian walk ways for Frye Island Ferry.**

Chairman O'Neill explained that it appeared that the Board had gone through the project and conducted straw votes but not official votes so need to go back through the standards. Mr.

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Seymour referred to page 51 of 70 of Shoreland Zoning Provisions, and Chairman O'Neill added that after going through the votes then Board will go back through Finding of Facts. Chairman O'Neill referenced the email from Mr. Seymour outlining the previous votes. Chairman O'Neill asked if Board had to go with individual votes or as a lumped approval and Mary Costigan, Town Attorney, said that they had to be individual votes.

1. Will maintain safe and healthful conditions:

MOTION: Robert O'Neill motioned that the project will maintain safe and healthful conditions; seconded by Greg Foster.

DISCUSSION: Bruce Sanford stated that the project does meet the standard because of confluence of vehicle and pedestrian traffic.

VOTE: MOTION CARRIED (4/1 BS)

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

MOTION: Robert O'Neill motioned that the project would not result in water pollution, erosion, or sedimentation to surface waters; seconded by Greg Foster.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

3. Will adequately provide for the disposal of all wastewater.

MOTION: Robert O'Neill motioned that the project will adequately provide for the disposal of all wastewater; seconded by Greg Foster.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

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

MOTION: Robert O'Neill motioned that the project will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

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

MOTION: Robert O'Neill motioned that the project will conserve shore cover and visual, as well as actual, points of access to inland waters; seconded by Greg Foster.

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DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

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

MOTION: Robert O'Neill motioned that the project will protect archaeological and historic resources as designated in the Comprehensive Plan; seconded by Greg Foster.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

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

MOTION: Robert O'Neill motioned that the project will not adversely affect existing commercial fishing or marine activities in Commercial Fisheries or Maritime Activities District; seconded by Greg Foster.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

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

MOTION: Robert O'Neill motioned that the project will avoid problems associated with floodplain development and use; seconded by Greg Foster.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

Chairman O'Neill asked if the Board could consider the Finding of Facts for signatures with modified votes.

Mr. Linne stated that on Page 4, 3rd paragraph he disagreed that it "clearly" met the intent of the ordinance and felt that the fact that it did not was why the Board was requiring the waiver. Mr. Seymour suggested striking the word "clearly". Mr. Linne suggested removing the whole line. Ms. Costigan stated that the waiver was regarding pedestrian safety and the distance requirement and explained what the rationale was behind the waiver requirement. Mr. Linne was concerned that it undermined the ordinance. Ms. Costigan said that the Board was waiving the 300' requirement so that pedestrians were only required to walking across the Cape Road in front of the ferry and not the full 800' from the entrance on Quarry Cove Road. Mr. Linne asked if this created a loop hole, and Ms. Costigan stated that it did not.

Mr. Sanford agreed with Mr. Linne that the Board approving the emergency access in

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confluence with pedestrian traffic was creating a hazardous situation. He felt that it was in violation of the intent of the ordinance. Mr. Linne stated that he would be happy with striking “clearly” from the document, but Mr. Sanford did not think that it was enough to fix the language of the statement.

Mr. Linne clarified timing for the extension to the consider presented by the applicant.

MOTION: Robert O'Neill motioned to accept the Finding of Fact for Major Site Plan Review for Frye Island as amended; seconded by Greg Foster.

DISCUSSION: None.

VOTE: MOTION CARRIED (4/1 BS)

4. Public Hearing

- a) Rusty Partridge OBO Scott & Jane Maxwell**
95 Shaw Road
Map 003, Lot 012; LRR2 Zone
Reason: Private Road Extension

Mr. Seymour explained that the project was a lot division and private road extension for a private road. The extension would meet the intention of the ordinance and proposed hammer head would serve both lots. He explained that they had submitted a stormwater management plan in compliance with the standards. He was proposing conditions that any damage created by applicant would be repaired at their expense and a road maintenance agreement would be presented and recorded for new lot.

Chairman O'Neill asked about hammerhead, and Mr. Seymour explained that the road was a deadend.

Chris Neagle, attorney for the applicant, passed out the survey plan for the whole lot. He explained that the applicant wanted to add a guest house but not split a lot. He felt that there was language under the Land Use Ordinance that allowed for multiple buildings but the Shoreland Zoning Provisions did not. Under the provisions of the ordinance, the lot would be split into a 9ac and 3ac lot with a connecting driveway. Mr. Neagle also presented the plans and some minor changes to the driveway which effected the internal driveways. Mr. Linne asked about the hammerhead and was concerned about the location.

Chairman Robert O'Neill opened the Public Hearing for comment.

David Lage, 80 Shaw Road, handles the maintenance “pool” (funds) for the road. He was concerned with large construction trucks traveling along the road and the associated costs to fix any damage, especially with ongoing construction for the home. He wanted to know about plowing for the extension and who would handle that and the about granite gate at base of previous driveway, which was at the end of the road and wanted to know if that was going to be moved.

Joe Kern, 91 Shaw Road, wanted to know who owned Shaw Road, and Mr. Seymour felt that it was multiple owners. Chairman O'Neill said that it was probably owner by all people along.

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Mr. Kern wanted to know if he was going to have access to the road extension. Chairman O'Neill asked if Mr. Kern contributed to road association and he confirmed.

Mr. Seymour pointed out that the properties were in individual ownerships and were not part of a subdivision and the road was essentially an easement. Mr. Neagle explained that every lot probably had a different setup and that the road was private not public. He also reiterated that the Maxwells would pay for any repairs for damage caused by construction and would pay to maintain any portion of the road within their two lots.

Mr. Kern asked why the Maxwells could cross abutting lots via the road lots but no one could access the road within their portion of development. Chairman O'Neill explained that Maxwells had an easement to cross their land that did not include the new portion.

Chairman O'Neill closed the Public Hearing.

Mr. Seymour stated that Public Safety would require a NOX box for emergency access and wanted it added to the Finding of Fact as well as mutual easements between the two lots in case the ownership changed. He reviewed the other conditions:

1. Recorded and signed Road Maintenance Agreement. Mr Neagle stated that it was part of the deed. Mr. Seymour clarified that he wanted the deed executed including the agreement. The condition was also amended to include the word "extension"
2. Note that applicant would repair existing road
3. Proof of stormwater buffers being recorded
4. Easement between the lots for mutual access
5. NOX box for the front gate

Mr. Seymour went on to review the Site Plan Review Standards. Chairman O'Neill explained that the Board would discuss but they would not take individual votes.

Preservation of Landscaping

Mr. Linne was concerned that the lot did not meet the point system within the 100' line. Mr. Seymour explained that it was a meadow not wooded buffer. Mr. Krauter felt that it was a different standard because the applicant was not cutting any existing trees and the Board could not require them to plant any.

Relation of Proposed Buildings to the Environment – No issues

Vehicular Access – No issues because maintenance/repair issue has been discussed.

Parking and Circulation –

Mr. Sanford asked about the surface of the extension, and Mr. Seymour confirmed that it was gravel, which was the same as the primary roadway. Mr. Sanford asked that it be noted on the plan.

Chairman O'Neill asked about Road construction planning, which Mr. Seymour explained

Surface Water Drainage – No issues

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Mr. Seymour stated that they were treating 65 points, but they were only required to do 50.

Utilities – Mr. Seymour stated that the electrical would be underground service and they had provided evidence of a Subsurface Waste Water plan.

Special Features– Mr. Seymour stated that there was a 5% grade for turn around.

Exterior Lighting – No issues.

Emergency Vehicle Access – Mr. Seymour reiterated that a condition would be to provide a NOX box on the outside of the gate.

Landscaping – No plan provided.

Other Considerations or Article 9 Standard: Mr. Seymour asked that the applicant include an erosion control plan.

Mr. Kern asked about the tree buffer between properties, and Mr. Seymour stated that the project was not within buffer and no cutting in that area had been indicated on the plan.

Mr. Linne asked if the Kerns were blocked from access across the Maxwells land, and Mr. Seymour responded that they did not have an easement across the Maxwells but did have 25' access just before. Mr. Linne asked if any of the other abutters were affected, and Mr. Seymour replied no.

Chairman O'Neill asked if the trail on plan was stand alone, and Mr. Neagle responded that it was an overgrown road. Mr. Seymour added that there would be a natural path across buffer to have access to the beach. Mr. Neagle stated that it was not going to be built due to the conditions but would give access.

Mr. Linne asked about the gravel drive that went through lot, and Mr. Neagle responded that it was just a stand alone feature.

Chairman O'Neill asked if there were any other concerns from the Board and there were none.

MOTION: Greg Foster motioned to accept the Site Plan Review standards with four conditions of approval for the Maxwell property; seconded by Bruce Sanford.

DISCUSSION: None.

VOTE: UNANIMOUS APPROVAL (5/0)

5. Planner Communications

None.

6. Adjournment

MOTION: Ben Krauter motioned to adjourn; seconded by Bruce Sanford.

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VOTE: UNANIMOUS APPROVAL (5/0)

Chairman Robert O'Neill adjourned the meeting at 8:13pm.

Danielle Loring
Recording Secretary