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**Town of Raymond, Maine
Planning Board
January 23, 2024**

October 11, 2023, Planning Board Meeting
Project: Major Site Plan Application – Jordan Bay Marina Expansion
Applicant: Port Harbor Holdings, LLC
1 Spring Point Drive
South Portland, ME 04101
Tax Map 51, Lot 2

FINDINGS OF FACT & DECISION

Present:

Robert O'Neill, Chair
Ed Kranich, Vice Chair
Greg Foster
Kevin Woodbrey
Mike Richman
Alex Sirois, CEO
Will Haskell, Contract
Town Planner

Findings of Fact

Project Description and Background

The site is located in the General Commercial (C) and the Shoreland (LRR1) zones.

This resubmitted Major Site Plan project for Jordan Bay Marina is an expansion onto the adjacent property which the Applicant has purchased. A Conditional Use for Outdoor Sales and Service for the portion of the property within the Commercial Zoning District was approved by the Town on October 11, 2021, with a condition of approval that excluded outdoor engine repair.

The expansion will provide for storage for the marina. A one-story building with a 19,200 sf footprint is proposed. A corner of the building will be used for a bath house / bathrooms for marina patrons. The site will be used for boat storage, and boat display along Roosevelt Trail.

Two grassed underdrained soil filters have been proposed for stormwater treatment and storage.

A Portland Pipeline easement and pipes cross the site just west of the proposed development area adjacent to wetlands along the westerly property line.

The following Planning Board meetings have been held to date:

- Pre-application sketch plan on May 11, 2022
- Site walk on June 2, 2022
- Preliminary Site Plan Review on September 14, 2022
- Preliminary Site Plan Review on July 12, 2023
- Site Plan Review on August 9, 2023

Technical Review

We have reviewed the submitted application materials and design plans dated September 13, 2023, by Sebago Technics. The plans are sealed by Robert McSorley, PE, the professional engineer of record for the project. Pursuant to Article 10 Section 300-10.5 Criteria and Standards of the Raymond Land Use Ordinance, the following Site Plan standards shall be utilized by the Planning Board in order for the Project to be approved. Gorrill Palmer prepared and submitted a technical peer review memorandum to the Town and the Design Engineer on 8/2/2023. A review memo from the Raymond Fire Rescue Department dated 7/10/2023 and on 7/31/2023 has also been submitted. Sebago Technics has responded to the review comments on September 13, 2023. The Raymond Fire Rescue Department confirmed that their comments have been addressed.

- a. **Preservation of Landscape.** The Applicant proposes a minimum 15-foot buffer to the Indian Point property to the south of the proposed development. No more than 40% of trees 4" and larger within the Shoreland Zone are proposed for removal. The area west of the Portland Pipeline will remain largely unchanged except for a grassed underdrained soil filter and a stormwater outfall. The site is not on a ridge with scenic vistas. The Applicant has received a response from the Maine Historical Preservation Commission stating that the project will not affect any historical properties.
- b. **Relation of Proposed Buildings to the Environment.** The Applicant proposes a one-story building constructed on a slope so that the height of the building visible from Roosevelt Trail will be minimized. The building will be below the treeline and not visible from Sebago Lake. The Applicant has submitted a sketch of the proposed building heights as viewed from the east and from the west.
- c. **Vehicular Access.** The existing looped driveway on the site will be modified to provide a single access to Roosevelt Trail from this parcel. The internal drive will be connected to the existing drive on the abutting parcel to provide cross access to the existing marina site.
- d. **Parking and Circulation.** The Applicant proposes 8 parking spaces including one ADA Accessible space adjacent to the front of the proposed building. The Land Use Ordinance does not specify a required number of spaces for a storage building. The Applicant states that based upon historical parking demand at their facility, the 8 spaces

will be adequate. The proposed parking lot will be paved and striped. Circulation through the site will be adequate with a cross access to the adjacent marina parcel and its access to Roosevelt Trail. The Applicant has requested a waiver for the reduced parking. The waiver was granted.

- e. **Surface Water Drainage.** The majority of surface water currently drains across the site towards the wetlands at the westerly end of the site and ultimately to Sebago Lake. Runoff from Roosevelt Trail and a small area of the site frontage is tributary to a driveway culvert under the access drive to Indian Point campground.

Runoff from the proposed development will be treated and detained by two grassed underdrained soil filters before being discharged to the westerly wetlands.

- f. **Utilities.** The Applicant proposes water service from a Portland Water District (PWD) water main located in Roosevelt Trail. A fire hydrant will be installed onsite as requested by Raymond Fire and Rescue. The Applicant has received an ability to serve letter from PWD.

A subsurface wastewater disposal system is proposed for the new building. An HHE-200 form has been submitted as part of the Application. The proposed system has capacity for the relocated bath house which is now located inside the new building.

Electrical and communications services will be constructed underground.

- g. **Special Features.** A minimum 30-foot-wide natural buffer is proposed between the portion of the lot that is located in the LRR I District and the adjacent residential zoning district.
- h. **Exterior Lighting.** Lighting has been provided at the proposed building and along the drive aisles and parking.
- i. **Emergency Vehicle Access.** The site will have cross access to the adjacent marina site which will allow access to the site from two directions and provide access to all sides of the building. The project will need to conform to the Fire Department comments.
- j. **Landscaping.** A landscape planting plan has been prepared to help screen the developed portion of the site. Natural buffers have been preserved to buffer the adjacent residential property.

k. Article 9 Review Standards

300-9.1 Conditional Use. Conditional Use approval was granted on Oct 24, 2021, for outdoor sales and service.

300-9.2 Home Occupation. N/A

300-9.3 Off Street Parking. The off-street parking standards have been met with the exception of the required number of spaces. The Applicant proposes 8 spaces. There is no use specifically enumerated in Section 300-9.3 Off-street parking for a storage structure. The number of proposed spaces is based on historical use of the marina. A waiver request for the required number of spaces has been

submitted. Note that the marina has complied with a condition of approval for the prior marina expansion by documenting the marina parking use during peak days of use. Waiver was granted.

300-9.4 Off Street Loading. Off-Street loading has been provided at the lower level behind the proposed building.

300-9.5 Mineral Extraction. N/A

300-9.6 Waste Material Accumulation. N/A

300-9.7 Hotels, etc. in Residential District. N/A

300-9.8 Subsurface Sewage Disposal System. A design for a subsurface disposal system conforming to the required standards has been submitted.

300-9.9 Trailer parks and Campgrounds. N/A

300-9.10 Mobile Homes. N/A

300-9.11 Mobile Home Parks. N/A

300-9.12 Signs. The Applicant stated that no new signage is proposed.

300-9.13 Soils. The Applicant has demonstrated that the soils are suitable for the proposed use.

300-9.14 Timber Harvesting. N/A

300-9.15 Water Quality Protection. A subsurface disposal system has been designed for wastewater disposal.

300-9.16 Agricultural Uses N/A

300-9.17 Lot Structural Coverage. The proposed building is in the Commercial District which has no lot coverage requirements. The building in the LRR1 Zone meets the requirement of a maximum of 15% coverage of the lot area.

300-9.18 Driveway Construction. Runoff from the driveway has been designed to not flow onto the travelled portion of Roosevelt Trail.

300-9.19 Wireless Communication Facilities. N/A

300-9.20 Back Lots. N/A

300-9.21 Lots. N/A

300-9.22 Shipping Containers. N/A

300-9.23 Multi-Family Development. N/A

300-9.24 Stormwater Quality and Phosphorus Control. The stormwater plan utilizes two grassed underdrained soil filters to provide water quality treatment and phosphorus control.

300-9.25 Clearing of Vegetation for Development. This project is subject to Site Plan Review, therefore, the 25% clearing limitation does not apply.

300-9.26 Accessory Apartments. N/A

300-9.27 Solar Energy Systems. N/A

Site Plan Performance Standards

Pursuant to Article 10, Section 300-10.6. Performance Standards, of the Raymond Land Use Ordinance, the following Site Plan Standards must be met in order for the project to be approved. The Applicant has requested waivers for the number of parking spaces, an internal landscaped island, and parking lot lighting.

1. **Parking Area Standards.** The proposed parking lot does not have an internal island that meets this requirement (5% of the impervious area or 100 sf minimum). A waiver had been requested. The proposed landscaping off both ends of the parking lot generally meets the intent of this requirement.
2. **Lighting of Parking Areas.** Lighting is proposed for the parking area. The Applicant

proposes an intensity less than the 1.5 footcandle average and 3 footcandle at intersections stated in the ordinance. A waiver has been requested.

3. **Marking and delineation of parking area.** The parking area is striped in accordance with the Ordinance.
4. **General Circulation and parking design.** The layout and circulation of the proposed design is appropriate.
5. **Parking Surfaces.** The parking surface will be paved.
6. **Waiver of parking requirements.** A waiver request has been submitted for the proposed reduction in parking spaces. Waiver was granted.
7. **Entrance Location and design.** The location appears to be adequate and has been reviewed by MDOT. The MDOT driveway/entrance permit has been received. The driveway location has not changed from the previous project submission. A revised plan set has been provided to MDOT
8. **Driveway Angle.** The driveway is perpendicular to Roosevelt Trail.
9. **Entrance/Exit Dimensions.** The driveway meets the Commercial standard.
10. **Entrance/Exit Surfacing.** The driveway will be paved.
11. **Entrance/Exit Profile.** The proposed profile is flat enough to prevent bottoming.
12. **Entrance/Exit Grades.** The entrance grade meets the standards. The connecting drive has a maximum slope of 10%. The Applicant states that the drives will be plowed, but not utilized during the winter months.
13. **Road Standards.** A public or private way is not proposed.
14. **Lighting.** Lighting cut sheets have been submitted.
15. **Buffers.** Landscaped and natural buffers have been provided on the plan.
16. **Site Conditions.** The Applicant proposes to adhere to the site conditions during construction.
17. **Environmental Considerations.** An Erosion and Sedimentation control plan has been provided for this project. An updated SWPPP for the site has been submitted.
18. **Firefighting.** A fire hydrant will be provided as requested by Raymond Fire and Rescue. An easement to the hydrant is shown on the plans.

Shoreland Zone Standards

Pursuant to the Shoreland Zoning Provisions, the portion of the site located in the LRR I Shoreland Zone must comply with Chapter 350 Article 6 Land Use Standards. Information relative to the pertinent standards were provided in the Application materials.

350-6.2. Minimum Lot Standards and Setbacks – Lot appears to meet the minimum standards for the LRR I zone.

350-6.3. Principal and Accessory Structures – The principal and accessory structures appear to meet the standards.

350-6.4. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal high-water Line of a Water Body or Within a Wetland – Not Applicable.

350-6.5. Campgrounds – Not applicable.

350-6.6. Personal Campsites – Not applicable.

350-6.7. Commercial or Industrial Uses – Not applicable

350-6.8. Parking Areas – Not Applicable.

350-6.9. Roads and Driveways – The connecting drive is not within the 100-foot setback to a freshwater wetland. The stormwater runoff from the drive is directed to the grassed underdrained soil filter for treatment prior to discharge to the forested wetland.

350-6.10. Signs – Not applicable.

350-6.11. Storm Water Runoff and Flood Protection – The project has demonstrated that the peak post development flow has been reduced to the pre-development flow. The project proposes construction and filling within the FEMA AI floodplain. The Applicant proposes 64.5 cubic yards of fill within the floodplain.

350-6.12. Septic Waste Disposal – The proposed septic system appears to have been designed to conform to state standards.

350-6.13. Essential Services – Not applicable.

350-6.14. Mineral Exploration and Extraction – Not applicable.

350-6.15. Agriculture - Not applicable.

350-6.16. Beach Construction – Not applicable.

350-6.17. Timber Harvesting – Statewide Standards – Not applicable.

350-6.18. Clearing or Removal of Vegetation for Activities Other than Timber Harvesting – Clearing is not proposed within 100 feet of a great pond, river, stream, or freshwater wetland.

350-6.19. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal – Not applicable.

350-6.20. Exemptions to Clearing and Vegetation Removal Requirements – Not applicable.

350-6.21. Revegetation Requirements – Not applicable.

350-6.22. Erosion and Sedimentation Control – An Erosion and Sedimentation Control Report has been submitted with the application.

350-6.23. Soils – The Applicant has demonstrated that the soils are suitable for the proposed use.

350-6.24. Water Quality – An updated SWPPP has been submitted outlining water quality controls for the site. Two grassed underdrained soil filters provide treatment of stormwater runoff.

350-6.25 Archaeological Sites – The Maine Historic Preservation Commission has stated that the project will not impact historic resources.

350-6.26. Public Boat Launch Facility and Associated Parking Areas – Not applicable.

Section 350-7.4 Shoreland Zoning Provisions

The Planning Board shall also review the following submission standards as identified in Section 350-7.4 of the Shoreland Zoning Provisions and make a determination whether the proposed use meets these standards.

1. Will maintain safe and healthful conditions.

2. Will adequately provide for the disposal of all wastewaters.
3. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat.
4. Will conserve shore cover and visual, as well as actual, points of access to inland waters.
5. Will protect archaeological and historic resources as designated in the comprehensive plan.
6. Will not adversely affect the existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district. (Not Applicable)
7. Will avoid problems associated with flood plain development and use.
8. Is in conformance with the provisions of Section 350-6 Land Use Standards (see Section V of this memorandum).

Staff Recommendations and Actions

The Planning Board opened the project for discussion and reviewed the project with the applicant and/or representative to assure that each is clear about the items of concern from staff and the Board members. When considering the criteria for the Marina Expansion we recommended that the Planning Board review the criteria as listed in the Site Plan Review Criteria in Section 300 of the Land Use Ordinance, the Land Use Standards in Section 350 of the Shoreland Zoning Provisions, and the submission standards in Section 350-7.4 of the Shoreland Zoning Provisions.

This application had been advertised for a public hearing and the Planning Board opened the public hearing to hear input from the public.

Motion

Ed moved to grant approval for the Port Harbor Jordan Bay expansion with Conditions of Approval:

Conditions of Approval

1. Receipt of Maine DEP NRPA Permit for the modified project.
2. Confirmation of receipt of Maine DEP Stormwater Permit for the modified project.
3. Confirmation that Raymond Fire and Rescue requirements noted on the Town of Raymond Fire/Rescue Plan Review Memorandum dated July 31, 2023, have been met.
4. Submittal of retaining wall design plans prepared by a Maine licensed Professional Engineer.
5. Standard note for terms of approval (Sunset clause/approval limitations and expiration terms must be added to the plan).

Greg seconded the motion.

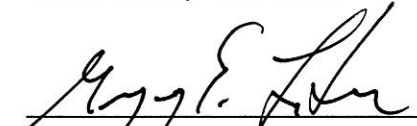
All in favor? 5 yes/0 no/ 0 abstain

Decision

Based on the above Findings of Fact and Conclusion of Law, the Town of Raymond Planning Board grants approval the applicants' Site Plan Request.


Robert O'Neil, Chair


Ed Kranich, Vice Chair


Greg Foster


Kevin Woodbrey


Mike Richman