



**Town of Raymond Planning Board**  
**401 Webb Mills Road**  
**Raymond ME 04071**

**Date:** December 8, 2021

**Subject:** Decision on of Boulder Bend Amended Subdivision Plan Application  
off Patricia Avenue, Raymond, ME

**Applicant:** R.N. Willey and Sons, Inc  
PO Box 28. 13 Scott Drive  
Casco ME 04077  
Tax Map 5, Lot 7

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**I. Procedural History**

R.N. Willey and Sons, Inc., (or “Applicant”) submitted an Amended Subdivision Plan application (“Application”) for site improvements associated with construction of a proposed private road of 863+ LF (or “Project”) to qualify as an Amended Subdivision Plan as it entails creating an additional 9 residential lots to a previous 4 lot single family minor subdivision. The project is located off a right of way off Patricia Avenue that connects to Pipeline Road, however the approved subdivision street ends in a hammerhead and is not connected for vehicular access to Pipeline Road. The parcel is identified by the Town of Raymond as Tax Map 005 Lot 007 and is located (“Property”) within the Village-Residential (VR) District.

This project for Boulder Bend Subdivision qualifies as an Amended Subdivision Plan Since this was a recorded minor subdivision and any change or addition of a lots to the plan requires the applicant to return to the Planning Board for approval. The project consists of 28.9 acres as an open space subdivision with 3.29 acres dedicated as open space.

The project will utilize the created lot frontages from the proposed 20 ft wide private street. The zoning for the project following the Open Space Subdivision within Article 13 of the Raymond Land Use Ordinance can reduce the allowed lot size to 20,000 SF/lot.

The area is in the watershed of Sebago Lake, and the land slopes generally inward to a wetland and shallow water impoundment located on the westerly side of the parcel. The project has obtained a Stormwater Management Permit from the Maine Department of Environmental Protection which was approved November 23, 2021.

The Project plans have been revised through December 2021. Plans have been submitted from DM Roma Consulting Engineers, Dustin Roma PE and includes the Boundary Survey plan, Subdivision Plan, Road Plan and Profile Sheets, Grading and Utilities Plan, Stormwater Pond Plan and Detail Sheets.

The Private Street construction and terminus turnaround are designed to be paved and constructed in general compliance with the standards for typical road standards for a Town Private Road. The Planning Board found that the Project met all requirements, with conditions which have been listed on the final documents and are listed later herein.

### **Findings of Fact**

The proposed Project consists of the private road construction for 863 ft of new roadway, lot grading, stormwater and site improvements for construction of 9 single family lots.

The applicant has filed a formal sketch plan application in April 2021 and applied for one waiver for street grades approaching an existing intersection greater than 2%. A public hearing was held on August 11, 2021. No public comments were received and no persons spoke against the project during the public hearing. The Board discussed with the applicant the need to design the private road for safety considerations in coordination with Town Planner and Public Works Director at the intersection of Patricia Avenue, and to acquire necessary Maine DEP approvals for Stormwater Management Permit, and the applicant agreed to oblige.

The Project will preserve a natural tree buffer and wetland of 3.82 acres near the middle of the project parcel. The project will also include two (2) grassed underdrained soil filter basins which provide stormwater treatment by treating 92% of impervious areas and 95% of developed areas following the General Standards under Chapter 500 Stormwater Management rules.

### **CONCLUSIONS OF LAW**

#### **A. Subdivision Plan Review Standards**

Pursuant to Article 6-Final Plan the Planning Board took into consideration that this was previously approved and that the proposed lot layouts are reviewed as an amended recorded drawing. Additionally, the Planning Board accepted the Applicant's request to consider the project as an Open Space Subdivision following requirements from Article 13 of the Raymond Land Use Ordinance. The Planning Board followed the Town of Raymond Subdivision Regulations Article 1, Purpose and Review Criteria for determining approval of the project

#### **A. Will not result in undue water or air pollution. In making this determination, the Planning Board shall at least consider:**

##### **1. The elevation of the land and its relation to flood plains;**

The applicant or engineer shall provide evidence that the large wetland area is not located in a noted flooding area and provided a seasonal high-water level in the flooding area to assure final basement grades are at least 1 foot above such potential flood elevation. The

application materials reference a FEMA flood insurance map via a plan note, which does not indicate the presence of mapped flooding zones or areas.

**2. The nature of soils and subsoils and their ability to adequately support waste disposal;**

The applicant has provided test pit or soils information as to the design of the wastewater systems for the proposed lots. Additionally, the requirement of a hydrogeologic study was completed by a certified Geologist to evaluate nitrate plumes and found the designs are in compliance with State requirements well below threshold limits at property lines.

**3. The slope of the land and its effects on effluents; and**

To address concerns with the road grading and grading associated with the stormwater infiltration ponds, final lot grading plans were provided to understand how the lot wells, septic systems, and finish floor grade for home, and drainage will be handled to understand general impacts. The application and plans also include well exclusion zones and a detail for typical erosion control practices for each residence. The criteria have been met.

**4. The applicable State and local health and water resources regulations.**

The Applicant has provided a Subdivision Plan which provided 2-foot contour intervals indicating areas of slopes and wetland edges. Well exclusion zone has been added to the Subdivision plan and found to be acceptable.

**B. Has sufficient water available for the reasonably foreseeable needs of the subdivision;**

Based on apparent wetland elevations, groundwater elevations, along with evidence of other wells existing in near vicinity without known problems of capacity or supply, it was determined there was adequate supply of drinking water. The applicant noted that the feasibility and economic costs to bring water from Viola Avenue is unreasonable, given the distance and pressure concerns needed to serve the development. The applicant selected to install fire sprinklers in each dwelling as noted on the Subdivision Plan and the Planning Board agreed that public water is unfeasible for this development. A conditional approval for the project is that it must comply to the Raymond Fire Dept Memo dated Dec 2, 2021 for their recommended conditions.

**C. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;**

Domestic well locations have been provided on the plan and appear to be shown to assure there is adequate separation from existing and proposed subsurface wastewater systems. A well exclusion area or proposed well locations, with notes, The approved plan indicates each lot home will be sprinkled and include appropriate well exclusion areas as requested.

**D. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;**

The plan application has provided the typical Soil and Erosion and Sedimentation Control Plan for land disturbance following Best Management Practices. However, due to the presence of regulated wetlands within or near the lots, a 75-foot buffer from the wetland edge is required per Maine DEP. The Planning Board requires that all buffers or stormwater easement areas be set with iron pins with caps to define the buffer limits.

**E. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of highways or public roads existing or proposed;**

The residential lots will acquire road frontage from a proposed 20 foot wide Private Road (off Patricia Avenue). The intersection of the entrance to the proposed private road and Patricia Ave was reviewed by staff and Public Works, and the requested improvements to correct the drainage concern were designed. The Planning Board supported the waiver and all Town departments were in favor to allow the increase in street slopes from 2% to 4% in the first 75 feet of the intersection, as it was determined to have no adverse impacts to safety and a vehicle's ability to stop, and matched existing road superelevated grades at the intersection. A streetlight to be added on an existing power pole, at the intersection was made as a condition of approval.

**F. Will provide for adequate solid and sewage waste disposal;**

The trash pickup for solid waste for the homeowners will be handled by the Town's curbside service. Construction debris removal and sewage removal services shall be the Lot Owners responsibility to address during construction and addressed through the Building Permit conditions with the CEO.

**G. Will not cause an unreasonable burden on the ability of the Town of Raymond to dispose of solid waste and sewage with respect to the use of municipal facilities existing or proposed;**

Adding 9 lots of three-bedroom single family homes will not unreasonably burden the Town's solid waste services or facilities. Sewage waste is the homeowner's responsibility with a private contractor.

**H. Will not place an unreasonable burden on the ability of the Town of Raymond to provide municipal or governmental services;**

This development will have no impact on Municipal or Government services due to its minor residential habitants increases and impact

**I. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the Town of Raymond or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;**

The applicant acquired a letter to the Maine Historic Preservation Commission and at the time of the application review for the first lots that were carved out in 2016. The Applicant has obtained the necessary Maine DEP approvals for filling 2,134 SF of freshwater wetlands. A copy of the approved documents from DEP were submitted on December 2, 2021.

- J. Is in conformance with the subdivision ordinance, comprehensive plan, zoning ordinance, floodplain management ordinance or other duly adopted town ordinance or regulation. In making this determination, the municipal review authority may interpret these ordinances and plans;**

All lot sizes comply with the Open Space Subdivision requirements that allow lot sizes to be no less than ½ acre in size. The project met open space requirements by retaining 3.82 acres. All other Town ordinance requirements were met by approval of the plans or as conditions of approval.

- K. The subdivider has adequate financial and technical capacity to meet the required standards;**

A financial letter from Evergreen Credit Union has been provided for the capacity to fund the project based on the applicant constructing the road and infrastructure with their Site Excavation/construction company.

- L. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in the Mandatory Shoreland Zoning, Act Title 38, chapter 3, subchapter 1, article 2-B, the proposed subdivision will not adversely affect the quality of water or unreasonably affect the shoreline of that body of water.**

- 1. To avoid circumventing the intent of this provision, if a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extend to the shore.**
- 2. The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, chapter 3, subchapter 1, article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of section 4401, subsection 1, on September 23, 1983;**

The proposed Subdivision is further than 250 feet from any watershed, pond or wetland as shown on the Shoreland Zoning Map and the requirement does not apply

- M. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater and aquifers;**

Since the project requires an HHE-200 Form approval by a licensed Site Evaluator for the single-family subsurface wastewater design, and is not in a mapped aquifer, the use has very small impacts on groundwater. The project is internally contained with the topography of the existing pit owned by RN Willey. A Nitrate Study has been provided from Mark Cenci Geologic, Inc. indicating there will be no adverse impact to proposed wells or to offsite groundwater flows. Additionally, the homes will be constructed with underdrained drip edges.

- N. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood**

**hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;**

The applicant provided the requested information and the site is not within any mapped floodplain, but due to season ponding of the large wetlands, all basements via a note on the plan, will adhere to be set one foot above highest wetland elevations mapped. The criteria have been met.

**O. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands;**

The Applicant has provided a Subdivision Plan which provided 2-foot contour intervals indicating areas of slopes, wetland locations, required state setbacks from the wetland edges, and has also included with their application a Wetland Delineation Report prepared by Richard Sweet, Certified Geologist with Sweet Associates in 2016.

**P. Any river, stream, or brook, as defined in the Natural Resources Protection Act, title 38, Section 480-B, within or abutting the subdivision has been identified on any maps submitted as part of the application;**

There is no formal stream, brook or river near the property of the developed site.

**Q. The subdivision will provide for adequate storm water management;**

*The applicant has shown that they are placing stormwater containment and filtration ponds at the rear of lots against the wetlands of special significance at the bottom of the site.* The Planning Board accepted that a Stormwater Management Permit through the Maine DEP application has been approved, for compliance to the Towns Stormwater Management requirements. The Planning deferred to the Maine DEP's approval in writing with the findings and approval from the Maine DEP dated Nov 23, 2021, and deemed the criteria was met.

**R. If any lots in the proposed subdivision have shore frontage on a river, stream, brook or great pond as defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;**

This does not apply as the development does not have shore frontage.

**S. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorous concentration during the construction phase and life of the proposed subdivision;**

The proposed project is in a self-contained watershed but is subject to the standards in place for the Sebago Lake watershed. The project design meets Maine DEP regulations for stormwater runoff as the site complies with Chapter 500 Stormwater Law meeting General Standards by use of computed export values of sediment treatment by use of infiltration soil filters and due to the percentages of developed land to overall available land being under 60% per state requirements. The MDEP has granted approvals for the Stormwater Management permit.

- T. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.**

The property does contain land in the abutting Town of Windham, and as such does create by this plan, another de facto lot in the Town of Windham. The Planning Board discussed with the applicant details of how the remaining Windham Lot as part of a possible solar farm with the land remaining to RN Willey and Sons. The future connectivity of a right-of-way to Pipeline Road for connectivity and ongoing use of the pit on the Windham side was addressed and is not considered part of the solar farm review for the same landowner via a different applicant. The proposed private subdivision road at the turnaround terminus will be constructed with a gate and lock box. This will restrict drive-thru access and allow Raymond Fire Department and emergency response if a secondary access is needed for the solar farm operations or if necessary, in the remaining lands by Willey.

## **CONCLUSION**

**THEREFORE, the Town of Raymond Planning Board hereby approves by a 6-0 vote held on December 8, 2021, with conditions, and waiver granted for the Amended Subdivision Plan application of the Boulder Bend Subdivision project.** The following conditions are also included as part of the approval for the private road construction and amendment to the Subdivision Plan on behalf of R.N Willey and Sons Inc as described in the application packet dated through May 12, 2021, with revisions dated up through December 2021 and as described in these Findings of Fact.

### **Waiver Granted**

**The Planning board voted 6-0 to grant a written waiver request for the proposed private street design alteration allowing for a 4% street grade to be allowed in lieu of the standard 2% grade within 75 feet from an intersection as documented in the Raymond Street Ordinance Section 5.5 Table A. The Planning Board agreed that following Public Works and Staff review of the field conditions that the grades match existing condition in Patricia Avenue of superelevated road surface slopes and will not create an adverse safety hazard for vehicles approaching or leaving the proposed entrance.**

### **Conditions of Approval:**

**The Planning Board has required that the following conditions shall be complied with for the approval of the amended Subdivision Plan application. The condition must be completed for the project to follow Town of Raymond Land Use Ordinance requirements:**

- A. The proposed Road Name Boulder Bend Drive was unacceptable as it related too close to other road names in town, and a new name shall be applied for to the Town and be**

indicated on the plans prior to signing and/or recording which comply with E911 standards.

- B. Prior to the Planning Board signing the approved plans and the plan being recorded, the subdivision plan must be stamped by a licensed Maine State Surveyor along with the Maine Professional Engineer if they performed the internal lot computations.
- C. All access easements shall be accounted for and shown on the plan for stormwater maintenance access, utilities and/or any easements for access. Additionally, all transferred lands from the abutting lot owner (Valente & Dodge), shall be noted on the final plan as executed with deed recording references.
- D. A streetlight in compliance and under the direction of Raymond Public Works shall be installed on the existing power/telephone pole near the proposed intersection of Patricia Avenue and the proposed private street entrance.
- E. All requirements as recommended by the Raymond Fire Department as outlined in their Dec 2, 2021 memorandum to the Planning Board shall be met and adhered to.

Any person aggrieved by this decision can appeal by filing a written notice of appeal within 30 days of the date of this decision.

Approval of the Project is dated by decision of the Planning Board, at the Raymond Town Office, Raymond Maine, on the 8<sup>th</sup>, day of December, 2021

**Raymond Planning Board:**

Robert O'Neill, Chair-

Edward Kranich, Vice Chair

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Greg Foster

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Michael D'Arcangelo

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Kevin Woodbrey

Kyle Bancroft

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Mark Childs

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