



Raymond Planning Board
Raymond Broadcast Studio
423 Webbs Mills Road
MINUTES
Wednesday, January 13, 2016
7:00 pm

PRESENT: Sheila Bourque, Greg Foster, Robert O'Neill, Bill Priest, Bruce Sanford

ABSENT: None

STAFF: Code Enforcement Officer Chris Hanson, Contract Town Planner Jim Seymour of Sebago Technics, Planning Consultant Stephanie Carver

OTHERS: John Giles of Sebago Technics

1. Call to order

Chairman O'Neill called the meeting to order at 7:00. Quorum was declared.

2. Minutes

• **December 9, 2015**

Board confirmed identity of Members making Adjournment Motion and Second

MOTION: Ms. Bourque moved to accept minutes as amended

SECOND: Greg Foster seconded

DISCUSSION: None

VOTE: Motion Carried (5/0)

3. Public Hearing for Potential Ordinance Revisions for the 2016 Town Meeting Warrant

- **Shoreland Zoning Provisions Map**

John Giles of Sebago Technics explained that the proposed revisions to the map are to bring it in line with Chapter 1000. He then reviewed those proposed changes to the map.

Mr. O'Neill read the key changes as provided in the "Proposed Raymond Planning Board Warrant Articles". He then opened the Public Hearing for comment regarding the proposed changes to the Shoreland Zoning Provisions Map.

One question posed regarding the dating of the current map and was answered by Mr. Giles.

Mr. O'Neill closed the public hearing on this section.

**Per the "Minutes Policy," reviewed and approved August 17, 2010 and amended May 13, 2014 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the video record, unless they are the only record. DVD's can be purchased for a nominal fee from the Town Office or borrowed from the Town Office or Raymond Village Library. Recordings can also be found at www.raymondmaine.org.*

- **Shoreland Zoning Provisions**
 - A. **Section 12 (Non Conformance)**
 - B. **Section 13 (Establishment of Shoreland Districts)**
 - C. **Section 15 (Land Use Standards)**
 - D. **Section 16 (Administration)**
 - E. **Section 17 (Definition)**

Mr. O'Neill read the key changes as provided in the "Proposed Raymond Planning Board Warrant Articles". After soliciting questions from the Board of staff, of which there were none, he opened the Public Hearing for comment. There being no comment related to this provisions, Mr. O'Neill closed the public hearing on this section.

- **Land Use Ordinance**
 - A. **Article 9.X.1 (Stormwater Quality and Phosphorous Control Applicability)**
 - B. **Article 9.X.2 (Application Review)**
 - C. **Article 9.X.2.a (Point System)**

Mr. O'Neill read the key changes as provided in the "Proposed Raymond Planning Board Warrant Articles", soliciting questions from the Board of staff. Mr. Seymour reviewed the reasons for the changes in the point system regarding stormwater. Mr. O'Neill then opened the meeting to comments and questions from the floor. There being no comment or questions related to this provisions, Mr. O'Neill closed the public hearing on this section.

- **Land Use Ordinance**
 - A. **Article 12 (Applicability and Definition of Terms Used in This Ordinance)**
 - a. **Section 15.G (Land Use Standards-Parking Areas)**

Mr. O'Neill read the key changes as provided in the "Proposed Raymond Planning Board Warrant Articles".

Mark Franco of Quarry Cove Road asked the reason for the changes in the definition of "driveway". Ms. Carver responded that the definition changes as posted to the website contained an error and had been revised. There should be a new definition of driveway in the land use ordinance where one did not exist before. A copy of the corrected definition was handed to Mr. Franco. Ms. Carver read the proposed definition aloud. At the request of Mr. O'Neill, Ms. Carver also read the current definition. She then explained that the proposed language would replace the current definition so that the definition would be the same in both the Land Use Ordinance and Shoreland Zoning Provisions.

Mr. Franco asked why the wording was changed to include "emergency or maintenance access, ingress or egress". Discussion between the board, staff, and Mr. Franco ensued which covered the desire to be all encompassing, including examples of driveways not covered under the current definition.

**Per the "Minutes Policy," reviewed and approved August 17, 2010 and amended May 13, 2014 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the video record, unless they are the only record. DVD's can be purchased for a nominal fee from the Town Office or borrowed from the Town Office or Raymond Village Library. Recordings can also be found at www.raymondmaine.org.*

Mr. Franco asked if this was a result of the efforts by the town of Frye Island to put in a parking lot. Mr. O'Neill replied that it was not and in fact it would not have made a difference in that application because the town attorney had already ruled that the driveway Mr. Franco was referring to met the requirements of the ordinance as it was written. Discussion ensued between the board, staff, and Mr. Franco highlighting that, as with the Frye Island issue, there have been other occurrences requiring legal opinion to interpret the applicability of the ordinance.

Mr. Franco asked if the Town of Frye Island, either directly or through its attorneys, submit this proposed language for review and consideration or took part in any of the discussions. On behalf of the board, Mr. O'Neill categorically denied any involvement of the Town of Frye Island or its attorneys.

Mr. O'Neill closed the public hearing on this section.

- Shoreland Zoning Provisions

A. Section 16.G (Administration- Shoreland Zoning Provisions)

Mr. Franco read from the proposed Shoreland Zone Provisions addressing off-site parking lots then reviewed the Frye Island debate concerning driveways. Mr. O'Neill reiterated that the Planning Board's decision was based on the opinion of legal counsel, that the Frye Island plan had been approved under the current wording and, if the board were consistent, the plan which had been approved would be approved again. He further stated that the board strove to avoid writing ordinances for or against any project and reiterated that the Planning Board does not have a pending application from Frye Island and Mr. Seymour stated that since the Frye Island plan is now deemed to have failed any further plan must be shown to be substantively different. Mr. Franco requested representation from the board that the definitions were not in response to the Frye Island application. Mr. O'Neill made that representation.

Mr. Franco proposed a change of language in the ordinance. Following extensive discussion between the board and staff, Mr. O'Neill, asking the Town Planner and/or the Town Planning Consultant work on new wording for the ordinance.

Mr. O'Neill closed the public hearing for this section.

a. Article 6 (Board of Appeals) Land Use Ordinance

Mr. O'Neill read the key changes as provided in the "Proposed Raymond Planning Board Warrant Articles".

Ms. Bourque stated that the proposed change is consistent with standard practice in other area communities.

Mr. O'Neill stated that the written information handed down to him from numerous prior board chairmen says that any appeal of a Planning Board decision follows the procedure in the proposed revision of Article 6 (Board of Appeals) Land Use Ordinance, i.e. appeals go directly to Superior Court. This is in compliance with state law and was the practice up until the recent case in which the lawyers said that, unless the ordinance specifically stated that process, appeals would go to the Zoning Board of

**Per the "Minutes Policy," reviewed and approved August 17, 2010 and amended May 13, 2014 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the video record, unless they are the only record. DVD's can be purchased for a nominal fee from the Town Office or borrowed from the Town Office or Raymond Village Library. Recordings can also be found at www.raymondmaine.org.*

Appeals.

Mr. Franco and Peter Morgan of Bridges Lane both expressed concern about the cost to residents and municipalities in going directly to Superior Court, by-passing the appeals board. In discussions with followed, staff addressed the large legal expenses incurred on behalf of the Boards in the Frye Island case and the differences areas of knowledge between the Planning Board and the Zoning Board of Appeals.

Mr. O'Neill closed the public hearing for this section.

- Land Use Ordinance, Subdivision regulations, and the Fire Protection Ordinance where fees are identified

- Fees and Penalties Ordinance

Mr. O'Neill read the key changes as provided in the "Proposed Raymond Planning Board Warrant Articles".

There being no comment related to this provisions, Mr. O'Neill closed the public hearing on this section.

- Land Use Ordinance

A. Article 9, section Q (Lot Coverage)

B. Article 12 (Definitions)

Mr. O'Neill read the key changes as provided in the "Proposed Raymond Planning Board Warrant Articles".

At the request of Mr. O'Neill Mr. Hanson explained the changes were made to eliminate inconsistency between Land Use ordinances and Shoreland Zoning Provisions.

There being no comment related to this provisions, Mr. O'Neill closed the public hearing on this section.

- Fire Protection Ordinance (Miscellaneous Ordinances)

Mr. O'Neill read the key changes as provided in the "Proposed Raymond Planning Board Warrant Articles".

There being no comment related to this provisions, Mr. O'Neill closed the public hearing on this section.

Following close of the public hearing on the individual sections, Mr. Seymour read proposed alternative language regarding Section 16G, addressed above. Following brief discussion between the board, staff, and Mr. Franco, language acceptable to all parties was agreed to.

MOTION: William Priest moved: Send to the Board of Selectmen recommending approval for each of the proposed ordinances for the Shoreland Zoning map provision; the Land Use Ordinance Section Article 9, the Land Use Ordinance Articles 12 and 15, as modified; the Shoreland Zoning Provision 16G and Article 6; Land Use Ordinance, Subdivision regulations, and the Fire Protection Ordinance where fees, Fees and Penalties Ordinance, Land Use

**Per the "Minutes Policy," reviewed and approved August 17, 2010 and amended May 13, 2014 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the video record, unless they are the only record. DVD's can be purchased for a nominal fee from the Town Office or borrowed from the Town Office or Raymond Village Library. Recordings can also be found at www.raymondmaine.org.*

Ordinance Article 9 and Article 12 (Definition), and Fire Protection Ordinance

SECOND: Sheila Bourque seconded

DISCUSSION: None

VOTE: Passed unanimously (5/0)

4. Consideration of Candidates for Open Board Positions

Candidate not in attendance. Application held until next meeting.

5. Planner Communications

No communications

5. Adjournment

Motion: Ms. Bourque moved to adjourn

Second: Mr. Foster seconded

Vote: Passed Unanimously (5/0)

Mr. O'Neill adjourned the meeting at 8:10PM.

**Per the "Minutes Policy," reviewed and approved August 17, 2010 and amended May 13, 2014 by the Board of Selectmen, written minutes will only serve as a supplement or guide to the official record, which is the video record, unless they are the only record. DVD's can be purchased for a nominal fee from the Town Office or borrowed from the Town Office or Raymond Village Library. Recordings can also be found at www.raymondmaine.org.*